

**UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT
Geneva**

**MULTILATERALISM AND REGIONALISM:
THE NEW INTERFACE**

Annexes



**UNITED NATIONS
New York and Geneva, 2005**

Annex 1

PROGRAMME OF THE MEETING

BACKGROUND

The proliferation, expansion and deepening of regional trade agreements (RTAs) is one of the most significant international policy developments to have occurred in recent years in the area of trade. Developing countries have been actively involved in this process through intensifying and increasing the scope of integration amongst themselves, as well as with developed-country partners. South-South trade and cooperation has shown new dynamism, including within regional integration groupings, increasingly on an inter-regional basis. The Global System of Trade Preferences (GSTP) is being reinvigorated as an instrument for strengthened South-South cooperation. This drive towards regionalism and South-South cooperation has, in part, been motivated by the slow progress made in ongoing multilateral trade negotiations. It can have significant implications for multilateral trade negotiations and the multilateral trading system in general. Against this background, countries face major challenges in reaping maximum development gains from both multilateralism and regionalism, and in ensuring balance and coherence between the two processes. They need to strengthen the mutual supportiveness of the two processes in fostering a development-orientation of the international trading system.

PURPOSE

The forum aims to draw practical policy insights regarding ways and means to maximize development gains for developing countries through both regionalism and multilateralism by exploring the emerging interface between the two processes and examining their developmental implications. Discussions will be based on research findings and lessons learned from practical regional experiences.

EXPECTED OUTCOME

The forum is expected to shed light on policy debates and options surrounding regional trade agreements and their relationship with the multilateral trading system, especially in the context of the post-Cancún phase of the Doha Work Programme. The meeting was expected to produce a set of policy recommendations on ways that developing countries can best utilize both processes coherently to maximize development gains.

PROGRAMME

9:00 Am Opening Session

Mr. Carlos Fortin, Deputy Secretary-General of UNCTAD

Mr. Mario Mugnaini Jr., Executive Secretary, Foreign Trade Chamber, Brazil (Camãra de Comércio Exterior, CAMEX)

9:30 AM SESSION 1: DYNAMISM IN THE INTERFACE OF MULTILATERAL TRADING SYSTEM AND REGIONAL TRADE AGREEMENTS - A POST-CANCÚN PERSPECTIVE

Since the Fifth WTO Ministerial Conference in September 2003, Cancún, Mexico, there appears to be a major shift towards RTAs by both developed and developing countries. A long-standing discussion on the interrelationship between RTAs and the MTS has evolved around the question of whether RTAs

are reinforcing or weakening the MTS (i.e. “building” vs. “stumbling” blocks). While gains are expected from preferential market opening, a major issue involved in current RTA negotiations pertains to the important constraints being imposed by disciplines and commitments made under RTAs on the “policy space” available to developing countries, be it border protection or behind-the-border regulatory policies. Such constraints limit policy options available for the economic, social and human development needed to attain Millennium Development Goals, particularly poverty reduction targets. The impact of RTAs for non-member developing countries has tended to be felt in the form of trade diversion as a result of the erosion of preferences under unilateral preferential schemes such as the Generalized System of Preferences (GSP). An accelerated pace of preferential trade liberalization together with the ever enlarging scope of RTAs have transformed RTAs into negotiating forums virtually substituting the WTO, in particular in the area of new issues. Such “WTO-plus” agreements create an incentive for “forum shopping” and may represent a systemic risk to the viability of MTS.

Following are some of the questions to be addressed during the session:

- What are the opportunities and challenges in the interface between MTS and RTAs?
- How can the two approaches to trade liberalization be made mutually reinforcing?
- Is the MTS still relevant to trade liberalization in a manner supportive of development in view of the shift towards RTAs?
- Should developing countries focus on RTAs?
- Does the increased prominence of RTAs mean the dilution of the WTO?
- What are the implications of the proliferation of RTAs for the prospects of multilateral trade negotiations under the DWP?
- How should developing countries best approach both regional and multilateral trade negotiations so as to maximize development gains, in particular in the areas of agriculture, non-agricultural market access as well as services and regulatory “deep integration” agenda?
- What is the role of UNCTAD in the interface of multilateral and regional trade negotiations?

