



# Bridges Weekly Trade News Digest

*Weekly trade news from a sustainable development perspective*

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## LEAD STORIES

### WTO Govt Procurement Talks Continue; New Draft Decisions Tabled for Ministerial

With the WTO Ministerial Conference less than four weeks away, delegations are making a concerted push to finalise a plurilateral agreement that would liberalise access to billions of dollars worth of public procurement contracts for 42 countries. Meanwhile, three draft decisions – two on intellectual property issues, one on least developed country accessions – for the December ministerial gathering have also seen progress in recent weeks.

#### December goal for government procurement deal still likely, but 'not guaranteed'

Recent weeks have seen multiple meetings of the heads of delegation (HOD) of the countries involved in the Government Procurement Agreement (GPA) negotiations. Trade sources told Bridges that the negotiating parties – which include the 27-member EU bloc and the US – are still aiming to conclude the talks in time for the December ministerial, the biennial event that brings together the WTO's entire membership.

While the GPA would not be a ministerial decision item, given that the agreement only involves 42 of the WTO's 153 members, the goal for December is to have a ministerial level meeting of the Committee on Government Procurement, which is the body tasked with renegotiating the GPA.

At the meeting, ministers would recognise the results of the GPA negotiations and put together a process for setting the agreement into effect. Geneva-based trade officials told Bridges that parties are "hopeful" that the GPA renegotiation process will be complete by the December

ministerial; however, they added that this was still “not guaranteed.”

The GPA seeks to establish international rules for the non-discriminatory purchasing of goods and services by governments, with due consideration for countries’ diverse levels of economic development.

The agreement promotes efficiency and transparency in the use of public funds, and has been the source of some controversy, as governments have traditionally used government procurement to protect and promote local industries and businesses.

The GPA commits parties to certain core disciplines regarding transparency, competition, and good governance, covering the procurement of goods, services, and capital infrastructure by public authorities.

An earlier version of the agreement took effect in 1996, and was negotiated during the Uruguay Round of trade talks; the current talks seek to renegotiate the 1996 GPA, while negotiating accession for new potential parties.

The actual revised text for the Agreement has been mostly complete since December 2006; however, parties to the pact still need to finalise plans for expanding coverage. Coverage, in GPA parlance, involves what range of government procurements – in terms of the entities or sectors covered – are subject to the rules of the Agreement.

Acceding to the GPA means governments have to relinquish the ability to direct certain types of purchases to domestic firms – a mechanism that is otherwise used to promote particular economic sectors. In return for giving up this option, these countries’ companies are allowed access to the public tenders covered by the GPA in all countries that are parties to the agreement.

The GPA does not cover all types of public procurement, however. Each participating party, in signing on to the agreement, makes a detailed offer that outlines which public purchases of goods and services will be available for competition from other GPA parties.

## **EU disagreements with US, Japan remain**

While 95 percent of the negotiating pairs in the GPA are either at agreement or close, trade sources note that differences between the EU, the US, and Japan on the coverage of the GPA still remain. This long sought-after settlement between the EU-US, EU-Japan negotiating pairs is “central to the whole [GPA process],” a Geneva-based trade official explained.

The EU has traditionally had difficulty in finding agreement with the US and Japan on these two countries’ proposals for coverage of future commitments on liberalised public procurement, and the US and Japan have had difficulties with the EU’s proposal.

Recent bilateral talks between the EU and US, and those between the EU and Japan, have reportedly made progress. All sides are “very actively engaged and trying to come to an accommodation,” the official added.

Government Procurement Committee Chair Nicholas Niggli, a senior Swiss trade diplomat, confirmed in a briefing yesterday morning that there continues to be a lot of contact between the US, EU, and Japan delegations, but that these parties are still searching for balance. Niggli added that he was confident that parties will reach the necessary balance.

Noting that expectations for deliverables from the December ministerial are already low, Niggli also urged delegations to continue pushing for the finalisation of the GPA renegotiation by December.

Another closely-watched issue in the GPA process is the accession of new members, particularly China. In the case of China, trade officials still anticipate the submission of a second “robust, revised offer” by year’s end that would outline which Chinese government agencies would be covered under the agreement, what thresholds would apply, and other coverage-related details.

China has submitted two earlier offers to the committee – one in 2008 and the other in 2010 – and both times received written requests from various parties requesting improvements.

The Committee on Government Procurement, in its 16 November [report](#) for the General Council, noted that the second revised offer by China is expected to “fulfil the commitments to include sub-central entities... and second, address a number of other requests that had been made by Parties, which include reduction in thresholds, expansion of services coverage, and the removal of general restrictive notes.”

### **Draft decisions for ministerial on LDC, IP issues**

In other ministerial-related news, delegates from a representative group of WTO members have agreed in principle on a draft decision regarding least developed country (LDC) accession. The decision was made during a private consultation today, and will be put to the LDC subcommittee for consideration next week.

Under the proposed draft decision, Ministers would direct the LDC subcommittee to develop recommendations to “further strengthen, streamline, and operationalise” the 2002 guidelines for LDC accession to the global trade body, according to a text of the proposed draft decision seen by Bridges. This would include benchmarks in the area of goods tariffs, and potentially services as well.

The text of the proposed draft decision adds that “S&D (special and differential) provisions, as stipulated in the 2002 guidelines, shall be applicable to all acceding LDCs”; requests for additional transitional periods would also be considered in the context of the individual development needs of LDCs.

The LDC subcommittee would be asked to complete this and related work, with the goal of making recommendations to the General Council – the WTO’s highest-decision making body outside of the ministerial conferences – by July 2012.

At the December gathering, trade ministers from the WTO’s 153 member countries are also expected to ask the Council on Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) to consider extending the mid-2013

deadline for least developed countries to comply with the TRIPS Agreement.

The original deadline for LDCs to comply with the TRIPS Agreement was set for 2005, but was extended in that same year to 1 July 2013 (see Bridges Weekly, [30 November 2005](#)). The 2005 extension required, among other things, that LDCs identify their priorities for financial and technical assistance in intellectual property (IP) protection.

The extension agreed upon in 2005 exempted LDCs from protecting trademarks, patent, copyright, and other types of intellectual property. However, in cases where LDCs do have some IP protections in place, then those protections must comply with the non-discrimination clauses of the WTO agreement.

Bangladesh, which is the coordinator of the LDC group, and Angola, which is the group’s TRIPS coordinator, both noted in presenting the new extension proposal that only six countries – Bangladesh, Rwanda, Senegal, Sierra Leone, Tanzania, and Uganda – have submitted their priority needs to date. In that light, the proposal requests additional assistance so that more countries can identify such needs.

The draft, which was the result of informal consultations among a small group of countries, reads: “Ministers invite the TRIPS Council to give full consideration to a duly motivated request from Least Developed Country Members for an extension of their transition period under Article 66.1 of the TRIPS Agreement, and report thereon to the WTO Ninth Ministerial Conference.”

Ministers meeting in Geneva in December are also expected to agree that WTO members will continue to refrain from bringing TRIPS non-violation cases to the dispute settlement system for two more years.

TRIPS non-violation complaints concern whether countries should be allowed to bring WTO disputes on the grounds that the spirit of the organisation’s intellectual property rules have been breached, rather than just the letter of the TRIPS agreement. A five-year prohibition on such complaints was put in place at the WTO’s

founding in 1995, and has been extended repeatedly at ministerial conferences ever since.

