International Centre for Trade and Sustainable Development

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LEAD STORIES

CBD Reaches Agreement on Access and Benefit Sharing, But Some Question Its Effectiveness

In the wee hours of Saturday morning in Nagoya, Japan, a UN biodiversity summit was gavelled to a close. Thousands of participants rose to their feet in applause, despite some misgivings about the agreement that had just been reached.

After twelve days of up and down discussions, the tenth conference of the parties (COP 10) to the Convention on Biological Diversity concluded at 1:30am on 30 October with agreement on a protocol on access and benefit sharing (ABS) regarding genetic resources used in inventions, as well as accords on financing and a strategic plan for the organisation's work .

For much of the conference, which started on 18 October, it had seemed as though the CBD talks would join multilateral negotiations on trade and climate change in discord and deadlock (see Bridges Weekly, 27 October 2010). The outcome remained uncertain even hours before the final plenary as countries seemed to be unable to agree on a number of contentious issues regarding the ABS protocol. Only a compromise text formally introduced by Japan, the host of the meeting, managed to bridge the diverging positions help governments avert a collapse.

A number of developing countries lead by the G77-China bloc had repeatedly stated that they would not settle for an agreement on financing and the strategic plan alone. "Brazil and others could not accept the adoption of a strategic plan and a financial resource mobilization strategy if no [ABS] protocol is put into place. We are not bluffing. We are very clear on this", Brazil had warned during a press conference earlier that week.

They were true to their word. Once formal agreement on the ABS protocol was reached, a package consisting of the three main decisions was quickly sealed and adopted, accompanied by almost 50 specialised room documents. Delegates applauded COP 10 as a historic success.

Protocol just a starting point

Caution, however, mingled with the celebration and relief. "The ABS Protocol is only a starting point. Whether it will result in the viable regime against bio-piracy now depends on the implementation," one delegate told Bridges.

The African Group formally made a similar point in the closing plenary, stating for the record that the protocol was simply a first step for moving towards the implementation of the Convention's third objective, which is the "fair and equitable sharing of the benefits arising out of the utilization of genetic resources." Other countries called the protocol "imperfect" and "incomplete," though nonetheless an "important step" and "milestone achievement".

"It was momentum we had to make use of. Not agreeing was not an option. It would have squashed whatever we had achieved by now," a government official explained.

A masterpiece of ambiguity

While a certain degree of creative ambiguity is a hallmark of international accords, the text of the ABS protocol has left experts puzzled about what exactly has been agreed on for many critical issues, including the substantive and temporal scope of the agreement, giving rise to a range of partially conflicting interpretations.

While finalising the text, some disputed provisions were simply deleted. Other disagreements were resolved by replacing clauses with general statements that leave considerable room for interpretation.

Some crucial examples of ambiguity relate to the inclusion or exclusion of "derivatives," the protocol's temporal scope, the regulation of publicly available traditional knowledge and the compliance mechanism.

According to experts, some 90 percent of all biopiracy is related to derivatives – "naturally occurring biochemical compounds resulting from the genetic expression of metabolism of biological or genetic resources" – rather than the actual genetic resources capable of reproduction. The inclusion of derivatives was thus a main demand by a large number of developing countries.

The ABS protocol's treatment of derivatives is far from straightforward. Article 2 of the accord, which covers terms used in the text, includes far-reaching definitions of "derivatives" and the "utilization of genetic resources." Article 3, which sets out the scope of the accord, on the other hand, makes no explicit mention of derivatives. Instead, it refers to "genetic resources within the scope of Article 15 of the Convention" and "the benefits arising from the utilization of such resources". However, whether Article 15 of the CBD covers derivatives is the subject of disagreement between developing and developed countries. On the other hand, "benefits arising from the utilisation" of genetic resources could be interpreted to cover derivatives. "Utilisation" is also mentioned in Article 4, which covers fair and equitable benefit-sharing).

Also unclear was the status of genetic resources that had been taken out of their place of origin prior to the entry into force of the ABS protocol. Some parties to the CBD feared that a large number of cases could fall outside the Protocol's scope without some sort of retroactive protection.