Moderator: **Mrs. Lakshmi Puri**, Director, Division on International Trade in Goods and Services, and Commodities (DITC), UNCTAD

Panelists: **Professor Ramón Torrent** (Director, Observatory of Globalisation, University of Barcelona)
Ambassador Nathan Irumba, Ambassador of Uganda in Geneva
Mr. Martin Khor, Director, Third World Network

11:00 AM COFFEE BREAK

11:15 AM SESSION 2: RESOLVING UNDERLYING ASYMMETRIES: THE DEVELOPMENT DIMENSION IN NORTH-SOUTH AGREEMENTS

The emergence of North-South agreements has changed the economic relationship between developed and developing countries from the preference-based relations to reciprocity. This is the case with economic partnership agreements being negotiated between ACP countries and the EU, as well as the Free Trade Area of Americas (FTAA) under negotiation in the Western Hemisphere. A variety of bilateral initiatives were activated recently on an inter-regional scale. The underlying asymmetry between the two partners in size, conditions and capacity requires that corresponding asymmetry in obligations and commitments be imbedded in the agreement so as to ensure an equal treatment among “unequal” partners. Such mechanisms would be a prerequisite for mutually beneficial arrangements and outcomes. In practical terms, this translates into exploring commercially meaningful market access for exports of developing countries while at the same time securing special and differential treatment (SDT) under such agreements to address adjustment and social costs, including resource transfer through development assistance. North-North regional integration arrangements, such as the EU enlargement, will also have implications for developing countries.

Some of the questions to be addressed during the session include:

- What are the expected gains for developing countries under North-South Agreements?
- How can market access and entry barriers be best addressed in sectors of export interest to developing countries given the asymmetry in negotiating leverage?
- What kind of SDT and development cooperation is necessary to effectively address adjustment and social costs, as well as the trade, financial and development needs of developing countries?
- How can such SDT be designed for developing countries while existing WTO rules may constrain the ability of RTA partners to do so?
- What reform is required of existing WTO rules to cater for North-South agreements, including GATT Article XXIV?
- What are the implications of North-North agreements for developing countries?
- What role can UNCTAD play in the promotion of the development dimension in North-South agreements?

Moderator: **Mr. Mario Marconini**, Executive Director, Centro de Relaciones Internacionais, Brazil

Panelists: **Mr. Piragibe dos Santos Tarragô**, Chief, División de Asuntos Económicos Multilaterales, Ministry of External Relations, Brazil
Mr. Carlos A. Primo Braga, Senior Advisor, The World Bank
Mr. Antoni Esteevadeordal, Principal Trade Economist and Research Coordinator, Inter-American Development Bank
Ms. Rosine Plank-Brumback, Senior Trade Specialist, Organization of American States

12:45 PM LUNCH

14:30 PM SESSION 3: SOUTH-SOUTH INTEGRATION AND COOPERATION – NEW TRADE GEOGRAPHY

Regional trade agreements among developing countries have long demonstrated their viability and potential for development. Recently, they exhibit a renewed potential through a variety of initiatives, including subregional, regional and inter-regional agreements. The pace of integration and expansion of the scope of traditional subregional and regional South-South agreements have accelerated and now incorporate “deep integration” agendas that include trade in services and investment. On the other hand, developing countries have extended their reach in finding partners for trade cooperation and integration in different regions. GSTP is a prominent example of such inter-regional trade and cooperation. In addition, a variety of bilateral and trilateral initiatives have recently been launched, including the India-Brazil-South Africa (IBSA) Dialogue Forum. Nonetheless, a number of South-South agreements are yet to exploit their full potential of intra-regional trade, and their trade impact appears to be limited in comparison with that of North-South agreements.

Some of the questions to be addressed during the session include:

- What is the extent and potential value of South-South integration and cooperation? Can they be as important as North-South agreements?
- What are the elements impeding the expansion of intraregional trade?
- Is the inter-regional South-South cooperation viable given a variety of constraining factors including geographical distance?
- How can developing countries explore the potential of intra-regional trade (market access, market entry and supply capacities) including through GSTP?

- Can South-South agreements address supply-side constraints through regional cooperation, and if so how?
- How important is the deep integration in South-South agreement in addressing market entry barriers (competition, investment and standards)? How best can such deep integration agendas be approached through South-South agreements?
- What contribution can UNCTAD make in promoting South-South trade, as well as South-South integration and cooperation?