ICTSD reporting.

## OTHER NEWS

### Canada, Mexico Defeat US Country of Origin Label at WTO

The US' country-of-origin labelling (COOL) requirements for livestock and meat exports have been deemed WTO illegal, according to a ruling issued on Friday 18 November (DS384, 386). The three-member panel found that the label, which was challenged by both Canada and Mexico at the global trade body in 2008, was too trade restrictive, in addition to discriminating on the basis of nationality.

The panel, however, did not dismiss the right to label the origin of food; the experts only found fault with this particular US practice. Origin labels thus continue to be a lawful policy instrument under WTO rules.

The ruling marks the third time this year that a panel has dismissed the US implementation of a consumer protection policy, with all rulings calling for stronger protection and/or more consumer information.

In all three cases, the dispute panels recognised the US' right to pursue the objective behind these policies. The problem was instead with the US' implementation of these measures, either for not reaching far enough, thereby being misleading or unable to achieve the objective, and/or by being discriminatory.

Beef and pork producers in Canada and Mexico and the meat processing industry in the US applauded the ruling, hoping that it would ease the economic situation of the highly integrated North American meat market.

The decision was equally welcomed by the Canadian government, with Agriculture Minister Gerry Ritz calling it "a clear win for our industry."

A statement from the Mexican Economy Ministry similarly called the ruling an "important victory."

The US, on the other hand, has already indicated an interest in an appeal. "Although the panel disagreed with the specifics of how the United States designed those [labelling] requirements, we remain committed to providing consumers with accurate and relevant information with respect to the origin of meat products that they buy at the retail level," said Andrea Mead, Press Secretary for the Office of the US Trade Representative (USTR).

"In that regard we are considering all options, including appealing the panel's decision," she added. Under WTO rules, parties to a dispute have a 60-day window for filing an appeal.

#### Lost in translation

COOL – consisting of a number of different instruments enacted as part of the 2002 US Farm Bill and substantially revised in 2009 – requires that consumers be informed of the country of origin of meat via a label on the sales package. It provides for a total of five different categories of country of origin label, each divided into up to three sub-categories.

To receive an "A" label, cattle must be born, raised, and slaughtered in the US. Meat from cattle with a mixed life – for example, born abroad but raised and slaughtered in the US – must have a label indicating that mix.

In cases where meat (including live feedstock) with different eligibility gets mingled, the final label needs to be determined on the basis of a complex formula. For instance, the mixing of A and B meat results in a B or C label for the final product, depending on when and where the mixing occurred. Moreover, mixing A and C meat can result in a B label. On the final labels, B and C origin indications are difficult to distinguish: "product of the US, Country X" stands for label B while "product of Country X, the US" stands for label C.

Notably, the complainants did not challenge the right to label the origin of food per se. However, Canada and Mexico argued that this labelling

practice “in reality required a constant segregation of feedstock [even where different herds are raised by the same farmers] which substantially decreased the competitiveness of foreign products.”

They also argued that the label was simply misleading and confusing, thereby being an unnecessary trade restriction.

“The US did not take into account Mexico’s special needs as a developing country when preparing and applying the COOL measure,” Mexico had added to its claims.

### **Measure found to be “discriminatory, misleading and confusing”**

As the labelling requirements apply to imported as well as domestic products, Washington had consistently argued that the measure was not discriminatory. Also, the US pointed out that segregation (though necessary) was not legally demanded. “To the extent that market players are segregating or demanding less foreign livestock, this results from their independent decision, and is not attributable to the United States.”

The panel, however, sided with Canada and Mexico.

“The competitive opportunities of imported livestock are reduced as the additional costs of compliance with the COOL measure are incurred,” the panel noted in its final finding. This marks a *de facto* discrimination on the basis of nationality, which is illegal under WTO law.

Washington also failed to justify the measure as “pursuing a legitimate objective.” Though the panel recognised that consumer information was indeed a legitimate objective, and that this also included labels on the country of origin, it found that the COOL measure was not able to achieve that goal.

The reason, according to the panel, was that the information submitted through the COOL labels was misleading and not understandable for consumers – an argument made by both Mexico and Canada.

### **Multiple US losses on product labelling**

This ruling marks the second time in just over two months that a WTO panel has found a US product label for consumer information illegal, on the grounds that the labels are misleading. The other similarly high-profile case centred on the US’ “dolphin safe” labelling practice for tuna products (see Bridges Weekly, [21 September 2011](#)).

Just weeks prior to the tuna ruling, another dispute panel ruled that a US trade ban for flavoured cigarettes, including clove cigarettes which are exclusively produced in Indonesia, was illegal under the global trade body’s rules (see Bridges Weekly, [7 September 2011](#)).

The clove cigarette ban was part of a legislation geared at preventing minors from smoking, under the grounds that minors are often introduced to tobacco through flavoured products. Menthol cigarettes, which are produced only in the US, were not included in the ban despite evidence that minors are equally attracted to these as to other flavoured tobacco products.

All three WTO rulings – tuna, clove cigarettes, and COOL – have come under fire by US consumer protection groups. These organisations have defended Washington’s objectives – environmental protection, public health, or providing consumer information, respectively – in using such measures.

ICTSD reporting.

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## **Korean Lawmakers Ratify US FTA**

In a surprise plenary session of the South Korean National Assembly on Tuesday 22 November, the ruling Grand National Party (GNP) pushed through the ratification of the US-Korea Free Trade Agreement, despite chaos in the assembly room and protests on the streets. The controversial trade pact, originally negotiated in 2007, was signed into law in Washington this past October (see Bridges Weekly, [12 October 2011](#)).

US Trade Representative Ron Kirk, [praised](#) the approval of the “win-win agreement,” which

could potentially go into effect on 1 January 2012. “We look forward to working closely with the government of Korea to bring the agreement into force as soon as possible,” Kirk added.

Upon the pact’s ratification in Seoul, the president’s spokesman, Choe Guem-nak, stressed that the pact would lead to job creation and a rejuvenated economy, and promised that “the government will actively pursue measures for farmers and smaller business owners to help improve their competitiveness.”

Korean attitudes toward the FTA have long been mixed, with the GNP facing substantial political opposition from the Democratic Party (DP) and outcry from small business owners.

With the vote originally postponed to a plenary session scheduled for 24 November (see Bridges Weekly, [16 November 2011](#)), the GNP-initiated session on Tuesday came as a surprise to the DP. Chaos broke out in the National Assembly as the GNP used their majority power to push the FTA through, inciting strong disapproval from the DP and leading to the detonation of a tear gas canister by opposition lawmaker Kim Sun-dong.

Kim told reporters that the tear gas was meant to act as a reminder for the GNP of the “bitter tears” that the ordinary citizen would cry if the trade accord were to go into effect.

### **Investor-state clause still spurring controversy**

The DP has lately taken issue with an investor-state clause in the trade pact’s chapter on foreign investments, which allows either party to bypass domestic courts and refer investor-state disputes to an international arbitration panel.

Critics argue that this provision would give US investors undue right to sue the Korean government; proponents note that the clause has already appeared in past Korean FTAs and has yet to lead to Seoul being sued.

