

FAO support to the WTO negotiations

Trade-related capacity
building programme for
agriculture, fisheries
and forestry

Umbrella Programme - II



**TRADE-RELATED CAPACITY BUILDING PROGRAMME
FOR AGRICULTURE, FISHERIES AND FORESTRY**

Umbrella Programme – II

**Food and Agriculture Organization of the United Nations
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INTRODUCTION AND OVERVIEW

The launching of a broad round of trade negotiations by the WTO Doha Ministerial Conference in November 2001 and subsequent developments in the negotiations, including several missed deadlines for advancing through the various stages of the negotiations and the failure of the WTO 5th Ministerial Conference (Cancun, Mexico, 10-14 September 2003) to resolve many fundamental issues, have increased the urgency of immediate support to FAO member countries for their effective participation in the negotiations. These negotiations are of vital interest to member countries and are likely to have important implications for the international regulatory framework for the production of, and trade in, agricultural, fisheries and forestry products, as well as for food security, at the global, regional and national levels. In order to assist member countries to be well-informed, and so that all can participate effectively as equal partners in the negotiations, FAO is strengthening its programme of technical assistance particularly for developing countries and countries in transition.

The provision of information and analysis on trade issues affecting agriculture, fisheries and forestry and assistance to member countries to build trade-related capacities have been long-standing activities of FAO. Moreover, the *Plan of Action* of the World Food Summit commits FAO to assist developing countries on trade issues and, in particular, in preparing for multilateral trade negotiations including in agriculture, fisheries and forestry inter alia through studies, analysis and training. This commitment has been reaffirmed by the 31st FAO Conference and is also embodied in the FAO Strategic Framework. Since the coming into force of the Uruguay Round Agreements in 1995, FAO's trade-related assistance has been significantly expanded.

During 1999-2001, FAO implemented an "Umbrella" Programme on trade-related capacity building, with a focus on strengthening the participation of developing and transition countries in multilateral trade negotiations through a deeper understanding of those WTO Agreements that affect agricultural trade, as well as fisheries and forestry, notably the Agreement on Agriculture, the SPS and TBT Agreements and the TRIPS Agreement. Fourteen sub-regional workshops were organized under the programme and reached a total of 850 officials from 151 countries. In addition, substantive reference materials were developed and disseminated. The programme was funded largely through extra-budgetary support from a number of member countries, but also from FAO's regular budget, and was implemented with the participation of other agencies, notably WTO, UNCTAD, the World Bank, regional organizations and academic institutions.

These organizations have also been offering/financing training on multilateral trade negotiations. The WTO offers training courses to government officials at WTO Headquarters. It also offers, in a pilot phase, both training-of-trainers and distance-learning. The World Bank has launched in 2000 a three-year capacity building programme, aiming to help developing countries participate more effectively in the successive rounds of WTO negotiations. The United Nations Conference on Trade and Development (UNCTAD) created its "Commercial Diplomacy" programme to provide capacity building in trade negotiations. The European Union (EU) has been financing and organising various training activities related to multilateral trade negotiations. The U.S. Agency for International Development (USAID) has its "Trade and Investment Programme", which aims at helping developing countries to improve their ability to participate in the global trading system and to reform their commercial laws. However, none of these programmes exclusively address the negotiations on the agricultural sector as FAO's Umbrella Programme does.

A review of the programme by workshop participants indicates that it was considered to be effective in its primary goal, which was to deepen the understanding of the WTO Agreements and their consequences for agriculture, trade and food security. However, this achievement was not sufficient, as substantial gaps still remain in the institutional, human and production capacity of those countries that were involved in, and benefited from, the programme. These gaps affect their ability to participate effectively in future trade negotiations, to take advantage of trade opportunities and to cope with the new competitive challenges of globally integrating markets. The bridging of these gaps depends in

large part on the alleviation of various supply-side constraints, which require not only building effective institutions but also increasing investment to make their economies competitive. Thus, parallel action is necessary on both fronts, i.e.: capacity to negotiate multilateral trade agreements, on the one hand, and supply-side strengthening, on the other.

FAO's assistance programme to member countries on trade-related matters therefore has a two-prong focus: (i) immediate, directly related, support to member countries for the multilateral negotiations; and (ii) capacity building of institutions and human resources so as to enhance capacities over the medium to take advantage of trading opportunities. This note outlines FAO assistance programmes covering these two aspects¹.

An overview of areas of FAO's technical expertise in relation to the current WTO agreements of relevance to food, agriculture, fisheries and forestry is provided in Table 1.

General objective

The general objective of the Programme is to enable governments and stakeholders of the civil society in developing countries and countries with economies in transition to acquire the necessary information, knowledge and expertise for effective participation in the multilateral trade negotiations, as well as for taking advantage of trading opportunities, with specific focus on the critical linkages among agriculture (including forestry and fisheries), economic development, poverty reduction and food security.

This effort will be carefully coordinated with those of other providers of relevant technical assistance in this field.

Target audience

In principle, all developing countries and countries with economies in transition are eligible to participate as beneficiaries. FAO will, however, ensure that its initiatives under this programme will not duplicate or compete with those of other providers of relevant technical assistance. Participants will include: agriculture and trade policy makers and policy analysts, negotiators, specialists in sanitary/phytosanitary issues, plant protection and animal health protection; specialists in international legislation concerning intellectual property rights; producers' associations, industry and trade associations.

Programme design and co-ordination

The Programme contains two major components:

- Support for the multilateral trade negotiations; and,
- Support on other WTO issues and Agreements (SPS, TBT and TRIPS).

These will be implemented by eight technical services of FAO in collaboration with FAO's Technical Cooperation Department, Field Offices and Liaison Office in Geneva. The Interdepartmental Task Force on Multilateral Trade Negotiations will have the overall responsibility for guiding and supervising the preparation and implementation of the entire capacity building programme. A brief presentation of each component is provided in the following pages. Full-fledged project documents are available on request.

¹ For a review of FAO's supply-side support to member countries, see "Supply-side Capacity Building in Agriculture: FAO Technical Assistance to Developing Countries and Countries in Transition."