Moderator: **Mr. Sarquis J B Sarquis**, General Coordinator, Ministry of External Relations, Brazil

Panelists: **Mr. Francisco Thompson-Flôres**, Deputy Director-General, WTO
H.E. Mr. Jayant Das Gupta, Joint Secretary, Ministry of Commerce, India
Ambassador M. Supperamaniam, Former Ambassador of Malaysia in Geneva
Ambassador Gyan Chandra Acharya, Ambassador of Nepal in Geneva
Mr. Mikio Kuwayama, Officer-in-Charge, Division on International Trade, ECLAC

16:00 PM COFFEE BREAK

16:15 PM SESSION 4: ADDRESSING MARKET ACCESS AND ENTRY BARRIERS THROUGH REGIONAL INTEGRATION TO MAXIMIZE DEVELOPMENT GAINS - REGIONAL EXPERIENCES AND LESSONS LEARNT

The session encourages an exchange of experiences and lessons learnt in respective regional integration groupings, and seeks to identify ways and means to encouraging greater cooperation among the Regional Integration Secretariats so as to maximize the contribution of regional integration as a stepping-stone towards multilateralism, in particular in the context of the ongoing multilateral and inter-regional trade negotiations.

Some of the questions to be addressed during the session include:

- What are the lessons learnt in expanding intraregional trade?
- Which areas of trade integration and cooperation have proved most beneficial to the member economies?
- How has the MTS affected regional integration efforts?
- How best can equal treatment among “unequal” partners be secured?
- What mechanism and provisions have proved to be instrumental in addressing market access and entry barriers?
- How has the deep integration agenda impacted developing country member of RTAs and how have these affected their participation in the MTS?
- Has regional cooperation contributed to building human, institutional and entrepreneurial, as well as infrastructure and supply, capacities of developing countries for the expansion and diversification of intraregional trade?
- How should developing countries approach regional and multilateral trade negotiations?
- What role can UNCTAD play in exchanging regional experiences and lessons learnt, including the identification of best practices, and in exploring the interface between multilateralism and regionalism?

Moderator: **Ms. Sandra Rios**, Consultant, National Confederation of Industries (CNI), Brazil

Panel: **Mr. Richard Moss Ferreira**, Director General, General Secretariat of the Andean Community

Ms. Fay Housty, Director, Foreign and Community Relations, CARICOM Secretariat

Mr. Mark Pearson, Advisor, COMESA Secretariat

Mr. Renato Baumann, Chief, ECLAC Office in Brasilia

18:00 PM **CLOSING SESSION**

Mrs. Lakshmi Puri, Director, Division on International Trade in Goods and Services, and Commodities (DITC)

18:30 PM **END OF SESSIONS**

Annex 2

REPORT OF THE FORUM ON MULTILATERALISM AND REGIONALISM: THE NEW INTERFACE

8 June 2004, Rio de Janeiro, Brazil

The pre-UNCTAD XI “Forum on Multilateralism and Regionalism: The New Interface” was held on 8 June in Rio de Janeiro, Brazil, in cooperation of BNDES (Banco de Desenvolvimento) and FGV-Rio (Fundação Getulio Vargas). The meeting was opened by Mr. Carlos Fortin (Deputy Secretary-General, UNCTAD) and Mr. Mario Mugnaini Jr. (Executive Secretary, the Foreign Trade Chamber, Brazil). The sessions were moderated by Mrs. Lakshmi Puri (Director, Division on International Trade in Goods and Services, and Commodities, UNCTAD), Mr. Mario Marconini (Executive Director, Centro de Relaciones Internacionais), Mr. Sarquis J.B. Sarquis (General Coordinator, Ministry of External Relations, Brazil) and Ms. Sandra Rios (Consultant, National Confederation of Industries, Brazil).

The following topics were discussed: (a) the dynamism in the interface of multilateral trading system and regional trade agreements in the post-Cancún context; (b) the development dimension in North-South regional trade agreements; (c) South-South integration and cooperation; and (d) regional experiences and lessons learned in addressing market access and entry barriers through regional integration. The UNCTAD secretariat’s background note entitled “Multilateralism and Regionalism: The New Interface” served as a basis for discussion.