Last week, President Lee Myung-bak, in hopes of speeding up the accord’s ratification, promised opposition members that once ratified, he could approach the US with that particular provision of the FTA and request its renegotiation.

The DP has since refused to accept that offer.

The pact was already partially re-negotiated once in 2010, for the sake of resolving disagreements between the two countries regarding Korean access to the US automobile market and US access to the Korean beef and automobile markets (see Bridges Weekly, [9 December 2010](#)).

### **Concerns over cheaper agriculture imports**

Opponents of the trade pact argue that the FTA will solely benefit large export companies, while pushing small businesses and farmers to the wayside. These sentiments were echoed in past protests (see Bridges Weekly, [2 November 2011](#)) as well as on Tuesday in the streets of Seoul, where protesters marched and reportedly chanted threats to retaliate at the polls next April.

Sohn Hak-kyu, chairman of the DP, called the ratification process an “act of violence,” stating that if the voters gave the DP power, “we will declare the agreement invalid.”

Observers following the Korean ratification process had suggested that the upcoming general parliamentary and presidential elections were the reason why the GNP had previously been reluctant to use their majority power to push the bill through.

The Korean agriculture and livestock industries have taken a particularly strong stance against the pact, fearing the possibility of cheaper agricultural imports from the US.

Estimates from the US International Trade Commission suggest that US agricultural exports would increase by anywhere between US\$1.9 billion to \$US3.8 billion as a result of the trade agreement. The deal is set to slash tariffs on nearly two-thirds of US farm exports.

The original accord was negotiated and signed under former Korean President Roh Moo-hyun and his counterpart, then-US President George W. Bush, in 2007. The US Congress ratified the pact last month, after a summer filled with political wrangling over a controversial worker aid programme.



The accord was signed into law shortly after by current US President Barack Obama.

ICTSD reporting; “US-South Korea Free-Trade Deal Ratified in Seoul Amid Protest,” BLOOMBERG, 23 November 2011; “South Korea Approves Free Trade Pact with US,” NEW YORK TIMES, 22 November 2011; “South Korea Clears US Trade Deal,” WALL STREET JOURNAL, 23 November 2011.

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## WTO Debates Food Security as Import Bills Soar

Food import bills are set to reach a new height of US\$1.29 trillion this year, a specialised UN agency told WTO members at a meeting of the global trade body last week.

The new figure is due to represent a record high, as well as a record increase, the UN’s Food and Agriculture Organisation (FAO) said at a 17 November session of the WTO’s Committee on Agriculture devoted to discussing the situation of poor food-deficit countries.

Spending on grain-based products and vegetable oils accounted for over one-third of the entire cost of importing food this year, the agency said in a paper ([G/AG/GEN/98](#)) submitted ahead of the meeting. However, import costs had also risen by 23 percent for sugar and beverages, and by an average of 19 percent for livestock products (including both meat and dairy).

The agency’s assessment was echoed by the World Bank, which said its commodity price index had been stable since March 2011, but at a higher level than its previous peak.

Higher prices, and not greater volumes of trade, were behind the import bills’ increase, the FAO said – pointing out that the amount of sugar traded had even declined during the year.

However, low and stable international freight costs for much of the year had helped contain price increases, the agency said. Higher domestic production and the downgrading of economic

growth in several important markets had also played a role.

## Marrakesh Decision

The agencies’ analysis was presented at a meeting to review follow-up actions to the [Marrakesh Ministerial Decision](#) – an accord that was struck at the end of the Uruguay Round of trade talks. The Marrakesh Decision was aimed at preventing agricultural trade reforms from undermining food security in the least developed and net food-importing developing countries (known as LDCs and NFIDCs in the WTO’s jargon).

The decision aimed to ensure that trade liberalisation did not lead to adverse effects in poor food-importing countries, and included clauses on food aid, agricultural productivity and financing arrangements. However, food-deficit developing countries have complained for years that the decision has not been implemented effectively.

This year’s discussion took place against the backdrop of preparations for the 15-17 December WTO Ministerial Conference – and a communication (see Bridges Weekly, [2 November 2011](#)) from the NFIDCs calling for ministers to agree upon a work programme to address the specific food security challenges that they and the LDCs now face.

The draft text calls for a comprehensive work programme to ensure that NFIDCs and LDCs can access adequate supplies of basic foodstuffs; to “explore the possibility” of developing rules to exempt countries in these two groups from export restrictions imposed by other WTO members that are major exporters of these foodstuffs; and to help NFIDCs and LDCs access trade financing on concessional terms, possibly through a fund that would be set up for this purpose.

The work programme proposal was debated on 16 November in an informal session of the agriculture committee specially convened for the purpose. Trade sources told Bridges that while members seemed broadly to share the view that a work programme was desirable, they disagreed on its scope and focus.

Some members argued that the focus of any such work programme ought to include other countries with food security concerns, but which did not fall into the existing categories of net food-importing countries or least developed countries. Indonesia and Nigeria were reportedly amongst the countries expressing this view.

A number of countries in the Cairns Group of agricultural exporters emphasised that it was important to consider the range of trade policies that can affect food security – including market access measures and trade-distorting subsidies – in addition to the question of agricultural export restrictions that the NFIDCs had raised.

Argentina had a particularly strong reaction to the World Bank's advice that, "to minimise the impact of future food price spikes, clear commitments to avoiding the use of export restrictions on food will be needed." Argentina, a Cairns member and major agricultural exporter, has historically applied export restrictions, ostensibly to raise government revenue and promote value addition in the agricultural sector.

Some countries, such as Bolivia and Venezuela, reportedly cautioned that they may find it difficult to accept disciplines affecting their ability to impose export restrictions, due to clauses in their national constitutions that enshrine an obligation to guarantee food for their populations. Other WTO members took issue with the NFIDC's proposal to consider setting up a fund to provide concessional financing to countries facing difficulties in paying for imports of basic foodstuffs. Similar proposals had been discussed extensively in recent years, without bearing any fruit, some members noted; meanwhile, others argued that other global bodies were better suited to providing financing of this nature.

Trade sources told Bridges that the proposal was now expected to be considered at the General Council, due to meet informally tomorrow, 24 November, and in a formal session next week on 30 November and 1 December.

### **Trade negotiations: no consensus on cotton**

At a separate meeting of the 'special session' of the committee on agriculture last Friday, WTO

members formally elected New Zealand ambassador John Adank as the new committee chair, who reported back to them on consultations he had held recently on cotton.

The so-called 'C-4' group of West African cotton producers - Benin, Burkina Faso, Chad, and Mali - had recently submitted a new proposal (see Bridges Weekly, [16 November 2011](#)) for a ministerial decision, calling for a freeze on current cotton subsidy spending, amongst other things. However, Adank told members that no consensus had been reached, just one day ahead of a deadline for proposing to the General Council items for inclusion on the WTO ministerial agenda.

C-4 countries have consistently been frustrated in their attempts to pursue cuts to US cotton subsidies, which Washington has variously linked to progress on Doha Round agriculture negotiations more generally, the upcoming domestic Farm Bill process, and the subsidies of larger developing countries such as China and India. Some African countries speaking at the meeting argued that the onus was still on the US to produce a counter-proposal responding to C-4 demands in this area.

Trade delegates told Bridges that they expected to have a clearer idea of the agenda for the ministerial conference following next week's General Council meeting.