Table 1: FAO areas of technical assistance related to relevant WTO Agreements

		WTO Agreements relating to food, agriculture, fisheries and forestry				
		AoA ²	SPS ³		TBT ⁴	TRIPS ⁵
FAO areas of technical expertise	Food	Implementation issues relating to the AoA and issues in the context of the multilateral trade negotiations, including impact assessments on trade, food security and rural development.	Risk analysis	Food safety (Codex)	Food quality and Labelling (Codex)	Trademarks Geographical indications Patents Genetically Modified Organisms
	Agriculture – Crops			Plant health Environment, etc.	Eco-labelling Organic farming	Breeders' rights Farmers' rights Access to genetic resources Patent protection for agricultural chemical products
	Agriculture – Animals			Animal health	Animal welfare, Traceability	
	Fisheries			Fish safety Codex	Fish quality and Eco-labelling Codex	
	Forestry			IPPC	Eco-labelling	
	National Legislation and International Instruments	Trade and environment law	Sanitary and phytosanitary law		Import and export legislation Customs law	“ <i>Sui Generis</i> ” Patents Geographical indications Breeders' rights Farmers' rights Access to Genetic Resources for Food and Agriculture; Genetically Modified Organisms

The purpose of presenting the different components under one ‘Umbrella’ is to:

- show a programmatic approach to building capacities for agricultural trade and related negotiation issues in a medium-term perspective, taking into account the required multidisciplinary nature and longer term processes of capacity building interventions;
- present an Organization-wide perspective of all related activities and give an overview of the synergies with the current regular programme work of FAO;
- provide a framework for an ongoing process of project identification and formulation;
- facilitate co-ordination with the capacity building activities of other agencies, such as like WTO, World Bank, UNCTAD and UNIDO;

² Agreement on Agriculture.

³ Agreement on the Application of Sanitary and Phytosanitary Measures.

⁴ Agreement on Technical Barriers to Trade.

⁵ Agreement on Trade-Related Aspects of Intellectual Property Rights.

- facilitate fund raising for the proposed activities/projects by submitting the document to donors as a portfolio of trade-related capacity building activities from which, if so desired, they could choose.

Links with other FAO assistance programmes

This programme, which is focussed mainly on capacity building in the context of the on-going multilateral negotiations on agriculture, complements and will foster synergies with other FAO assistance programmes with trade-related components. These include in particular the Regional Food Security Programme, the Integrated Programme for Building Capacity in Biotechnology, Food Quality and Safety and Phyto- and Zoo-sanitary Standards and support to NEPAD's comprehensive Africa Agriculture Development Programme.

Programme budget

The total amount of the programme elements proposed is US\$ 8 230 000 over the period 2004-2005, broken down as follows.

	(US \$)
Support for the multilateral trade negotiations	4 020 000
Negotiations on Agriculture and related issues	2 425 000
Fisheries in the multilateral trade negotiations	770 000
Forestry and the multilateral trade negotiations	525 000
Aspects of TRIPS	300 000
Support on other trade-related issues and	
WTO Agreements (SPS, TBT and TRIPS)	4 210 000
Food quality and safety standards	550 000
Livestock and livestock products import risk analysis	380 000
Participation in IPPC standard setting process	480 000
Legislative instruments for SPS and TRIPS	300 000
National and regional trade-related capacity building	2 500 000
Total	US\$8 230 000

COMPONENT SUMMARIES

I. SUPPORT FOR THE MULTILATERAL TRADE NEGOTIATIONS

The WTO Ministerial Conference held in Doha from 9 to 14 November 2001 agreed to the launching of a new round of trade negotiations and other work programmes to be concluded not later than 1 January 2005. In order to assist member countries to meet this deadline, there is a need to implement this component of FAO's trade-related capacity-building programme as a matter of priority. Already, most of the subsidiary deadlines set for advancing through the various stages of the negotiations have been missed, and the WTO 5th Ministerial Conference (Cancun, Mexico, 10-14 September 2003) has failed to resolve many fundamental issues.

Specific objectives

This programme component aims to increase the capacity of member countries to analyse, formulate and negotiate policies to enhance the positive contribution of agricultural trade (including forestry and fisheries), to economic development, poverty reduction and food security. Approximately 700 officials and NGO/CSO representatives will participate in the programme from 158 countries.

The agenda of the negotiations relevant to agriculture, fisheries and forestry

Although some of the Uruguay Round Agreements, notably the AoA, had their own pre-determined time-table for new negotiations, these became an integral part of the broader new round launched at the WTO Doha Ministerial Conference. Thus their conduct, conclusion and entry into force of agreed provisions will be treated as a "single undertaking". As agreed, the round of negotiations is to be concluded not later than 1 January 2005. What follows summarises briefly the specific mandates for negotiations in areas of relevance to FAO.⁶

The subject areas for negotiations of concern to FAO fall into three categories:

The first consists of topics on which **negotiations will start/continue immediately**. These include:

- Agriculture;
- Market access for non-agricultural products;
- Aspects of TRIPS (e.g.: geographical indications);
- Anti-Dumping actions;
- Subsidies and Countervailing measures;
- Outstanding implementation issues. Such issues, which are also an integral part of the new negotiations, are contained in a Doha *Decision on Implementation-related issues and concerns*. The *Marrakesh Decision on the Possible Negative Effects of the Reform Process on LDCs and NFIDCs* is one such issue;
- Certain issues relating to trade and the environment (e.g.: relationship between Multilateral Environmental Agreements and WTO disciplines).

A second category comprises topics subject to **deferred negotiations**. These include the following:

- "Other issues" relating to trade and the environment (e.g. the effect of environmental measures on market access);
- Trade and Investment; Trade and Competition Policy, Government Procurement, Trade Facilitation.

⁶ These are presented in somewhat greater detail in a recent FAO paper, "The outcome of the Fourth WTO Ministerial Conference, 9-14 November, Doha, Some preliminary implications for the work programme of FAO."

A decision on whether to commence negotiations in these areas was to have been taken by the 5th WTO Ministerial Conference, which took place in Cancun, Mexico, 10-14 September 2003. However, that Conference ended without concrete results. In the Ministerial Statement which represents the formal outcome of the Conference, ministers noted that “more work was needed in some key areas to enable the conclusion of the negotiations in fulfilment of the commitments made at Doha.”

