

ground but there was no real movement until a drafting group, comprised of Brazil, EU, India, and the USA, met over dinner on October 31. The draft, largely penned by Brazil, was rejected by India and was not included in the November 1 negotiating text. However, the marathon negotiating session suspended negotiations between 3 and 4 AM to allow for a separate meeting of the drafting group.²⁶ The end result is a conclusion which while not prejudicing future work on TRIPs, nevertheless provides a few markers that delegations can develop should they so choose.

Environmental Assessments:

Surprisingly, while USA participated in all agenda items, their one priority in the final stages was environmental assessment of trade agreements. The USA, based upon their experience with national environmental reviews of the NAFTA and the Uruguay Round, wanted language encouraging environmental reviews and CTE consideration of methodologies to carry out the same. Not surprisingly, and despite past OECD work and guidelines in this area, their proposal developed little support but a reference to future work in the final CTE report.

Transparency:

Hong Kong led on what was a relatively non-controversial item as transparency is fundamental to implementation of the WTO Agreements. However, whenever the suggestion was made in a manner that appeared to alter existing obligations (as in the case of ecolabelling under the TBT Agreement) or expand the scope of environmental considerations (as in the case of a reference to the Trade Policy Review mechanism continuing its current practice of including trade-related environmental policies in country reports), many developing countries became skittish.

Domestically Prohibited Goods (DPGs):

Nigeria took the lead with unclear support from other African delegations. The EU at one time appeared to view this as a bargaining chip but given limited interest by other developing countries, the DPG issue was "tolerated" rather than advanced. During the open-ended negotiations, there was open disagreement between Morocco, Egypt and Nigeria with respect to whether DPGs were the sole responsibility of the exporting country or whether responsibility was jointly held between the exporter and importer. The drafting compromise was to drop this reference but given that Nigeria was not present when that decision was taken, Nigeria formally raised its dissatisfaction on this and related points at the formal CTE meeting that adopted the report. India placed a TRIPs marker under DPGs that evaporated once the drafting group had resolved the more contentious issues.