### **More information**

Analysis by the FAO (G/AG/GEN/98 and G/AG/GEN/98/Corr.1) and World Bank (G/AG/GEN/96) is available online at [docsonline.wto.org](http://docsonline.wto.org).

ICTSD reporting.



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## **WIPO Development Cttee Agrees on South-South Project, Considers External Review**

The World Intellectual Property Organization's (WIPO) Committee on Development and Intellectual Property (CDIP) reviewed last week the implementation of the WIPO Development Agenda (DA) recommendations, which were adopted in 2007 with the aim of "enhancing the development dimension of the organisation's activities." The committee also reached agreement on a South-South co-operation project that had led to the suspension of the previous session of the CDIP, and examined an external review of WIPO's technical assistance.

### **Stalemate on South-South co-operation project resolved**

The CDIP's seventh session was suspended in May 2011 over disagreements between members on a South-South co-operation project, first submitted by Egypt in November 2010 and endorsed by the African Group and the Development Agenda Group, a group of like-minded developing countries (see Bridges Weekly, [11 May 2011](#)).

The proposed project would entail the organisation of four interregional meetings among developing countries and least developed countries (LDCs); the creation of a webpage on the WIPO site on South-South co-operation; and the launch of an interactive web portal among IP offices, civil society organisations, and research institutions in developing countries and LDCs.

Restricting participation in the interregional meetings to developing countries and LDCs had caused some discomfort for developed countries, who wanted to ensure participation by all interested member countries.

The project was accepted last week with the understanding that the terms of reference for the project would be finalised through further consultations by January 2012 and that the interregional meetings would be open to developing countries, LDCs, and all other interested members.

### **External review of technical assistance attracts attention**

At the meeting, the Committee also considered an external review of WIPO's technical assistance, which had been mandated under the DA. The external review examined the technical assistance activities performed by all WIPO departments in the area of co-operation and development from 2008 to 2010.

The DA mandates that WIPO technical assistance be "development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of WIPO member states."

The review – the first of its kind at WIPO – found shortcomings in the orientation, impact, management, and co-ordination of the technical assistance activities undertaken by the organisation, and called for improvements in the internal processes of WIPO's development activities.

In response to these findings, the EU and the US agreed that it was necessary to review the recommendations outlined in the report, in order to take into account any recent developments. They noted that some of these recommendations might have already been addressed since the report's completion, while others might be best dealt with in other contexts. In that light, the EU and US also requested that the WIPO Secretariat produce a management response, as called for in the report's terms of reference.

The Committee agreed to set up an ad hoc working group to review all the recommendations of the external review, which will present its findings to the Committee at the next session of the CDIP, scheduled for May 2012.

### **Flexibilities, Millennium Development Goals also feature in CDIP discussions**

The Future Work Program on Flexibilities in the Intellectual Property System also drew attention at the CDIP discussions, with the committee agreeing to create a database of national legislations relating to flexibilities in all areas of

intellectual property. Members also decided to share their experiences on the use of flexibilities on a voluntary basis.

The WIPO Secretariat will now continue the work on flexibilities and compile the proposals by different countries into a single document and present it to the next session of the Committee.

The Committee also reviewed a report on WIPO's contribution to the United Nations Millennium Development Goals (MDGs); the report recommended that WIPO develop a closer relationship with the MDG task force and improve its results-based management framework to take the MDGs into better consideration.

In their opening statement, the African Group noted that "the findings of the report necessitate WIPO to implement them urgently, considering the overall assessment of the MDGs implementation is in four years' time."

The CDIP also reviewed progress reports on the implementation of the 16 ongoing DA projects, while approving three new projects on technology transfer, the informal economy, and public domain. It also agreed to examine at its next session a project on the audiovisual sector in Africa, which was proposed by Burkina Faso.

Finally, the CDIP received and examined for the first time a report from the WIPO General Assembly containing the submissions by other WIPO committees and bodies. The submissions centred on these committees' and bodies' contributions to the implementation of the WIPO DA recommendations.

ICTSD reporting.

*[Editor's note: This version has been corrected to properly reflect the reactions of the EU, US to the external review. The previous version misstated the nature of these reactions. 9:52 PM, Thursday 24 November]*

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## Failure of US 'Super Committee' Puts Farm Bill Process on Hold

Congressional leaders have called quits on an effort to cut the US fiscal deficit in time for a self-imposed 23 November deadline. The recent push to develop a plan for curbing farm spending has, as a result, been set aside.

In a [statement](#) calling off the rush to a compromise, the six-member Joint Select Committee on Deficit Reduction, better known as the Super Committee, expressed hope that Congress would continue to build on its work to rein in government outlays.

Congressional agriculture committees had earlier committed to US\$23 billion cuts in the five year 2012 Farm Bill period. The omnibus legislation is [projected](#) to cost US\$480 billion over the same period, with funds going primarily towards the food stamp programme.

Under the now defunct farm bill negotiations, US\$15 billion in cuts would come from programmes subsidising or insuring particular crops and US\$8 billion from conservation and nutritional programmes.

Although a proposal from the Senate farm committee to the Super Committee was leaked on Friday, the final output of weeks of work is not likely to be disclosed immediately.

### Next steps uncertain in 'highly politicised' environment

The bipartisan Super Committee was tasked with shaving US\$1.2 trillion over a 10 year period out of an estimated \$40 trillion federal budget. Its failure to reach a compromise will likely mean US\$1.5 trillion in automatic across the board cuts – affecting politically sensitive programmes such as national defence, Social Security, and Medicare.

In farm spending, food stamps and conservation would be the only programmes spared from the automatic cuts. Analysts at the National Sustainable Agriculture Coalition (NSAC), citing US Congressional Budget Office calculations, expected US\$15.6 billion to be culled largely from

crop and revenue insurance programmes under the automatic cuts.

The NASC is a Washington-based alliance of grassroots organisations that advocate for federal policy reform to advance the sustainability of agriculture and natural resources.

In recent weeks, many observers conceded the inevitability of reduced direct payments in exchange for a strengthened crop and revenue insurance programme that would make for up to 90 to 95 percent of losses on commodity crops. Ferd Hoefner of NSAC told Bridges that direct payments were now in “the dustbin of history.”

The process for updating the Farm Bill still remains murky, with Hoefner commenting that “nobody knows” where it might be headed. Observers in Washington suggested several possibilities – a farm bill written in 2013, with an extension of the current legislation passed to hold farmers over; a bill written and passed in 2012 through the usual process; or a bill reached through an alternative compromise on the deficit.

Long-time farm bill watchers emphasised the fragility of the upcoming process. An agricultural economist at Ohio State University, Carl Zulauf, whose specialties include the current crop revenue (ACRE) programme, told Bridges that many variables – including crop prices – would drive the time, place, and nature of discussion around the next farm bill.

Presidential politics and the importance of early primaries in farm states, such as Iowa, may also set the tone for the year. Charlotte Hebebrand of the Washington-based International Agricultural Trade Policy Council told Bridges that, while the failure of the Super Committee might be a good thing by leading to increased transparency in the farm bill talks, it would still be a more difficult process since a consensus view “exists less and less,” she said.

Projections of uncertainty might be well-rewarded. Ambassador Clayton Yeutter, who was the US Secretary of Agriculture during the late 1980s and early 1990s, told Bridges nearly three weeks ago that there was “no way they can produce a completed product this year.”