The following panellists participated in the meeting: Professor Ramón Torrent (Director, Observatory of Globalisation, University of Barcelona), Ambassador Nathan Irumba (Ambassador of Uganda in Geneva), Mr. Martin Khor (Director, Third World Network), Mr. Piragibe dos Santos Tarragô (Chief, División de Asuntos Económicos Multilaterales, Ministry of External Relations, Brazil), Mr. Carlos A. Primo Braga (Senior Advisor, The World Bank), Mr. Antoni Esteevadeordal (Principal Trade Economist and Research Coordinator, Inter-American Development Bank), Ms. Rosine Plank-Brumback (Senior Trade Specialist, Organization of American States), Mr. Thompson-Flores (Deputy Director-General, World Trade Organization), H.E. Mr. Jayant Das Gupta (Joint Secretary, Ministry of Commerce, India), Ambassador M. Supperamaniam (Former Ambassador of Malaysia in Geneva), Ambassador Gyan Chandra Acharya (Ambassador of Nepal in Geneva), Mr. Mikio Kuwayama (Officer-in-Charge, Division on International Trade, ECLAC), Mr. Richard Moss Ferreira (Director General, General Secretariat of the Andean Community), Ms. Fay Housty (Director, Foreign and Community Relations, CARICOM Secretariat), Mr. Mark Pearson (Advisor, COMESA Secretariat) and Mr. Renato Baumann (Chief, ECLAC Office in Brasilia)

Dynamism in the Interface of the Multilateral Trading System and Regional Trade Agreements – A Post-Cancún Perspective

A new kind of regionalism is rapidly evolving in all regions of the world, especially in the period following the formation of the WTO. Some 300 RTAs have been notified to the WTO and some 200 are currently in force. These include South-South, North-North and North-South agreements. These will remain an enduring feature, and an integral part, of the international trading system in the foreseeable future.

The emergence of this new regionalism raises many issues. One is its impact on the multilateral trading system (MTS). The issue of regional integration as a "building block" or "stumbling block" for multilateral efforts was discussed. This is linked to the element of incompatibility between RTAs and MTS, as the former are an exception to the latter. There is no clear-cut answer to this issue. It was stated that RTAs could undercut the MTS and be detrimental to developing countries. Hence, developing countries could have much to lose from a bilateral or regional approach. On the other hand, it was stated that depending on the nature and content of RTAs, it could contribute to fostering the MTS and provide important benefits for developing countries. RTAs were also pursued for various strategic reasons, e.g. political considerations or attraction of FDI. It is obvious that this issue remains an open question and deserves further analytical work.

In fact, due to increasing and parallel participation of countries in various RTAs, the issue of the trade-off between integration in different layers and the preservation of policy spaces to define and implement national development policies by developing countries, and how such "forum shopping" by developing countries affect negotiating prospects, becomes an important strategic issue. It is crucial to assure that RTAs are more conducive to strengthening the MTS by minimizing their possible negative effects, while allowing developing countries to maximize their trade gains in the different layers of integration. The issue is to ensure that both MTS and RTAs are "development-plus" in fostering economic, human and social development and poverty alleviation.

Assessing and understanding the interface and coherence between RTAs and MTS also requires examining the impact of interface among RTAs – the spaghetti bowl illustration. For example, the FTAA initiative existing alongside with sub-regional and bilateral trade and integration processes in Latin America and the Caribbean increases the demand on countries negotiating capital and increases the complexities of issues to be addressed. Membership to multiple RTAs places tremendous burden to the administrative capacity of developing countries. Small economies in particular such as those members of the Caribbean Community are particularly affected.

Resolving Underlying Asymmetries: The Development Dimension in North–South Agreements

The emergence of North-South RTAs was recognized by participants as one of the more salient features of the new regionalism bringing new challenges, but also opportunities to participating developing countries. North-South RTAs are likely to be trade creating because of existing complementarities. The motives behind this new trend were discussed. The motivations by the developed countries in engaging into North-South RTAs have to be understood in the context of North-North relations. The issue of "competitive regionalism" was stressed in this regard. Also, regionalism as a means to foster the trade agenda of developed countries beyond what is currently possible in the MTS, particularly regarding the new issues (intellectual property rights, investment, competition, environment, labour) leads to WTO-plus RTAs that can affect and constrain policy flexibility available to developing countries, hence WTO-minus policy space. Such issues could be and are being discussed and taken up within regional integration groupings of developing countries, but could raise difficulties when approached in the North-South context. High tariff protection in developing countries makes reciprocal liberalization attractive from the developed country perspective.