The third category consists of a number of **new areas** on which negotiations are not foreseen in the immediate future but which should initially be taken up in WTO. These include:

- Small economies;
- Trade, debt and finance;
- Trade and transfer of technology.

The following summary of the **main issues** to be dealt with in the above-mentioned areas highlights those aspects of relevance for FAO technical assistance.

Agriculture – Negotiations, without pre-judging the outcome, will aim at: substantial improvements in market access; reduction of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. It was agreed that special and differential treatment shall be applied to developing countries to enable them to effectively take account of their development needs, including food security and rural development. It was also confirmed that non-trade concerns will be taken into account in the negotiations, and will cover all the components of the current Agreement on Agriculture. This would have to be the main focus of the technical assistance programme.

Market access for non-agricultural products - Negotiations will cover all aspects of market access (tariffs as well as non-tariff barriers). Both fishery and forestry products would come within this purview.

TRIPS – Three topics were specifically singled out: establishment of a multilateral system of notification and registration of geographical indications for wine and spirits; issues related to the extension of the protection of geographical indications to products other than wines and spirits (to be addressed by the WTO Council for TRIPS); the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore and other relevant new developments relating to Article 71.1 of the Agreement (also to be examined by the WTO Council for TRIPS).

The adoption by the FAO Conference (November 2001) of the International Treaty on Genetic Resources for Food and Agriculture has reinforced the need for countries to update the pertinent legislative framework. In this connection, at the First Meeting of the Interim Committee of the International Treaty on Plant Genetic Resources for Food and Agriculture, held in October 2002, a number of developing countries and countries in transition urged FAO to mobilize the means to assist them with a view to elaborating the required legislation.

Subsidies and Countervailing measures – Besides aiming at clarifying and improving disciplines under the Uruguay Round Agreement on this subject, negotiators will also seek to clarify and improve WTO disciplines on *fishery subsidies*.

Trade and Environment – Negotiations, without pre-judging the outcome, will cover *inter alia*, the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs), and the reduction or elimination of tariff and non-tariff barriers to environmental goods and services.

Trade and Investment, Trade and Competition Policy, Government Procurement, and Trade Facilitation – These relatively new topics have implications for agriculture, fisheries and

forestry. For as much as they are considered formally in WTO, their possible implications as part of the package of FAO technical assistance need to be set out.

Small economies – This is another area where FAO can provide information and analysis to assist the understanding of the specific problems faced by these countries and how they may be treated in the context of the multilateral trading system.

I.1 NEGOTIATIONS ON AGRICULTURE AND RELATED ISSUES

Timetable for the Negotiations on Agriculture

The Doha Ministerial Conference had set a work programme with the following timetable:

- Establishment of modalities for reforms: by March 2003
- Submission of draft national commitments: by autumn 2003
- Final commitments and conclusion of the Round: 1 January 2005

The March 2003 deadline on modalities was missed as WTO members were unable to agree on a text by that date. The modalities were to provide the framework, including targets and formulas, for achieving the objectives of the negotiations. This failure reflected important differences among Members in several key areas relating largely to the level of ambition for reducing tariffs and subsidies.

Efforts to establish the modalities continued during the intervening and pre-Cancun preparatory period leading up to the Conference in Cancun. However, agreement remained elusive. A “revised” draft Ministerial Declaration text was forwarded to Ministers for consideration at Cancun by the Chairman of the General Council and the WTO Director General. It was stressed that agriculture remained one of the most sensitive areas of the negotiations under the Doha Development Agenda.

In agriculture, the Draft Ministerial Declaration called upon the Special Session of the WTO Committee on Agriculture to conclude its work on establishing modalities by a date to be agreed by the Ministers in Cancun and that Members would submit their comprehensive draft Schedules of commitments, based on these modalities, no later than a date also to be agreed in Cancun. The proposed framework for establishing modalities in agriculture (Annex A of the draft Ministerial Declaration) was based on the latest submissions made by Members, especially the joint EC-US paper circulated on 13 August 2003 and submissions by other Members, in particular a joint proposal by a group of 20 developing countries (subsequently called the G20+). While Annex A took on board most of the framework contained in the EC-US paper, some important additions/qualifications, suggested by the other Members, were added, especially as regards special and differential treatment for developing countries. It was left to the 5th WTO Ministerial Conference to agree the modalities.

The WTO 5th Ministerial Conference (Cancun, Mexico 10-14 September 2003)

After five days of negotiations at Cancun, WTO Members agreed that more work was required to reach a consensus on most of the key issues outlined in the Doha Declaration. On the fourth day of the Conference, a revised Draft Ministerial Text was issued by the Chairman of the Conference. According to the WTO secretariat, no group was in agreement with the revised text.

Ministers were unable to agree on a “framework” on establishing modalities for negotiations in agriculture, and on whether to launch negotiations in a number of new areas (the so-called “Singapore” issues) concerning trade and investment, trade and competition policy, transparency in government procurement and trade facilitation. While there was some progress on various points in a

number of areas, including on agriculture, the Ministerial Conference closed without a concrete outcome.

A Ministerial Statement, the formal outcome adopted at the closing of the Conference on 14 September 2003, noted that more work was needed in some key areas to enable the conclusion of the negotiations. The statement mandated that this work should be undertaken “*taking fully into account all the views that we have expressed in this Conference*”. It further mandated the convening of a meeting of the WTO General Council no later than 15 December 2003 to “*take the action necessary at that stage to enable us to move towards a successful and timely conclusion of the negotiations*”. At the WTO General Council meeting of 15-16 December, it was decided that all negotiating bodies would be reactivated in early 2004 and that the work programme of negotiations should restart.

What kind of assistance is required?

FAO has a role to play in enhancing understanding of policy issues at the national, regional and international levels relating to agricultural trade. Expert consultations and symposia are useful means of clarifying issues relevant to the negotiations and in assisting national policy formulation. Activities that are relevant include: national workshops to help identify national interests and clarify negotiating positions on the issues in the multilateral negotiations; regional workshops (similar in purpose to the national workshops, undertaken in cooperation with regional or sub-regional organizations); and international round tables and symposia.

In what follows, specific elements of the assistance are listed under three broad categories: negotiating modalities/proposals; other related trade issues; and provision of statistics and information.