Citing a “highly politicised” environment, he noted the likelihood of a 2013 Farm Bill where sugar and dairy do well, “as always,” and that includes a strengthened crop insurance programme. Predicting that those with the greatest political influence would emerge with the “fewest policy/financial scars” he added that traditional crop subsidies would likely be “reduced substantially.”

### **WTO and development a marginal consideration, experts say**

In the view of Congressional agriculture committees, farm bills are written “in Washington, DC and not in Geneva,” said Yeutter. Others observed a complete absence of WTO rules from the Congressional negotiating process. Hoefner told Bridges that the attitude of those writing the farm legislation in recent weeks towards the WTO was “so what!”

The possibility of the US eliminating direct payments and shifting towards ‘amber’ box, or more trade-distorting support, is an area of concern for some WTO members, as the US Congress might be quietly aware. At an event last week, Joe Glauber, the US Department of Agriculture’s Chief Economist, told a Johns Hopkins audience that Congressional staffers had been regularly consulting with his office on the size and nature of farm payments that would be allowed under WTO rules.

In the absence of a final Doha Round agreement, US spending must remain under the Uruguay Round Agreement on Agriculture limits. Hebebrand argued that the limits would not be the “first consideration” for US lawmakers; even so, adhering to those limits would still leave lawmakers “a lot of leg room.”

Reaction from a Geneva-based developed country agriculture delegate was muted, with officials in Geneva occupied with the upcoming WTO ministerial conference. Commenting on the proposals circulated thus far, “reductions in farm spending,” he said “don’t always lead to a more trade-friendly policy. “When you cut in one place you have to increase payments elsewhere,” he added.

Some development organisations in DC have been critical of the thus-far closed farm bill process. Eric Muñoz of Oxfam noted a particular lack of concern for developing the country's small holders. The US Congress, he argued, has "abdicated responsibility for a farm bill that is responsive to the interests of people that are affected by our farm policy."

ICTSD reporting.

## COMMENTARY

### Fifty Years Later, the IP, Technology Transfer, and Development Debate Lives On

By Ahmed Abdel Latif and Pedro Roffe

While several events are being held this month to mark the tenth anniversary of the Doha Declaration on TRIPS and Public Health (2001), another significant milestone in the evolution of the international intellectual property system has gone largely unnoticed: the fiftieth anniversary of Brazil's submission to the United Nations General Assembly (UNGA) of a draft resolution on patents, technology transfer, and development.

The Brazilian submission, tabled in November 1961, prompted a month's worth of intense deliberations that culminated with the UNGA's adoption – by consensus – of resolution 1713 (XVI), entitled 'the role of patents in the transfer of technology to under-developed countries'.<sup>1</sup> The resolution was adopted on 19 December of that same year.

The Brazilian initiative addressed for the first time the role of intellectual property rights – specifically patents – in technology transfer to developing countries, specifically in the wider context of the United Nations and international economic discussions. The deliberations surrounding the

resolution have been well documented in recent years, particularly the manner in which the final resolution ended up evolving substantially from Brazil's initial draft.<sup>2</sup>

Ultimately, the resolution set in motion the elaboration of various studies on the topic. It also resulted in several initiatives that still resonate today in discussions being held in various contexts, such as the WIPO Development Agenda.

### Major changes since 1961

Undoubtedly, the world has seen major changes since the adoption of the 1961 resolution. A number of developing countries, particularly in Asia, have significantly developed their manufacturing and technological capabilities in the span of just a few decades. Information and communication technologies have opened new horizons for reducing the knowledge gap and the traditional North-South divide. Trade liberalisation has been a powerful engine of globalisation, while promoting innovation has become a key policy objective in many countries.

At the policy level, a better understanding of these issues is beginning to take shape. It has become abundantly clear that both technology acquisition and technology transfer are neither automatic nor costless. Rather, their success requires the development of additional technical and institutional capabilities. One-size-fits-all approaches have also proven, in many cases, to have detrimental effects. While multilateral processes cannot provide all the answers, meaningful international action for promoting technology transfer within a general technology acquisition framework is taking shape, as reflected in the recent establishment of a Technology Mechanism under the United Nations Framework Convention on Climate Change (UNFCCC).

<sup>1</sup> The text of UNGA Resolution 1713 on "the role of patents in the transfer of technology to under-developed countries" is available at: <http://www.un.org/documents/ga/res/16/ares16.htm>

<sup>2</sup> Andrea Koury Menescal (2005) Changing WIPO's Ways? The 2004 Development Agenda in Historical Perspective. *The Journal of World Intellectual Property*, Vol.8 No.6; Neil Weinstock Netanel ed. (2008), *The Development Agenda: Global Intellectual Property and Developing Countries*, Oxford University Press.

Despite this broader picture, patent ownership continues to be heavily concentrated, with industrial and some emerging economies accounting for most new patenting. According to a World Intellectual Property Organization (WIPO) report published in 2010, just five countries – the United States, Japan, Germany, China, and the Republic of Korea – accounted for 71 percent of filings under the Patent Cooperation Treaty (PCT) in that year.<sup>3</sup>

Another report by the United Nations Environment Programme (UNEP), the European Patent Office (EPO), and ICTSD found that five industrialised countries – Japan, the United States, Germany, the Republic of Korea, and the United Kingdom – alone accounted for almost 80 percent of patent applications in clean energy generation technologies.<sup>4</sup>

This trend is also reflected in global R&D spending. While the 2011 World Intellectual Property Report<sup>5</sup> found that the geography of innovation has become more internationally diverse in recent years, their findings also indicated that high-income countries continue to dominate global R&D spending (around 70 percent of the world total).

### **Fifty years later, many of the same questions remain**

Today, technology transfer and more broadly improved access to technology both remain pressing concerns in a variety of international forums dealing with climate change, health, trade, and intellectual property.

The international community continues to grapple with some of the same fundamental questions that were raised fifty years ago, such as: What is the best way to promote technology transfer to

developing and least developed countries? What are the most effective incentives to be encouraged and the barriers that need to be overcome? What is the exact role of intellectual property rights in this regard, and how can these better contribute to dissemination and technology transfer?

Empirical evidence shows that there are no simple answers to any of these questions. While intellectual property is an important driver of innovation, its role in the dissemination and diffusion of technology is markedly more complex because it varies from sector to sector, and is often difficult to isolate from other economic and institutional factors. Although licensing practices play a key role, there is still relatively little information about them.

### **A way forward**

However, this does not mean that nothing can be done. The ideal objective of an intellectual property system is captured in Article 7 of the WTO's Trade-Related Aspects of Intellectual Property (TRIPS) Agreement: "the protection and enforcement of intellectual property rights *should* contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations" (emphasis added).

The international community and governments can and should assist in devising the necessary options and taking the appropriate measures for achieving this TRIPS objective.