The finally agreed Article 3 remains silent on the temporal scope of the ABS protocol, thus sidestepping any clear decision on the matter. The Japanese compromise text introduces a new provision, Article 7bis, calling upon parties to "consider a global multilateral benefit-sharing mechanism" to address "transboundary situations" and "situations for which it is not possible to grant or obtain prior informed consent." This could in theory apply to the use of genetic resources obtained '*ex situ*' (outside of their place of origin), or in a manner not compliant with the CBD. It would, however, depend on

future negotiations. Public international law set out in the Vienna Convention on the Law of Treaties prohibits retrospective effect unless parties to a treaty agree otherwise. However, it does allow new agreements to apply to certain types of existing situations –as it is the case of Article 70 of the TRIPS Agreement un- , which could potentially cover situations in which resources had been accessed or were being used when the treaty entered into effect.

No compulsory disclosure requirement in patent applications

Other vague provisions leave much to be addressed by domestic processes. This is particularly true for compliance mechanisms. For years, many governments and experts have demanded a so-called "disclosure requirement" in patent applications – a requirement for patent applicants to disclose the use of any traditional knowledge or genetic resources used in their invention (several countries, including some developed ones, now support a similar requirement in talks at the World Trade Organization).

The demand for a disclosure requirement, as well as other issues relating to compliance, are now covered by an obligation to "take appropriate, effective and proportionate measures to address situations of non-compliance" and to "establish one or more effective checkpoints having functions relevant to the utilization of genetic resources" that "would collect or receive as appropriate, relevant information." However, what constitutes "appropriate, effective, and proportionate" is left to national authorities to decide. Therefore, the international regime alone will not provide legal certainty; its success will hinge on national implementation efforts.

Other international organizations and ongoing practices

Similar language also underpinned a compromise on how to deal with emergency situations that threaten human, animal or plant health. Novel language now states that "parties may take into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits, including access to affordable treatments by those in need, especially in developing countries." This provision would be directly relevant to ongoing negotiations at the World Health Organization, where governments are debating whether countries should be obliged to share genetic material relating to human pathogens (such as the avian flu), and whether they can fairly expect to receive benefits for doing so.

Also ambiguous is the relationship between the new ABS protocol and talks on traditional knowledge at the World Intellectual Property Organization (WIPO). Following an explicit request from the European Union, the COP decision adopting the ABS protocol mentions a review process "in the light of developments in other international organizations, *inter alia*, WIPO" (in accordance with Article 25). The protocol also refers to "ongoing works and practices" which could be used to argue that the regulation of publicly available traditional knowledge should be handled at WIPO. Again, the agreement-facilitating silence on the specific relationship between the ABS protocol and WIPO created uncertainty that could make some aspects of the protocol subject to procedures outside the CBD.

Ways ahead

All in all, however, papering over differences seems to be the only way in which governments could have found a compromise on the ABS protocol. Observers have argued that this would have not changed in the coming years, since differences seemed simply too stark on various core issues. In that light, they argue, the adoption of the Protocol, whatever its shortcomings, can be welcomed – so long as policymakers (and those who hold them accountable) bear in mind that much depends on the eventual domestic implementation, future review processes and in some cases other negotiating fora. Given that the US is not a party to the CBD, the importance given to other institutions, such as the WTO, could enhance the effectiveness of some of the ABS protocol's provisions.

The protocol will be open for signature from 2 February 2011 to 1 February 2012 and is to take effect 90 days after the fiftieth party has ratified it. The first meeting of the Intergovernmental

Committee of the Protocol is to take place in June 2011.

ICTSD reporting.

TRIPS Council: Debate over Effectiveness of System for Access to Medicine

A rarely-used system intended to help poor countries import generic versions of patent-protected drugs was at the centre of discussions at the WTO last week, as members debated whether the system needed modification to make it more usable.