Analysis of the implications of **negotiating modalities/proposals**. Examples include:

- Analysis of alternative “blended” formulas for tariff reduction
- Elaboration of the special safeguard mechanism (SSM)
- Approaches to the identification of Special Products.
- Analysis of the implications of alternative proposals for the reduction of domestic subsidies
- Analysis of problems relating to specific commodities (cotton, sugar, etc.)
- Analysis of the issue of coupled versus decoupled subsidies in the context of the Green Box support measure
- Analysis of the implications of the elimination of all forms of export subsidies
- Identification of export subsidies on products of interest to the developing countries
- Identification of effective Special and Differential Treatment in various areas.
- Identification of ways and means (including products) to prevent the erosion of, or maintain, preferential margins in market access.

Analysis of **other related trade issues**. Examples include:

- Model-based analysis of the implications of the proposed reform measures for food security and trade flows, including welfare effects, and taking into account the impact on the loss of preferential margins.
- The implications of possible shifts in emphasis to regional and bilateral agreements, including their potential costs and benefits, relative to multilateralism.
- Ways and means for developing countries to reap the potential substantive benefits from increased South-South trade.

- Preliminary analysis of some of the Singapore issues as they relate to agricultural markets. For example, some trade and competition issues are relevant in the context of the recent growth of supermarkets and multinational firms.
- Analysis of experience with the implementation of the Uruguay Round Agreements, e.g. on agricultural development, trade and food security.
- Provision of technical inputs and analysis on the Marrakesh Decision (analysing food import-related difficulties, factors behind growing food import bills, making Marrakesh Decision operational and effective, and contributing further analysis to the proposal for a Revolving Fund).

Provision of statistics and information and analysis as inputs into the negotiating process. Examples include:

- Statistics on value of production to be used in relation to levels of domestic support;
- Trends in trade flows in agricultural commodities and related export earnings and the factors responsible for observed changes;
- Productivity changes in agricultural products and effects on competition between countries;
- Statistics on food import bills of LDCs and NFIDCs;
- Data and analysis on single commodity exporters, on small economies, etc.;
- Potential market access opportunities for products of interest to developing countries, including processed products;
- World price variability and degree of border protection needed to safeguard domestic market stability.
- Databases and training in the use of related informational tools. Dissemination of information and data related to agricultural production, consumption and trade, including food, farm, fishery and forest products, e.g. through FAOSTAT data base. In addition, FAO is a co-sponsor of the Agricultural Market Access Database (AMAD), which is jointly operated by FAO and a number of national and international organizations. The AMAD, which is publicly accessible through the Internet (at <http://www.amad.net>), includes information on market access conditions (including bound and applied tariffs) for agricultural products in 46 countries.

Organization of **round tables and symposia in Geneva** on issues being debated at the Special Negotiating Sessions:

- These will provide the main outlet for FAO analyses of relevance to the negotiations.

Modes of delivery of the technical assistance

Drawing upon lessons learnt from FAO's recent experiences in the provision of technical assistance relating to the Uruguay Round Agreements, a flexible approach is adopted to the delivery of this assistance, covering various modes of delivery. Three such modes are envisaged: national workshops; regional and sub-regional seminars; and global seminars.

All three will be implemented on a demand-driven basis. As in the past, the programme will be delivered in collaboration with partner organizations, notably WTO, UNCTAD, the Regional Commissions of the United Nations, and agencies such as the South Centre (Geneva), that have both expertise and experience in technical assistance.

National workshops

Two components are envisaged under this mode. One would be ***national dialogue workshops***, designed to promote dialogue amongst various stakeholders to clarify national interests on negotiating issues and options and implications for national policy and the economy. Typically, these will be 2-3 day seminars that bring together 50-60 people representing officials from various ministries, academicians, farm and trade associations and civil society.

The other component would be ***technical workshops***, which would focus on training in the use of informational and analytical tools related to the establishment of the modalities for reduction commitments and the preparation of draft national schedules of commitments. Such workshops would last 2-3 days. The target group in this case is the national team of officials that is directly providing technical support to the country's negotiating team in Geneva. This would include provision of various relevant data bases and training in their use, for example, how tariff data can be analysed using AMAD, and how market access options can be examined using the new World Integrated Trade Solutions (WITS) data warehouse and simulation tool and the Agricultural Trade Policy Simulation Model (ATPSM).

In terms of cost, each supported national workshop would involve covering the travel costs and living expenses of 3-4 experts for a week, the preparation of background data and analysis, and logistical support. Table 2 shows the number of such activities envisaged and the estimated cost.

Regional and sub-regional workshops

Such workshops have been a standard mode of assistance to reach a large number of participants in a region (typically 3-5 persons per country). This was the mode of FAO's Umbrella Programme I. The subject matter covered would be similar to that of the national workshops programme, i.e. negotiating modality and issues, and consequences for policy/economy. One further advantage of regional seminars is that participants are fully apprised of the issues/options of their counterparts in neighbouring countries, which is essential to form coalitions in negotiations. Participants will include government officials and representatives of producers' organizations, trade associations and NGOs (about 10% of total).

Cost estimates for this programme activity are shown in Table 2.

Global seminars

Two specific activities are proposed under this heading: round table seminars in Geneva; and expert consultations on key negotiating issues. FAO has had positive experience in both these areas. The seminars allow a direct delivery of information and analyses to the Geneva-based negotiators. Expert consultations are an essential complement to the entire process in that they contribute to the generation of new knowledge and messages (see Table 2).

Table 2: Proposed technical assistance activities and cost estimates

Activity	2004			2005			Total cost ('000 US\$)
	Number of workshop seminars	Per unit cost ('000 US\$) ^{2/}	Total cost ('000 US\$)	Number of workshop seminars	Per unit cost ('000 US\$)	Total cost ('000 US\$)	
National workshops	15 ^{1/}	30	450	15	30	450	900
Regional/sub-regional seminars	3	150	450	5	150	750	1 200
Global seminars							
Geneva Round Tables	2	25	50	5	25	125	175
Expert consultations	1	30	30	4	30	120	150
Total	-	-	980	-	-	1 445	2 425

^{1/} For example, 15 in this case indicates 15 countries.