For example, the implementation of technology transfer provisions in international intellectual property instruments, such as article 66.2 of the TRIPS Agreement about incentives for technology transfer to Least Developed Countries (LDCs), can be significantly enhanced using today's improved understanding of how technology dissemination and transfer take place, and under which enabling framework.<sup>6</sup>

<sup>3</sup> *PCT Yearly Review: The International Patent System (2010)*, p.12 available online at: <http://www.wipo.int/ipstats/en/statistics/pct/>

<sup>4</sup> *UNEP, EPO and ICTSD Report (2010). Patents and Clean Energy, Bridging the Gap Between Evidence and Policy*, p.64 available online at: <http://ictsd.org/i/publications/85887/>

<sup>5</sup> *World Intellectual Property Report (2011)*. pp.33-34, available online at: [http://www.wipo.int/econ\\_stat/en/economics/wipr/](http://www.wipo.int/econ_stat/en/economics/wipr/)

<sup>6</sup> Suerie Moon (2008), *Does TRIPS Art. 66.2 Encourage Technology Transfer To The LDC's?: An Analysis Of Country*

In addition, availability and easy access to technological information in patent applications, often hailed as one of the patent system's key contributions to technology transfer, remains a daunting challenge, particularly for developing countries – despite the improvements brought by digitisation and automation in many patent offices.

The extent of disclosure of technological information in patent applications can also raise concerns, as such disclosure is often done to the minimum level necessary to acquire patent rights.

Furthermore, intellectual property laws in developing countries are generally set up as separate compartments, disconnected from national innovation systems and lacking the necessary checks and balances – such as competition policies, informed judicial entities, and active civil society groups – that do exist in industrialised economies.

They also often lack the same flexibilities, limitations and exceptions found in the legislations of developed countries. These can play a useful role in facilitating access to knowledge and technology and in building local absorptive capacity, which is a prerequisite for any effective technology transfer.

Finally, practical tools – such as patent landscapes and licensing surveys<sup>7</sup> – are now available and can be more widely used to better inform a debate that should not be confined to categorical statements on any side.

This 50<sup>th</sup> anniversary reminds us that, despite changing circumstances, the global debate on technology transfer, intellectual property, and development has remained relevant. With fifty years' worth of lessons and experiences to draw from, the international community must now

strive to find new solutions to the many challenges still facing international action in this field.

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## IN BRIEF

### EU, India Renew Push to Finalise Trade Talks

The EU and India are hoping to clinch a free trade deal within the coming months, according to top-level officials from both sides. The February 2012 EU-India Summit has now been set as the new deadline for completing the talks, which were launched in 2007.

The renewed push to complete the trade talks was announced late last week by both EU and Indian officials. John Clancy, the EU Trade Spokesman, said in a 17 November statement that discussions are currently moving at “full steam ahead.”

“Intense negotiations will therefore continue over the coming months to effectively solve the remaining core issues between now and the EU-India Summit,” he added.

A statement from the office of India's Commerce and Industry Minister, Anand Sharma, also confirmed the “satisfaction with the progress of negotiations” of the EU-India trade pact.

Since negotiations were launched in 2007, the talks have faced repeated setbacks; the pact was originally scheduled to be completed in 2010. Thirteen rounds of trade talks have already taken place.

The recent deadline for next February came about as frustrations among EU member governments, such as Britain (see Bridges Weekly, 24 February 2010), built over the various delays.

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*Submissions To The TRIPS Council (1999-2007); Policy Brief 2, ICTSD;*

Suerie Moon (2011), *Meaningful Technology Transfer to the LDCs: A Proposal for a Monitoring Mechanism for TRIPS Article 66.2*, Policy Brief 9, ICTSD.

<sup>7</sup> UNEP-EPO-ICTSD (2010), op cit. chapter 4: the Licensing Survey, pp.50-58



With the pact set to slash duties on over 90 percent of bilateral trade, along with an opening of mutual markets for investment and services, the EU Trade Commission estimates that, in the short run alone, India would gain €5 billion and the EU over €4 billion from finalising the pact.

However, struggles with outlining provisions for access to medicines, movement of labour, and tariff reductions have been major roadblocks.

Despite the renewed commitment, Germany's Head of Foreign Trade Division, Berend Diekmann, cautioned that "India and the EU are far away from each other as far as the negotiations are concerned," according to AFP.

Talks on a range of remaining issues are expected to take place during the upcoming month. Expert-level negotiations on non-tariff barriers took place on Monday; chief negotiators will meet during the week of 5 December to discuss outstanding issues, with additional discussions between senior officials scheduled for mid-December.

### **Tough issues still remain**

Intellectual property (IP) rights, specifically regarding pharmaceuticals, have been a consistently tough subject for the two parties since the talks began (see Bridges Weekly, [22 December 2010](#)).

India supplies over 90 percent of AIDS medicine currently used in developing countries. Public health advocates, such as Médecins Sans Frontières (MSF), have long expressed fears that the trade agreement could include intellectual property provisions that go beyond those in the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, hindering access to medicines (see Bridges Weekly, [24 March 2010](#)).

If data exclusivity clauses are included in the trade pact, protecting data produced by drug companies concerning clinical trials, efficacy and safety of medicines, critics fear that India's generic pharmaceutical industry could suffer a loss in competitiveness. This, in turn, could make it difficult for developing country consumers to access affordable, high-quality generics.

Indian tariffs on wine and automobiles are another ongoing area of disagreement, Diekmann noted. The German negotiator explained that India had agreed to lower tariffs from 60 percent to 30 percent on high-end automobiles, bringing that down further to 20 percent after five years; small cars would see tariffs cut to 40 percent over five years. However, EU negotiators had wanted greater cuts, Diekmann told reporters.

ICTSD reporting; "EU, India to work 'full steam' on free trade pact," AFP, 20 November 2011; "India-EU free trade talks resume today," BUSINESS STANDARD, 12 September 2011; "Trade winds: India-EU FTA may face a delay," HINDUSTAN TIMES, 16 November, 2011.

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## **WIPO Ctte Launches "Marathon Session" on Libraries, Archives, Reading Disabled Instrument**

The World Intellectual Property Organization's copyright body kicked off negotiations this week, with the goal of advancing major work on exceptions and limitations instruments for libraries and archives and the reading disabled. However, significant debate on whether these instruments should be legally binding treaties or soft law instruments, such as joint recommendations, has put developing and developed countries at odds with one another.

The previous session of the Standing Committee on Copyright and Related Rights (SCCR) saw a coalition of countries – including the US, Brazil, Argentina and the EU – come together to support an instrument for the reading disabled (see Bridges Weekly [29 June 2011](#)) and agreeing to the compilation of a Chair [document](#) based on the discussions that took place. That session also agreed to move forward a previously stalled treaty for the protection of audiovisual performances and advance discussions on an instrument to protect broadcasting organisations.

In the current session, the SCCR is placing major focus on copyright limitations and exceptions for libraries and archives, with three days of discussion being dedicated to the issue. WIPO Director-General Francis Gurry, in his opening

address, called this a “marathon session” of the SCCR, hoping it can find a “clearer way forward” on the libraries and archives item.

In a statement to the SCCR on Monday 21 November, the International Federation of Library Associations and Institutions (IFLA) recalled that “libraries and archives currently work under a patchwork of provisions that differ in scope and effect from country to country... [and they] increasingly fail to address the legal and policy challenges and opportunities of the global digital environment.”

“Now more than ever, libraries need copyright frameworks that recognise the importance...of libraries and their users,” it added.

Substantive proposals on libraries and archives have been submitted to this session by Brazil, with amendments from Ecuador and Uruguay, the African Group and the United States. Throughout the discussions on Monday and Tuesday, there were extensive discussions about the ultimate objectives of the process, particularly regarding whether the SCCR has an obligation to draft text for a treaty or another kind of instrument.