In the seven years since its creation, the mechanism has been used precisely once: to cover two shipments of an HIV/AIDS drug from Canada to Rwanda in 2008 and 2009. During the 26-27 October meeting of the WTO Council for Trade-related Aspects of Intellectual Property Rights (TRIPS), India, Brazil, China, South Africa, and other developing countries argued that this infrequency implied that the system must be too complicated to use, according to sources. Canada, backed by other developed countries such as the US, Australia, Japan and Switzerland, suggested that the system was fine, and that governments had not used it because they were able to negotiate better drug prices with the patent-holders, or import cheap generics from countries where the drugs were not under patent.

The system in question was first created by a 2003 decision establishing the conditions under which WTO members are allowed to issue compulsory licences to manufacture and export cheap generic copies of patented drugs to developing countries that lack the capacity to make the medicines they need. That '30 August decision' was widely criticised, particularly by public health campaigners, for containing administrative conditions so complex as to render the system nearly impossible to use. Nevertheless, WTO members in late 2005 agreed to convert the temporary 30 August decision – also called the 'Paragraph 6' system after the relevant section of the 2001 Doha Declaration on TRIPS and Public Health – into a permanent amendment to the TRIPS Agreement. (The provisional amendment has yet to enter into force, since it has only been ratified thus far by 57 members, well short of the 101 ratifications required for the amendment to take effect.)

Generic competition has helped drive down prices for older HIV/AIDS drugs by over 99 percent in some cases, making it vastly more affordable to scale up treatment, a point repeatedly made by public health groups and acknowledged by some donor government officials.

Although the TRIPS Council has examined the so-called 'Paragraph 6' system annually since 2003, growing dissatisfaction with its functioning over the past year prompted WTO members to examine the issue at length during the recent session.

Much of the discussion focused on Canada's experience using its implementing legislation for the Paragraph 6 system, called CAMR (Canada's Access to Medicines Regime).

The Canadian delegate argued that Ottawa's legislation, and the Paragraph 6 system, were "efficient, effective and timely – if a need is identified."

He argued that the main reason that no drug shipments took place until fall 2008 was because it was not until July 2007 that Rwanda formally notified the WTO of its desire to import the HIV/AIDS drug TriAvir, a combination made by the Canadian generics firm Apotex of drugs patented by GlaxoSmithKline, Boehringer Ingelheim, and Shire.

In 2007, Apotex had already secured regulatory approval from Canadian health authorities for the drug – in six months rather than the normal twelve, the delegate said, attributing the speed to the CAMR. (Apotex had developed the fixed-dose combination and sought regulatory approval as part of an ultimately abortive attempt in coordination with the medical aid group Médecins Sans Frontières to use the 30 August decision. That initiative failed in part because no countries were willing at the time to come forward as importers, and also because in the interim, an off-patent Indian generic equivalent came onto the market.)

According to the Canadian delegate, once Rwanda formally signalled its intention to use the Paragraph 6 system, it took Apotex only 15 days in September 2007 to receive a compulsory license from the Canadian patent authorities. An eight-month-long public tender process in Rwanda then ensued, which Apotex won by beating out an Indian competitor on price (eventually selling at below cost). From May until September 2008, Apotex manufactured TriAvir. In September 2008, Apotex shipped 6,785,000 tablets to Rwanda. A year later, it sent a shipment of 7,628,000 tablets to Rwanda, completing the country's order.

"CAMR was a small part of the more than 2 years between the WTO notification by Rwanda and the final shipment by Apotex," the official said. "The challenges and delays in Apotex's export of medicines to Rwanda were separate from CAMR. CAMR worked efficiently, effectively and in a timely fashion." While it took "3.5 years for Apotex to develop the drug, identify a recipient country, secure a supply contract and then manufacture it," he added, "just over two months of that time was taken up by CAMR procedures."

In Canada, public health groups have been calling for the CAMR to be amended to include a 'one-license' solution,' that would lower costs for would-be generic manufacturers by relieving them of the obligation to negotiate separately with patent-holders for each different purchasing country and order. However, a bill to amend the CAMR accordingly has become stuck in parliament amidst procedural obstacles and substantive opposition from both the Conservative government and members of the leading opposition Liberal party.