^{2/} See Annex 1 for the basis of estimates.

Funding needs

Supplementary extra-budgetary resources are required in order to allow the secretariat to carry out the anticipated programme of support to FAO member countries for the multilateral trade negotiations. In view of the timetable for the negotiations, for example in agriculture, most of the technical support would need to be delivered in 2004-2005. As indicated in Table 2, the minimum extra-budgetary resource requirement is US\$ 2,425,000. Voluntary contributions from FAO members would be appreciated.

Programme implementation

The Programme will be implemented by the Commodities and Trade Division (ESC).

Programme cost for the period 2004 to 2005:

US\$ 2 425 000

I.2 FISHERIES AND THE MULTILATERAL TRADE NEGOTIATIONS

Developing countries contribute over 50 per cent to fish exports, which had a total value of US\$54 000 million in 2000. The developed countries accounted for more than 80 per cent of total imports in value terms. The major importing markets are the European Union, Japan and the United States, which absorb altogether 76 per cent of the global fish exports.

The WTO Ministerial Conference held in Doha from 9 to 14 November 2001 agreed to the launching of a new round of negotiations and other work programs to be concluded no later than 1 January 2005. Of relevance to fisheries, this Conference identified the following specific areas: i) clarification and improvement of WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries, ii) assistance to developing member countries to enable them to meet their obligations under the SPS and TBT agreements; iii) labeling requirements for environmental purposes.

The FAO Committee on Fisheries and its subsidiary Sub-Committee on Fish trade (SC/FT), respectively at their 24th session (Rome, 26 February – 2 March 2002) and 8th Session (Bremen, 12-16 February 2002) highlighted the role of FAO in building capacity in developing member countries to strengthen their negotiating capabilities and to enable them to meet their obligations under the SPS/TBT agreements.

Also, FAO was requested to conduct more in-depth analysis of issues discussed at WTO, as well as a more detailed overview of developments in trade agreements on both the regional and intra-regional levels, as well as developments regarding Multilateral Trade Negotiations (MTN).

Specific objectives

The objective of this component is to strengthen national and regional capacity of developing member countries, with significant fisheries, in the areas relevant to the current MTN and to meet their obligations and previous agreements, especially the SPS and TBT agreements.

Project design and components

This component will be implemented through

- i) studies and analyses on the impact of fisheries subsidies on fish trade, especially as it pertains to the negotiating capabilities of developing countries;
- ii) studies which will serve as a basis for technical assistance and guidance to members in the forthcoming WTO multilateral trade negotiations in their work on the various dimensions of labelling, including those for commercial purposes, consumer protection, product quality and environment-related issues;
- iii) workshops and a technical consultation on the use of risk analysis in the fish industry,
- iv) development of a web-based seafood safety information system to enable developing member countries access timely and relevant information for the development of fish quality and safety standards;
- v) Stand-alone regional workshops on the WTO agreements and their implications for fisheries, and on the issues to be negotiated in the Doha Round including subsidies, labelling and investments.

Target audience for the studies, workshops and technical consultations

Developing member countries, with significant fisheries industries and trade. One expert from each country in a region or sub-region would be invited to participate, as well as two representatives of fishworkers' associations. Approximately 20 participants from the fisheries sector per workshop will participate at project cost.

Content of the workshops and technical consultation

The content focuses on the new requirements of traceability introduced in major markets which have implications in the area of international fish trade, especially in relation to the legal frameworks governing it and due to the requirements associated with the compliance by exporters of fish and fishery products. The Sub-Committee requested FAO to provide technical assistance and guidance to members in the WTO multilateral trade negotiations in their work on the various dimensions of labelling, including those for commercial purposes, consumer protection, product quality and environment-related issues.

Stand-alone regional workshops for fishery policy makers and officials on fisheries issues in the WTO negotiations are necessary for several reasons. First of all, fisheries products in the context of WTO are dealt with as non-agricultural products and are therefore not covered by the Agreement on Agriculture. Therefore, the Agreements on Subsidies, Antidumping and Safeguards are fully applicable for fishery products and special in-depth treatment of these agreements in addition to the SPS and TBT agreements is necessary. Likewise, ministry officials that deal with fisheries are very rarely the same as those handling agricultural issues. Special workshops for these officials are therefore crucial for increasing member countries' understanding of WTO's implications for trade in fisheries products. Thirdly, many countries have joined the WTO only recently and were not fully covered by Umbrella Programme I. New workshops will have to include these countries as well. In particular, countries in Central and Eastern Europe and Asia have articulated their needs for assistance. Fourthly, the Doha Ministerial Declaration singled out a number of issues directly linked to fisheries, such as fisheries subsidies, eco-labels and investments. Special emphasis must therefore be given to these topics for analysis and study, and for dissemination and discussion of findings from both FAO and other relevant institutions such as UNEP and OECD. Lastly, fisheries products in international trade present several examples of trade disputes, and the workings of the Dispute Settlement Mechanism are therefore especially important for fishery trade officials.

Programme implementation

The programme will be under the responsibility of the Fish Utilization and Marketing Service (FIU)

Programme budget for the period 2003 to 2004: US\$ 770 000

I.3 FORESTRY AND THE MULTILATERAL TRADE NEGOTIATIONS

Forest products are not part of the Agreement on Agriculture, being classified under the heading of industrial goods. There are, however, some Non Wood Forest Products (such as nuts, spices, medicinal plants, etc) which are covered by the AoA since they are similar to some horticultural products, or because they are used in food end-uses.

While the AoA is not relevant to most forest products, other Agreements such as the SPS and the TBT have relevance. In the list of subjects for negotiations, those most relevant to forestry are: market access for non-agricultural products, anti-dumping, and trade and environment. Of the seven negotiating bodies formed by the WTO, forestry has a strong interest in non-agricultural market access, and trade and environment. These subject areas are of substantial interest to member countries. It is important that developing countries understand the issues involved and are able to effectively participate in the negotiating bodies.