“We don’t have an obligation to draft a text in the form of treaty language,” the EU urged, to which Pakistan replied, “We are under no obligation to draft text on treaty language at this stage, but we are under obligation to draft a text as we had all agreed.”

As a compromise, several countries suggested that proposals be grouped into thematic clusters so that they could be more easily discussed. On Tuesday, all proposals were compiled by the WIPO Secretariat in a table intended to facilitate discussions.

Some countries expressed concern that the table also included a treaty proposal by the International Federation of Library Associations and Institutions (IFLA), since the SCCR cannot consider proposals that are not endorsed by a member state.

As Bridges went to press, member states agreed to Chair Manuel Guerra Zamorro’s suggestion to discuss the proposals under 10 thematic clusters

and submit their written comments for compilation by the end of the week (with an extended three month deadline).

### **Reading disabled instrument gets attention, but no certainty**

Similarly, member states seem to still be at odds on whether an instrument for the reading disabled should be a soft law, in the form of a joint recommendation, or a legally binding treaty – an issue that has featured in previous SCCR sessions (see Bridges Weekly, 29 June 2011).

In their opening statement, Brazil noted that “WIPO should contribute with nothing less than a treaty to help address the book famine that deprives persons with print disabilities of access to written works and to provide them with legal certainty to benefit from the limitations and exceptions we are designing for them.”

However, many developed countries conspicuously left the word “treaty” out of their statements on the issue.

“It is undeniable that the most important humanitarian work that WIPO has embarked upon is finding a solution to the problems faced by print disabled persons in accessing educational works,” the US delegate said.

The EU, on its part, said that it is “ready to achieve further convergence in our discussions on a possible international instrument on limitations for people with print disabilities.”

The SCCR is meeting from 21 November – 2 December. A longer piece on the committee’s work will be published in the 7 December issue of Bridges Weekly.

ICTSD reporting.

## WTO IN BRIEF

### US, Indian Nominees Appointed to Appellate Body

The WTO Dispute Settlement Body (DSB) has announced two new appointments to the Appellate Body (AB). Thomas Graham, of the United States, and Ujal Singh Bhatia, of India, were officially selected on 18 November to join the other five AB members and will begin their four years of duty on 11 December.

This years' election comes at a time where the Appellate Body finds itself under fire after issuing a number of controversial rulings that have been criticised as 'law making' and not 'law application'. With dispute settlement procedures becoming more and more legalistic and trade conflicts touching upon an array of other public policy areas, AB member selection has become an important tool to influence the evolution of WTO law.

"If members are unhappy with the positions of the Appellate Body, they should be more careful with whom they give their vote," a high-level trade law expert told Bridges, speaking with regards to the criticism that followed an AB ruling from March on US antidumping and countervailing measures on Chinese imports.

The appointments follow an extensive interview process that began in summer of this year. A Selection Committee - made up of WTO Director-General Pascal Lamy and the Chairpersons of the General, Goods and Services Councils, the DSB, and the Trade Related Aspects of Intellectual Property Rights (TRIPS) Council - led the interview marathon. During those hours, nominees were quizzed on their knowledge of WTO law, their positions on controversial legal questions, and their approach to trade litigation.

Interviews with all interested missions in Geneva followed, during which delegates examined whether candidates supported their approaches to WTO dispute settlement. Questions focused on, amongst others, zeroing, the applicability of public international law, including the Vienna

Convention on the Law of Treaties; judicial activism; and the role of dispute settlement in general - for bilateral dispute resolution or as a 'constitutional court'.

Major players, such as the US and EU, tend to claim opposing positions on these controversial subjects; for instance, the US traditionally seeks candidates that do not engage in too much 'gap filling', i.e. rule making where existing rules are imprecise.

Seats on the Appellate Body are typically distributed on a regional representation basis. Though there are officially no permanent seats, in practice, the US, EU, and Japan each claim a permanent appointment.

Notably, China was also granted a seat on the Appellate Body in its latest iteration.

In the present nomination cycle, there were two US nominees for the US seat, and nominations from India and Pakistan for the Asian seat.

Both of the new AB appointees - Bhatia of India and Graham of the US - have extensive resumes with relevant experience ranging from academia, to private law, and international trade relations. Graham was previously at a private law firm, focused on international trade law. He has also represented the Office of the US Trade Representative, serving as Deputy General Counsel in negotiations on the Tokyo Round Agreement on Technical Barriers to Trade.

Bhatia, most recently an academic and consultant, notably served as India's Permanent Representative to the WTO from 2004 to 2010, where he participated in the dispute settlement process and served as a WTO dispute settlement panellist.

ICTSD reporting.

## EVENTS & RESOURCES

### Events

#### Coming soon

28 November – 9 December, Durban, South Africa. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) CONFERENCE OF THE PARTIES (COP) 17. Gathering heads of governments and representatives from international organisations and civil society, this United Nations Climate Change Conference, hosted by the Government of South Africa, will lead discussions that focus on goals and progress concerning global climate change. Meetings will address strategies of Kyoto Protocol implementation as well as the Bali Action Plan agreed at COP 13 in 2007, and the Cancun Agreements from COP 16 last December. For more information on the agenda, side events, and workshops, please visit the UNFCCC [website](#).

29 November. Washington, US. SERVICES TRADE AND INVESTMENT: UNLOCKING GROWTH, RECOVERY, AND JOBS. This presentation, hosted by the Washington International Trade Association (WITA), will focus on the hidden potential of trade in services to increase US exports and create domestic jobs. The three speakers, from the US International Trade Commission, the World Bank, and the Peterson Institute for International Economics, will each touch on recent research and publications that address this issue. All three presentations will be geared toward addressing questions of services exports' importance to jobs, policy recommendations, and whether law-makers will examine job creation from services trade further. For more details and registration information, please visit the WITA [website](#).

29-30 November, Geneva, Switzerland. ENERGYPACT-UNCTAD CONFERENCE: HOW EMERGING ECONOMIES WILL GREEN THE WORLD. Hosted jointly by the EnergyPact Foundation and the UN Conference on Trade and Development (UNCTAD), this international conference aims to be an innovative platform for brainstorming ideas for green, sustainable economies. The event organisers hope that discussions will bring a new perspective on

how emerging economies can aid in the process of transitioning to the Green Economy. Session topics include: urbanisation, finding an optimal energy mix for the 21<sup>st</sup> century, and nuclear energy. Conference organisers expect over 700 participants, including high-level speakers and representatives from various stakeholder groups. For more information and to see event programme, please visit the EnergyPact [website](#).

29 November - 1 December, Busan, South Korea. FOURTH HIGH LEVEL FORUM ON AID EFFECTIVENESS. This meeting of the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) donors and developing country signatories to the Paris Declaration of 2005 will review global progress in improving the impact and effectiveness of aid, and make commitments that set a new agenda for development. Priority topics for discussion will include: predictable aid; use of country systems; an end to policy conditionality; country-driven capacity development; mutual accountability; and reduced transaction costs. Partner countries are also pushing for investment and policies that move beyond aid and towards a greater policy coherence to help development efforts. To read event papers and agendas, please visit the OECD [website](#).