Also, the strategies of TNCs and political considerations are behind the new North-South activism.

Developing countries are increasingly participating in RTAs with developed countries motivated principally by the possibility of turning unilateral trade preferences into contractual rights for better market access and entry conditions. Also expectations of increasing FDI flows and technology are motivating developing countries in negotiating this type of agreements. There are some issues in favour of participation; RTAs serve as a laboratory for liberalization, harmonization of rules and upgrading of regulatory environment, which diminishes market risks and enhances FDI. There are also some possible negative factors as reduced negotiating capacity and administrative complexity, for example rules of origin. It was highlighted that countries have to identify national objectives to pursue in different levels of integration, and approach negotiations, in a coherent and strategic manner.

North-South RTAs could have positive or negative effects on developing countries depending on a number of factors, these include *inter alia*: the architecture and structure of these arrangements; the level of existing protection; and the composition and the design of rules. Improved market entry conditions including simplified rules of origin, mutual recognition of standards and testing results and trade facilitation measures would be particularly beneficial to developing countries. It was widely recognized that there is a need for these agreements to incorporate elements of asymmetry in the form of SDT in commitments and disciplines, including the level of tariff dismantling, transition period or rules on safeguards and trade remedies such as *de minimis* level. Clear understanding of the impact of these agreements and rules being negotiated and sectors covered is essential.

The new phenomenon of North-South RTAs such as the proposed regional economic partnerships agreements (EPAs) between EU and ACP States under the Cotonou Agreement could affect African regional integration, development policies and the MTS. For these agreements to be development friendly, they must incorporate SDT provisions. For this to happen, WTO rules — particularly GATT Article XXIV — should incorporate SDT principles to allow African countries to better manage and take advantage of their participation in RTAs. The ACP Group of States recent proposal in the WTO on SDT in GATT Article XXIV was noted as a positive initiative in this direction.

The issue of trade and cooperation was addressed highlighting the importance of the integration of cooperation in RTAs which could ensure beneficial outcomes in North-South RTAs. Regional trade agreements combined with regional cooperation can bring development gains to developing countries. This has been the case in CAFTA and the extension of the principles of social cohesion and structural funds under the EU agreements. Another example are the regional infrastructure programmes between Brazil and Peru, Brazil and Venezuela, Brazil and Bolivia and within Mercosur. The newly created BIMST-EC agreement also aims to enhance trade combined with regional infrastructure development to enhance connectivity among the members. Other development features can include reduction of tariff peaks by developed countries; provision of adjustment support, technological support and technical assistance; facilitating mobility of workers; and developing trade remedy rules.

South–South Integration and Cooperation – New Trade Geography

South-South trade issues were also addressed. It was noted that South-South trade has been expanding more rapidly than world trade and thus exhibits great potential for further growth.

Of South-South trade, Asia accounts for a largest share, hence the importance of inter-regional trade. South-South trade is particularly beneficial as the products traded are composed of high-value added and technology intensive goods. Such trade is stronger at the regional level and needs to be encouraged at the interregional level, including through the GSTP. It was noted that South-South trade is not an alternative to North-South trade, but rather complements it as the North remains the key market for the South.

In Africa, regionalism is a development strategy aimed at bringing about greater economies of scale and integration within the various regions and the continent so as to act as a spring board for competitive participation in the global trade. For example, COMESA has formed an FTA and are moving towards a customs union.

The wider development strategy of RTA is also captured in ASEAN where members recently agreed to strengthen economic integration by creating an ASEAN economic community by 2020. The community would facilitate the freer flow of goods, services, capital and people. The goal of reaching higher integration is also manifested in the Andean Community and CARICOM.