Specific objectives

Enhancing the understanding and ability of countries to negotiate and implement the agreement areas of most relevance to forest products, specifically non-agricultural market access, and trade and environment, by:

- Strengthening the negotiating capacity of participants in trade negotiations by contributing relevant, region specific information through the workshop programme and output.
- assessing the impact of possible proposals on the forestry sector;
- analysing issues relating forestry and forest products with particular attention paid to trade and environment issues, notably certification and ecolabelling, and CITES.
- assisting countries which have recently joined, or are about to join, the WTO to understand issues that are of importance to their forestry sectors.

Project design and components

A special one-day session on forestry will be included in three of the workshops proposed for Agriculture (see proposal "Support to Policy Development"). The session will use some of the coverage being provided on Agriculture, but additionally will provide specialist coverage on issues of particular relevance to forestry.

In addition, two special stand-alone forestry meetings (location to be decided) are proposed. These would also address issues connected with trade policy in general and issues connected with the Multilateral Trade Negotiations in particular. In particular the focus would be on trade liberalisation, with special emphasis on trade and environment issues related to forestry.

Target audience for the studies, workshops and technical consultations

About 25 policy specialists and forestry trade interests will be invited, in addition to those attending on Agriculture, including two representatives of indigenous peoples' organizations and other forestry-related NGOs/CSOs.

Content of the workshops and technical consultation

Forest product liberalization and its impacts on the environment; recent experiences of the (region/sub-region) countries with the impact of tariff and non-tariff factors; market access issues, especially changes in tariff and non-tariff restrictions; regional trade arrangements and national policies; trade and environment.

Programme implementation

The Programme will be implemented by the Forest Harvesting, Trade and Marketing Branch (FOPH)

Programme budget for the period 2003 to 2004: US\$ 525 000

I.4 NEGOTIATIONS RELATING TO THE TRIPS AGREEMENT

Securing intellectual property rights in genetic resources has been identified as a key issue for the round of WTO trade negotiations launched in November 2001 by the WTO Doha Ministerial Meeting.

Related issues are addressed in the International Treaty on Plant Genetic Resources for Food and Agriculture which was adopted in 2001 by the FAO Conference. This Treaty is a binding international instrument and contains a number of provisions with direct relevance to the IPRs issues. Furthermore, it provides for (i) the recognition of Farmers' Rights, (ii) and the establishment of a Multilateral System of Access and Benefit-sharing.

In their submissions to the TRIPS Council, developing countries questioned what they consider to be unreasonable pressures by developed countries to comply with the Agreement, for example by the introduction of legislation and the establishment of an intellectual property infrastructure. They have stressed that the transitional implementation period of five years (under Article 65.2) has been insufficient to undertake complex and costly tasks required such as the modernization of their administrative infrastructure (intellectual property offices and institutions, the judicial and customs systems), as well as the promulgation of new intellectual property laws.

Specific objectives

Countries' negotiation skills should be strengthened. In addition, legislators should be assisted in the elaboration of required legislative instruments, both at national and regional levels. To that effect the following items are of specific relevance:

- assessment of ethical implications of granting IPRs on living material and consequences of commercial exploitation of a specific invention that would be contrary to ordre public or morality;
- review of legislative requirements and their implications when granting rights;
- review of potential ways for protecting innovations of indigenous and local farming communities in developing countries, in particular the right to save, exchange and use seeds, consistent with the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture;
- assessment of potential ways for preventing anti-competitive rights or practices which will threaten food sovereignty of people in developing countries.

Project design and components

A special one-day parallel or additional session could be included in the workshops proposed for Agriculture or other subjects (see I.1, 2 and 3).

A specific 3 to 5 working-days workshop could be organized at the national level for officials from various departments involved, or regional/sub-regional level for countries with similar situation or inter-governmental organizations which have mandate to advise/decide on the issues.

Target audience for sessions and/or workshops

Attendance to such sessions and/or workshop should be of 15 to 20 lawyers or officials and two representatives of producers' organizations/NGOs experienced in IPRs issues and/or trade sector.

Content of sessions and/or workshops

Introduction to principles and requirements under the TRIPS Agreement and related international instruments such as UPOV Convention, the International treaty on Plant Genetic Resources for Food and Agriculture, the Convention on Bio-diversity...

Review of main questions and concerns brought to the attention of the TRIPS Council by developing countries.

Review/assessment of legislative framework in force and required updating (for sessions or workshops organized for officials of one single country).

Review/assessment of regional instruments in force or required in the case of regional workshop especially when organized in cooperation with the concerned regional intergovernmental organization which has mandate on the IPRs issues.

Programme implementation

The Programme will be implemented by the General Legal Affairs Service (LEGA) of the Legal Office.

Programme budget for the period 2003 to 2004

General budget: US\$ 300 000 (US\$ 25 000 to 35 000 per session or workshop)

II. SUPPORT ON OTHER WTO ISSUES AND AGREEMENTS (SPS, TBT AND TRIPS)

II.1 STRENGTHENING FOOD QUALITY AND SAFETY PROGRAMMES TO MEET SPS AND TBT REQUIREMENTS

Employment and export earnings from the food sector are central to economic growth and social welfare in most developing countries. Since 1995, the SPS and TBT Agreements have laid down the rules governing quality and safety of food in international trade. Governments are therefore placing increasing priority on strengthening their ability to deal effectively with food quality and safety issues so as to meet the requirements of these agreements. The continued competitiveness of their food products on international and local markets depends on the country's ability to assure appropriate levels of quality and safety of their food products.

Facing the challenges of the new international food trading environment requires concerted efforts by government and all parties involved in the food sector. Government food control services in most cases must be reviewed and refocused to ensure that resources are used in the effective implementation of priority programmes. Full stakeholder participation must be encouraged in discussions concerning national food safety policy and also in establishing a strong national position in international deliberations on food safety and quality standardisation, namely in the sessions of the Codex Alimentarius Commission and its subsidiary bodies. Governments must also support the establishment of industry quality and safety assurance programmes throughout the food chain.

The Umbrella Training Programme Phase I dealt primarily with raising awareness of the SPS and TBT agreements and in starting to build capacity within member countries to meet the necessary requirements for food quality and safety. The current round of training activities will continue to strengthen capacities in this area.