30 November – 1 December, Washington, US. STANDARDS IN SOUTH-SOUTH TRADE AND OPPORTUNITIES FOR ADVANCING THE SUSTAINABILITY AGENDA. This annual conference, hosted by the Trade Standards Practitioners Network (TSPN) – an international organisation whose membership includes multilateral agencies, bilateral organisations, research institutes, NGOs and other practitioner organisations – will focus on trade integration between developing economies. Sessions at the conference will cover topics such as co-regulation in the timber sector, determinants of standardisation in South-South trade, and the challenges and opportunities that small-and-medium enterprises (SMEs) in these regional markets face. For more information, as well as an agenda, please visit the TSPN [website](#).

## WTO Events

An updated list of forthcoming WTO meetings is posted [here](#). Please bear in mind that dates and times of WTO meetings are often changed, and that the WTO does not always announce the important informal meetings of the different bodies. Unless otherwise indicated, all WTO meetings are held at the WTO, Centre William Rappard, rue de Lausanne 154, 1211 Geneva, Switzerland, and are open to WTO Members and accredited observers only.

28 + 30 November: Trade Policy Review Body – Thailand

30 November + 1 December: General Council

## Other Upcoming Events

3-4 December, Durban, South Africa. CLIMATE LAW AND GOVERNANCE IN THE GLOBAL SOUTH. This conference, sponsored by the Centre for International Sustainable Development Law (CISDL), the International Development Law Organisation (IDLO), and Warburton Attorneys, is the first edition of an annual conference specifically focused on the legal and governance facets of climate change adaptation, mitigation, and finance in the global south. Scheduled to precede the 2011 Conference of the Party (COP) 17 talks of the UN Framework Convention on Climate Change (UNFCCC) in Durban, the event's objectives are to catalyse and facilitate discussions on legal thought, promote an integrated approach to climate change, and explore challenges through knowledge and experience sharing. Along with various keynote speeches, panels, and workshops, there will also be several publications launched at this event. For more information regarding the programme and registration, please visit the CISDL [website](#).

3-4 December, Durban, South Africa. WORLD CLIMATE SUMMIT 2011. This event, held during the UN Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP) 17, will bring together stakeholders from business, finance, and government with the goal of providing an arena for interaction, aimed at creating new strategies for climate change and facilitating global green growth. Planned sessions

will cover: IT and smart energy; valuing natural capital; green growth in Africa; agriculture; and climate finance. The summit will also play host to the second annual Gigaton Awards, honoring those who have made substantial gains in measurable carbon reductions. For information on the programme specifics, please check the WCS [website](#).

5-6 December, Durban, South Africa. THE DURBAN TRADE AND CLIMATE CHANGE SYMPOSIUM. This symposium, co-organised by ICTSD, the WTO, and the Department of Trade and Industry (DTI) of the Republic of South Africa, will cover various topics within the trade and climate change sectors. By bringing together climate delegates, academics, policy analysts, and representatives from IGOs and NGOs, these discussions will analyse current issues in climate change and development, as well as consider the future of the linkages between the multilateral trade and climate change regimes. Event partners now include Cambridge Econometrics, Climate Strategies, Center for International Forestry Research (CIFOR), Environment and Trade in a World of Interdependence (ENTWINED), Food and Agriculture Organization of the United Nations (FAO), Friedrich Ebert Stiftung (FES), International Food Policy Research Institute (IFPRI), International Institute for Sustainable Development (IISD), National Foreign Trade Council (NFTC), South African Institute of International Affairs (SAIIA), Swedish Standards Institute (SIS) Trade Law Centre for Southern Africa (TRALAC), and the World Intellectual Property Organization (WIPO). This will be held in parallel with the UN Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP). For more information, or to register, please click [here](#).

5-6 December, Mauritius. UNCTAD EXPERT GROUP MEETING: ADDRESSING THE VULNERABILITIES OF SIDS MORE EFFECTIVELY. With the mission of supporting effective resilience-building in small island developing states (SIDS), the UN Conference on Trade and Development (UNCTAD) and the Indian Ocean Commission are jointly holding a conference to contribute to international debate on this topic. Three main questions will be addressed: whether vulnerability is an obstacle to



structural progress for SIDS; if special international support measures can aid in effective resilience-building efforts; and what are the steps the UN system can take to address these issues more. Recommendations are expected to be drafted at this meeting and sent on to help prepare for UNCTAD XIII in April 2012. For more information, please visit the UNCTAD [website](#).

15-17 December, Geneva, Switzerland. GENEVA TRADE AND DEVELOPMENT SYMPOSIUM. ICTSD is organising a Geneva Trade and Development Symposium (GTDS), to take place over two days in parallel to the Eighth Ministerial Conference of the World Trade Organization. Having taken place at prior ministerial conferences in Cancun (2003), Hong Kong (2005), and in Geneva (2009), these symposia have proved to be a valuable forum for policy makers, trade negotiators and representatives of inter-governmental and non-governmental organisations, academics, business people and others, to engage in substantive discussions in a non-negotiating context. More information on the event is available [here](#).

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## Resources

AGRICULTURE AND CLIMATE CHANGE POLICY BRIEF: MAIN ISSUES FOR UNFCCC AND BEYOND. By Meridian Institute (November 2011). Developed by experts in the fields of agriculture and climate change, this condensed version of the June 2011 publication *Agriculture and Climate Change* intends to provide context and analysis for addressing agriculture in international climate negotiations. The report highlights strategies to meet multiple agriculture objectives, including: providing food for growing populations; environmental protection; and ensuring resilience to future climatic changes. Other aspects of agriculture and climate change that are addressed include trade, finance, technology transfer, capacity building, and measurements for performance and benefits measurement. For more information and to view the report, please visit the Meridian Institute [website](#).

THE LEAST DEVELOPED COUNTRIES REPORT. By the UN Conference on Trade and Development (UNCTAD) (17 November 2011). Looking through the lens of recent economic events, this report studies the trade growth of the global South and how least developed countries (LDCs) can set themselves on the track to sustainable development. The report finds that, despite strong economic growth during the last decade, the benefits of growth were neither inclusive nor sustainable, mainly because growth was not complemented by structural transformation and employment creation. Growth and trade has not-recovered to pre-crisis levels after the global recession of 2009, the authors note. The authors argue that, to fight this decline, LDCs need to align themselves with larger developing countries to help act as catalysts for their growth. For more information on this report, please visit the UNCTAD [website](#).

THE WORLD TRADE ORGANIZATION AND THE POST-GLOBAL FOOD CRISIS AGENDA: PUTTING FOOD SECURITY FIRST IN THE INTERNATIONAL TRADE SYSTEM. By Olivier de Schutter (2011). This publication, by the UN Special Rapporteur on the Right to Food, delves into the question of whether WTO frameworks are compatible with ensuring food security and the human right to an adequate food supply. The paper argues that many WTO rules are ambiguous and foster a high sense of uncertainty in term of food security policies, further discouraging nations from developing and implementing strategies that address right to food. The establishment of national and regional food reserves, as well as, domestic institutions to manage price and income volatility for rural households, are both potential options; however current frameworks, such as the Agreement on Agriculture (AoA), fall short of offering these solutions. Suggestions include: tailoring food security methods to fit national circumstances; not allowing the establishment of food reserves to be defined as trade distortions; fostering compatibility and co-operation between food reserves on various institutional levels; and allowing marketing and supply management schemes to be developed. The report is available [here](#).