



UNEP-UNCTAD Capacity Building Task Force
on Trade, Environment and Development



**UNIVERSITÉ
DE GENÈVE**

FACULTÉ DE DROIT



RUIG/GIAN Project on Technology Transfer, Trade, and the Environment

Informal Roundtable Discussion

**WTO negotiations on Environmental Goods:
Promoting transfer of technology for sustainable development?**

Wednesday, 14 March, 14.00 h until 18.00 h

**Location: Auditoire Jacques Freymond
Hautes Etudes Internationales/Graduate Institute of International Relations (HEI)
right next to the WTO parking lot, inside the park on the lake,
Buses 1 from Cornavin or 11 from Place des Nations:
Terminal “Jardin Botanique”**

First Part

- **Opening remarks**
Ambassador Toufiq Ali, Permanent Mission of Bangladesh
Chair of the Committee on Trade and Environment in Special Session (WTO – CTESS)
- **Chair**
**Prof. J.D.A. Cuddy, Economics Division, Institut universitaire de hautes études
internationales/Graduate Institute of International Studies, Genève**
- **Introduction: Access to technology in the context of the implementation of international
sustainable development:**

Mahesh Sugathan, ICTSD

*Opening presentation focusing on Key Outcomes and Findings from ICTSD
Research on Technology Transfer and Environmental Goods Negotiations, 10 min.*

Ron Steenblik, Research Director, Global Subsidies Initiative, IISD

*Presentation on subsidies, technology transfer, and implications for the
Environmental Goods negotiations, 10 min.*

- **Coffee Break**

Second Part

- **Opportunities and challenges for technology transfer: Liberalization of environmental goods and dissemination of cleaner technologies and practices – Approaches, prospects and limitations for paragraph 31 (iii) negotiations:**

*Mike Ammann, Permanent Mission of Switzerland to the WTO
Presentation on the list approach and its link to promoting access to environmental technologies by developing countries, 10 min.*

*Eduardo Tempone, Minister of the Permanent Mission of Argentina
Presentation on the integrated approach and its link to technology transfer, 10 min.*

- **Discussants:**
 - **Soledad Leal, Mexican Mission to the WTO (Invited)**
 - **UNCTAD Representative (Invited)**
 - **Ben Simmons, Legal Officer, UNEP-ETB**
 - **Connie Martinez, Independent Consultant**
 - **Pierre Portas, former Deputy Executive Director, Basel Convention (Invited)**
 - **Maria Julia Oliva, PhD candidate, Faculty of Law, University of Geneva**
- **Open discussion**
- **Concluding remarks**
Professor Anne Petitpierre, Faculty of Law, University of Geneva

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Background

This Roundtable represents the first of three events organized jointly by the University of Geneva's Faculty of Law, the Graduate Institute of International Studies (HEI), UNCTAD, UNEP, and the International Network on Environmental Compliance and Enforcement (INECE). It will be followed, within the next few months, by another Roundtable on a related but separate trade & environment subject, and subsequently by a multi-stakeholder conference which will wrap up this initiative. The project, entitled *Technology Transfer, Trade, and the Environment: Promoting Synergy for Sustainable Development among the World Trade Organisation and Multilateral Environmental Agreements*, is financed by the Geneva International Academic Network (RUIG/GIAN).¹ It aims to increase awareness of the synergies between trade and environment in relation to access and dissemination of technology; provide the information needed to build on these synergies; and promote dialogue between the trade and environmental communities on these issues. We are convinced that this Roundtable as well as the project in general will be of interest to the Permanent Missions both to the WTO and to the United Nations as well as to academic and other observers of the trade & environment debate.

International sustainable development objectives and technology transfer

Technology plays a crucial role in achieving sustainable development. For example, existing and emerging technologies can reduce the negative impacts of human activity on the global environment by helping to secure cleaner, safer and more efficient use of natural resources, and it can assist communities in both developed and developing countries to manage their wastes and chemicals. For the most part, however, new technologies tend to emerge in industrialized countries. The costs of purchasing and implementing these technologies are often prohibitive for developing countries. There is consequently a continuous call in statements by the international community for efforts to promote technology transfer to these countries on favorable conditions.

The importance of technology transfer is reaffirmed in Agenda 21, the Rio Declaration (1992), and the Plan of Implementation agreed by states at the World Summit on Sustainable Development (WSSD, 2002). It is also widely referred to in MEAs, many of which have undertaken significant work on technology transfer. In the context of the Montreal Protocol on Substances that Deplete the Ozone Layer, for instance, a Technology and Economic Assessment Panel (TEAP) provides technical information related to the alternative substances and technologies, as well as their economic implications, which has been considered a pillar of the successful ozone protection regime. Another example is the Basel Convention on the Transboundary Movement of Hazardous Wastes, in the context of which fourteen regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation have been established.

Consideration of these MEA provisions and experiences on the identification, promotion and transfer of technology could be relevant in negotiations on the liberalization of environmental goods and services, though they have largely been overlooked.

¹ For a description of the RUIG/GIAN project please see <http://www.rui-gian.org/research/projects/projectlg.php?ID=136>

Paragraph 31 of the Doha Ministerial Declaration

Paragraph 31 of the Doha Ministerial Declaration represents a milestone as the integration -- for the first time in the more than 50 years of GATT/WTO history -- of environmental concerns in WTO negotiation processes. Nevertheless, it should be noted that the mandate for these negotiations is relatively narrow. Specifically, the goal of paragraph 31 (iii) is limited to the *reduction or elimination of tariff and non-tariff barriers* to environmental goods and services, which some consider to leave aside some of the central considerations to enhance the development and dissemination of these goods and services. Negotiations on paragraph 31, nevertheless, remain significant, both as opportunities to advance – even if in small ways – the mutual supportiveness between trade and environment, and as precedent for future discussions and negotiations of these issues in the multilateral trading system.

Moreover, it is important to keep in mind the Doha Round's development dimension. The first eleven preambular paragraphs of the Doha Ministerial Declaration describe an aspiration of contributing to the wider goal of development, going well beyond tariff and non-tariff negotiations and specifically including objectives such as the alleviation of poverty. As a result, the negotiations are being played out in the context of broader sustainability issues.

Negotiations on Environmental Goods

Since environmental services are negotiated as part of the wider services process at the GATS Council, the main focus of the workshop will be on the Environmental Goods negotiations at the Special Session of the WTO's Committee on Trade and Environment (CTESS). It is fair to say that these negotiations turned out to be more complex and arduous than anticipated at the 2001 Doha Ministerial Conference.

Indeed, the discussions under paragraph 31(iii) remain polarized. A range of concerns about the approaches proposed thus far have arisen during the negotiations, and further negotiations are necessary to meet the instruction by Ministers in Hong Kong to "to complete the work expeditiously under paragraph 31(iii)."

The Roundtable aims to look at some of the issues and concerns raised during the negotiations on Environmental Goods, as well as some of the current proposals on ways to address these issues and concerns. We thus hope that this Roundtable will make a contribution in the advancement of these negotiations and in fulfilling the goal of promoting mutually supportive trade and environment policies.

31. With a view to enhancing the mutual supportiveness of trade and environment, we agree to negotiations, without prejudging their outcome, on:

- (i) the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). The negotiations shall be limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question;
- (ii) procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status;
- (iii) the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.