Specific objectives

The programme aims to strengthen national capacity (at government and industry levels) to plan and implement national food safety programmes that ensure compliance with international food safety requirements and assure consumer protection. Specifically this will include:

- Building capacity for risk-based planning of food safety programmes
- Enhancing stakeholder participation in national policy-making on food quality and safety issues
- Improving countries' participation in the Codex Alimentarius process
- Strengthening quality and safety assurance programmes of food enterprises (with emphasis on small and medium scale businesses) throughout the food chain

Project design and components

The project will comprise information dissemination and training sessions for sub-regional groupings of up to four countries. There will be two basic programmes - one focusing on risk analysis and participation in Codex, and the other dealing with quality and safety assurance for the food industry. The selection of sub-regional groupings and the training programme offered will be made according to an assessment of needs. Effort will be made to strengthen relevant national and regional institutions to assist in the implementation of the project activities.

Target audience

Training programme on risk analysis and Codex – Senior technicians and policy advisers on food safety within concerned ministries, technical support staff from regional institutions, senior representatives of major food industry associations, representatives of active and broad-based consumer groups and producers associations.

Training programme on quality and safety assurance programmes – representatives of food industry groups with appropriate technical background (including associations of farmers and other producers), government officials responsible for providing training and other technical support to industry, academic training institutions; technical support staff of regional institutions

Content

Training programme on risk analysis and Codex – (i) Risk analysis principles; (ii) the application of the risk analysis framework to international food safety standardisation, to the establishment of national food safety priorities, to guide design of national food safety programmes and resource allocation in support of these, to achieve wide stakeholder involvement in food quality and safety issues nationally; (iii) Codex procedures and key issues being discussed by the Codex Alimentarius Commission and its subsidiary bodies; (iv) effective handling of Codex matters at national level.

Training programme on quality and safety assurance programmes - (i) International principles of food hygiene; (ii) the application of food hygiene principles in the establishment of quality and safety assurance programmes covering the entire food chain; (iii) introduction and application of HACCP programmes; (iv) auditing of quality assurance programmes.

Programme implementation

The programme will be implemented by the Food Quality and Standards Service (ESNS). Maximum use will be made of relevant national and regional institutions to assist in the implementation of the project activities.

Programme budget for the period 2003 to 2004:

US\$550 000

II.2 LIVES TO CK AND LIVES TO CK PRODUCTS IMPORT RISK ANALYSIS

Assessment of risk is the basis for official international trade of livestock and livestock products. A frequent recommendation emanating from the first phase of the Umbrella Training Programme and elsewhere was the need for risk analysis capability in national ministries, usually those departments dealing with food safety, plant or animal health. The recognized need for risk analysis skills has led to the recent publication of several technical manuals, computer programs and MSc level courses to instruct and assist risk analysis practitioners. Distance learning methodology represents a cost-effective way to bring these needed skills to a wide audience, in a short time period, with least inconvenience to the “student” and most cost effectively.

Specific objective

Development of information, teaching and learning resources on risk analysis for livestock in electronic and interactive forms and delivery of distance learning modules to three regions.

Project design and components

1. Under contract with a cooperating institution, prepare general and region specific risk analysis training modules;
2. Advertise risk analysis modules and sign up students in three participating regions; and
3. Contract cooperating institution(s) to deliver risk analysis modules.

Target audience

Quality assurance personnel, food inspectors, university professionals, those responsible for auditing of quality assurance systems, including food industry personnel dealing with livestock and livestock product imports, or playing a role in internal auditing, importers (traders) as well as representatives of producers' associations.

Content of the distance learning modules

Introduction and application issues of the basic principles of risk analysis with special emphasis on livestock and livestock products imports.

Programme implementation

The programme is implemented under the responsibility of the Animal Health Service.

Programme cost for the period 2003 to 2004:

US\$ 380 000

II.3 ENHANCING PARTICIPATION IN THE IPPC STANDARD SETTING PROCESS

One of the recurring outcomes of the first round Umbrella Programme capacity building workshops was that countries repeatedly stressed the difficulties in participating in international standard setting organisations (Codex Alimentarius, International Plant Protection Convention and Office International des Epizooties) identified in the Agreement on the Application of Sanitary and Phytosanitary Measures. Likewise, the Doha Ministerial agreed that developing countries require assistance to participate in the standard setting bodies. Concurrently, the Secretariat of the International Plant Protection Convention (IPPC) has explored means to increase participation of developing countries in standard setting activities. One mechanism to achieve this aim is to hold regional technical consultations on standards under development. These technical consultations bring together national phytosanitary experts within a region, along with international experts appointed by the Secretariat of the IPPC to review draft standards.

The Secretariat of the IPPC has been able to conduct these technical consultations in the past on a very limited basis (e.g.: only one region); however, the consultations have been well received and participants noted how useful the consultations were in their being able to understand, comment on and ultimately implement the standards at the national level. It is foreseen that these consultations could become a highly effective means to increase developing countries participation and profile in the IPPC and in the Interim Commission on Phytosanitary Measures.

Specific objectives

- to ensure that national governments understand the meaning and impact of any new standards that may enter into force; and
- to ensure that national governments are able to exercise their right to provide comments on draft standards before the standards are adopted by the Interim Commission on Phytosanitary Measures (ICPM).

Project design and components

The technical consultations are designed to last 4–5 days (depending on how many standards need to be reviewed), including time to review each standard and to formulate comments on each draft standard for submission to the Standards Committee. One expert from each country in a region or sub-region would be invited to participate

Target audience

One expert from each country in a region or sub-region would be invited to participate. Approximately 20 participants per course will participate at project cost. They will include: policy-makers or policy analysts as well as technical staff from the Ministry of Agriculture and Ministry of Trade and representatives from civil society organisations, such as producers' associations, industry and trade associations, plant managers, quality assurance personnel, food inspectors and food industry personnel, university professionals.

Content of the Technical Consultation workshops

IPPC standard setting

Programme implementation

The Plant Protection Service (AGPP) will be the responsible unit for implementation.

Programme Budget for the period 2003 to 2004:

US\$ 480 000

II.4 LEGISLATIVE INSTRUMENTS FOR SPS AND TRIPS

The SPS Agreement establishes the right of WTO members to apply measures necessary to protect human, animal and plant life and health. These include the setting of technical regulations and standards governing quality requirements for food quality control, as well as national zoo- and phytosanitary measures to protect animal and plant life, and health. The main aspect of the TRIPs Agreement relevant to agriculture is the requirement to provide protection by intellectual property rights to plant varieties, either by patent or by effective *sui generis* legislation or a combination of both.