Role of UNCTAD

UNCTAD has an important role to play in assisting developing countries deal with the interface between multilateralism and regionalism, and the interplay among RTAs, under the new trade, development and cooperation paradigm. This can include: (a) facilitating exchange of experiences and best practices among regional integration groupings; (b) identifying issues that require policy attention; (c) promoting networking and information sharing among regional groupings; (d) facilitating consensus building and international co-operation in addressing the development dimension of RTAs and the interface with multilateral trading system; (e) reinvigorating the Global System of Trade Preferences among developing countries (GSTP).

The following areas for further research were identified: (a) flexibility, differential treatment and asymmetry of commitments for developing countries under North-South agreements; (b) interplay among RTAs including rules of origin; (c) supply-side issues; (d) new approaches to ensure beneficial integration of developing countries in North-South agreements; (e) market entry barriers; (f) integrated trade and cooperation approach under RTAs; (g) development impact assessment of North-South and South-South RTAs; (h) customs union vis-à-vis free trade area; (i) coherence between national policies, RTAs and MTS; and (j) modalities to enhance South-South integration and cooperation including GSTP

Questions discussed in the Forum

The following are some of the policy questions discussed in the Forum. These questions would need to be further addressed and analyzed as countries proceed with trade policy reform and liberalization as part of their overall development strategy.

(i) Dynamism in the interface between regionalism and multilateralism: A post-Cancún perspective

- What are the opportunities and challenges in the interface between MTS and RTAs?
- How can the two approaches to trade liberalization become mutually reinforcing?

- Should developing countries focus on RTAs?
- Will the increased prominence of RTAs lead to the dilution of WTO rules?
- What are the implications of the proliferation of RTAs for the prospects of multilateral trade negotiations under the DWP?
- How best should developing countries approach both regional and multilateral trade negotiations so as to maximize gains for development, in particular in the areas of agriculture, non-agricultural market access and services, and the regulatory “deep integration” agenda?
- How can UNCTAD contribute to a positive interface of multilateral and regional trade negotiations?

(ii) Resolving underlying asymmetries: Development dimension in North-South agreements

- What are the areas of gains for developing countries under North-South agreements?
- How best can market access and entry barriers be addressed in sectors of export interest to developing countries, given the asymmetry in negotiating leverage?
- What kind of SDT and development cooperation is necessary in addressing adjustment and social costs, as well as trade, financial and development needs of developing countries?
- How can such SDT be designed for developing countries under RTAs while existing WTO rules may constrain the ability of RTA partners to do so?
- What reform of existing WTO rules is required to cater for North-South agreements, including GATT Article XXIV?
- What are the implications of North-North agreements for developing countries?
- What role can UNCTAD play in the promotion of the development dimension in North-South agreements?

(iii) South-South integration and cooperation: New trade geography

- How important are South-South integration and cooperation? Could they become as important as North-South agreements?
- With regard to South-South RTAs, what are the implications of establishing an FTA as compared with a customs union?
- What are the elements impeding the expansion of intraregional trade?
- Is interregional South-South cooperation viable given a variety of constraining factors, including distance?
- How can developing countries explore the potential of intraregional trade (market access, market entry and supply capacities), including through GSTP?
- Can South-South agreements address supply-side constraints through regional cooperation, and if so, how?
- How important is the deep integration in South-South agreements in addressing market entry barriers (competition, investment and standards)? How best can a “deep integration” agenda be approached through South-South agreements?
- What contribution can UNCTAD make in promoting South-South trade, as well as South-South integration and cooperation?

(iv) Positive coherence between multilateralism and regionalism

- What are the lessons learned in expanding intraregional trade?
- Which areas of trade integration and cooperation have proved most beneficial to the member economies?
- How has the MTS affected regional integration efforts?
- How best has equal treatment among “unequal” partners been secured?
- What mechanism and provisions have proved to be instrumental in addressing market access and entry barriers?
- How has the deep integration agenda impacted on developing country members of RTAs and their participation in the MTS?
- Has regional cooperation contributed to building human, institutional and entrepreneurial, as well as infrastructure and supply, capacities of developing countries for the expansion and diversification of intraregional trade?
- How should developing countries approach regional and multilateral trade negotiations?
- What is the role of UNCTAD in exchanging regional experiences and lessons learned, including the identification of best practices, and in exploring a positive interface between multilateralism and regionalism?

Annex 3

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