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**AT THE WTO NGO SYMPOSIUM ON
"STRENGTHENING COMPLEMENTARITIES:
TRADE, ENVIRONMENT AND SUSTAINABLE DEVELOPMENT"
MARCH 17-18, 1998**

In discussing the legal compatibility between trade and environmental policies, I'd like to add a bit to the political dimension operating among WTO Members and suggest that the questions about which and when and how the Multilateral Environmental Agreements will or will not be challenged by WTO Members are essentially political. As in a murder mystery (which I stayed up too late reading last night), the answers can be found by asking: who benefits?

Much has been said about the environmental impacts of agriculture subsidies, yet GATT followers know that the Blair House Agreement between the US and EU, which led to the final Final Act resolving the much postponed Uruguay Round in 1994, enabled both the US and EU to not only maintain but legally to increase their levels of export subsidies -- benefiting the major grain companies and not, I must emphasize, the family farmers struggling to make a living stretched between high input costs and low commodity prices.

Some of you will also remember that an earlier deadline, set for reviewing progress in the Uruguay Round back in 1989, I believe it was, failed as the US and EU were deadlocked over how they might allocate the "world" agriculture markets amongst themselves, and developing countries walked out in protest over the terms that were being proposed for intellectual property rights, on behalf of a dozen chemical, pharmaceutical and other industrial conglomerates.

Now we see the US utilizing its powers of persuasion, including its domestic Section 301 laws for unilateral sanctions -- contrary to the Uruguay Round rules -- to force countries to implement the TRIPS Agreement (and even so-called "TRIPS-plus" terms) ahead of the schedules reluctantly agreed in Marrakesh.

As countries struggle to implement their obligations under TRIPS and simultaneously their obligations in the Convention on Biological Diversity (CBD), conflicts are becoming apparent. The Indian Parliament has repeatedly rejected patents on seed, consistent with the CBD, while the US has continuously pressured that government to alter its Patent Law ahead of the TRIPS schedule. The Thai government is developing legislation to protect traditional medicinal healers, consistent with the CBD as well as TRIPS Article 27 exempting medical methods from patentability, and yet the US has formally objected on grounds it may violate terms of TRIPS to which Thailand is not obligated until at least 2000 -- and this is after the formal review of the all-important clause in TRIPS allowing countries to develop sui generis systems for patenting plant varieties. This sui generis clause is essential for enabling legal consistency between TRIPS and the CBD -- although the US and the EU, and I believe it was Professor Cottier yesterday, have made it clear this clause is on the political chopping block, unless developing countries with strong traditional farming sectors stand together against this onslaught on behalf of Monsanto, Novartis. And other agri-chemical companies.

It is ironic that the US, even now, is seeking to create an entirely new Section 301 law for agriculture, specifically for the purpose of pressuring countries which, in the US' own opinion, deny "fair and equitable market access" to US agribusiness exports -- a grotesque extension of its WTO-illegal unilateral power. When is the EU, which argued during the Uruguay Round negotiations that the WTO's new effective dispute settlement system would prevent this abuse of power, going to bring a complaint over US Section 301 to a panel?

I am glad to conclude by saying that we as NGOs are not restricted by the polite protocols of international diplomacy, and hope that my comments about the legal incompatibility of TRIPS and the CBD (and US

Section 301 and the Dispute Settlement Understanding) offend no one, as I am after all only recounting a well known history. Thank you.