The implementation of the two above agreements rests with the national authorities concerned which in order to be able to legally exercise their administrative responsibilities, that is to enforce those regulations and standards, are given appropriate duties and powers by a pertinent basic legislative instrument (Law, Act, Ordinance...). It has been observed, however, that many developing countries and countries in transition have major difficulties to meet sanitary, phytosanitary and technical requirements of importing countries; and rely on scientific capability to their own patent portfolio, and the expertise and necessary institutional development to use the IPR system as a tool for development.

Although the TRIPs obliges to develop legislation in conformity with the minimum standards of the Agreement, many countries are still in the process of doing so and are facing difficulties to elaborate an appropriate legislation. As for the phytosanitary field, for example, as decided in April 2001 by the Interim Commission on Phytosanitary Measures (established under the revised version of the International Plant Protection Convention with a view to responding to a number of requirements under the SPS Agreement), a survey of institutional and regulatory aspects of national phytosanitary systems has been realized by the Organization in a group of developing countries in South America, including the Caribbean, in Africa, and in Asia, most of them being ACP Countries. The methodology of the above survey was based on the measure of their capacity to meet the international phytosanitary obligations in an efficient and sustainable manner. The outcome of the survey⁷ was classified according to the nature of the problems identified and the type of assistance required to address the problems. As for the “*Nature of the problem*”, the first difficulty encountered is “Legislation and Institutional issues”, while for “*Type of assistance required*”, a constant request is for “Technical cooperation”.

Specific objectives

Increase countries' capacities to devise appropriate legislative instruments to enforce regulations and standards and to formulate or revise national legislation related to IPR over plant varieties, animal breeds, related technologies and germplasm, as well as in quarantine, food control, seed policy, and other related matters.

Project design and components

The project comprises four international workshops.

Target audience

Legislation policy specialists, trade specialists and other technical staff involved in the implementation of SPS/TBT and TRIPs and qualified NGO/CSO representatives.

⁷ See <http://www.fao.org/WAICENT/FAOINFO/AGRICULT/AGP/AGPP/PQ/Default.htm>

Content of workshops

Legislative instruments for complying with SPS/TBT; Intellectual Property Rights applied to plant genetic resources.

Programme implementation

The General Legal Affairs Service of the Legal Office will implement the programme in collaboration with other relevant substantive FAO units.

Programme budget for the period 2003 to 2004:

US\$ 300 000

II.5 CAPACITY BUILDING ON FOOD AND AGRICULTURAL POLICIES AT THE NATIONAL AND REGIONAL LEVELS

Based on its specific mandate, which includes capacity building for policy formulation, interface between normative work and policy assistance at the country level, information generation on country policy and performance, the TCAS programme is aimed at achieving the following objectives at the national and regional levels: i) strengthening the capacity of governments and academic institutions in charge of policy analysis, formulation, and implementation; ii) reinforcing national capacity in trade-related training and research and ensuring ownership by training and research institutions; iii) facilitating exchanges of experience and establishing a policy dialogue at the national and regional level involving all stakeholders, including civil society organizations; and iv) providing support to regional integration processes.

Activities

- **Prioritisation of trade-related policy issues:** Policy issues will be discussed and prioritised for each region/sub-region in a one to two days workshop that will take place at FAO HQs and will be attended by all the regional officers of TCA to ensure that countries' needs are fully reflected. Trade-related policy issues, such as agricultural trade policies (supply capacity, including comparative and competitive advantage analysis, etc.), institutional reforms implications (e.g., privatisation), equity and poverty issues (e.g., distribution of gains and costs), natural resources management, regional integration opportunities and other regional programmes (e.g., regional food security programmes) will receive particular attention.
- **Preparation and consolidation of training and resource materials:** on the basis of the issues selected, appropriate training and resource materials will be collected and prepared by TCAS in collaboration with other relevant units and with the support, if necessary, of consultants. In view of ensuring national ownership of training capacity in trade-related policy issues, various types of training and learning resources will be delivered to the countries to fit the needs of the various target institutions. These may take the form of general conceptual documents on specific issues, technical papers, methodological and analytical tools, case studies, and electronic links with sources of information on the trade-related policy issues.
- **Regional Workshops:** a workshop will be held in each of the 5 regions. They will be addressed to government officials in charge of the implementation of international trade agreements and formulation of trade policies, as well as research and academic institutions, representatives of the private sector and civil society.
- **Analytical and Policy Studies:** one of the expected outputs of the workshops will consist of detailed terms of reference for issue-specific studies on policy implications of international agreements and trade policy options at the local, national, and regional level.

Outreach activities

- **High level regional expert consultation, meetings of political leaders and civil society organizations:** the conclusions of the studies will be discussed at an expert consultation meeting. Special meetings will be held with political leaders to inform and debate the policy implications and with civil society organizations in order for decision-makers and political leaders to be supported by informed constituencies in their societies. These meetings and consultation will be the occasion to i) exchange experiences between the countries; ii) establish a policy dialogue at the regional level on agricultural trade related issues; iii) identify policy responses at regional level; iv) explore possibilities to create regional alliances; and v) prepare a series of shared policy briefs on the priority issues selected.

The expected outputs consist of:

- 300-350 government officials, academics and representatives of the private sector and civil society enabled and informed - through five regional two-week workshops - on the use of a set of tools to assess policy implications of international trade agreements, design and implement policy responses;
- A selected number of political leaders in each region will be informed and will be given the opportunity to debate;
- Training and resource materials for distribution in the universities as well as ministries in charge of trade policy analysis, formulation and implementation;
- Policy briefs with national and regional recommendations endorsed by the 5 expert consultation meetings;
- Information materials for civil society organizations.

Programme implementation

The programme will be implemented by TCAS and TCA Policy Assistance Branches and Units in the regions, in collaboration with the concerned technical units both at Headquarters and in the regions, and in collaboration with the network of training/academic institutes that are partners in TCAS' capacity building programmes.

Estimated budget over the period 2004-5:**US\$2 500 000**