Rwanda did not intervene at the WTO meeting; sources were not able to confirm whether delegates from the African country were even present at the TRIPS Council session.

India reported a much less positive experience with the Paragraph 6 system. The Indian delegate said that a least-developed country lacking adequate drug manufacturing capacity (believed to be Nepal) had sought to use the system to import three patented medicines from India, but ultimately gave up, dissuaded by the various notification, packaging, labeling, and website tracking requirements set out in the 30 August decision.

The delegate reminded members that while India was the source of the vast majority of donor-funded HIV/AIDS medication, it has been required by the TRIPS Agreement to provide patent protection to pharmaceutical products since 2005. Thus, while pre-2005 drugs were for the most part off-patent in India and thus easily available for generic production, post-2005 drugs – which include the newer, more expensive HIV/AIDS treatment regimes – are patent-protected there.

A representative from the World Health Organization also made a distinction between pre- and post-2005 drugs. While refraining from expressing a view on whether or not the Paragraph 6 system was overly cumbersome, the official said that the issue of access to medicines had to do with more than simply intellectual property. However, he did note that competition from generics had cut prices of "first line antiretroviral [HIV/AIDS] medicines" dramatically over the past decade, enabling a massive increase in the number of patients receiving treatment. It may become necessary to use the Paragraph 6 solution to acquire post-2005 medicines at affordable prices in the future, he said.

A number of governments described their implementing legislation for the Paragraph 6 system and programmes for access to medicine (including alternatives to compulsory licensing, such as tiered pricing schemes) during the meeting.

Martin Glass (Hong Kong), who chairs the TRIPS Council, said that the Paragraph 6 system issue would be on the group's agenda next year. Several developing countries have been calling for workshop on the issue, open to participation by pharmaceutical companies, non-governmental organizations and others.

ICTSD reporting; "Amendments water down access-to-medicine bill," GLOBE AND MAIL, 2 November 2010.

OTHER NEWS

Doha Deal Would Lock In Existing Liberalisation, Say Experts; Can Members Agree?

The biggest gains from an agreement in the Doha Round of global trade talks may have less to do with securing new trade-opening than with locking in the considerable reforms governments have already made, trade experts said in Geneva on Tuesday.

But it will be a challenge for WTO members to reach any agreement in the long-struggling negotiations, a point that was underlined later that day when envoys from leading WTO members in Geneva clashed over what they thought was needed to secure a Doha deal.

It is notoriously difficult to accurately project the gains from a complex trade negotiation that is likely to have cumulative, dynamic effects on the way goods and services will be traded. Estimates of the value of a Doha Round accord have varied wildly over its nine-year history, not least because of analysts' very different assumptions about the shape of a prospective accord.

Projected gains of even hundreds of billions are modest when compared to a roughly $60 trillion global economy, and there have been few signs that governments would be willing to make vastly improved offers of market access or subsidy reform. In recent years, therefore, many trade experts and WTO officials have shifted their emphasis to the Doha Round's value as an insurance policy against protectionism. Currently, most countries could currently raise tariff (or subsidy) levels considerably without running up against their legally binding constraints. (WTO Director-General Pascal Lamy maintains that the gains from tariff and subsidy cuts under the Doha Round would nonetheless far exceed those from any prior trade round.)

The Tuesday meeting brought several prominent trade economists to WTO headquarters in Geneva to compare estimates for what a Doha Round agreement would be worth, both in terms of liberalisation obtained and potential protectionism avoided. The meeting was organised by the WTO, the World Bank, and the International Centre for Trade and Sustainable Development, a Geneva-based civil society think tank. (Disclosure: ICTSD is the publisher of the Bridges series of news periodicals.)

Estimating the value of binding existing tariff liberalisation is not easy, Aaditya Mattoo, a senior World Bank researcher, acknowledged at the outset. "The value of bindings depends on the probability of reversal," he said. Given that countries by and large resisted the temptation to raise tariffs during the financial and economic crisis, it suggests that the probability of reversal is low – which diminishes the value of binding tariffs at their currently applied levels.

Nevertheless, David Laborde an economist with the International Food Policy Research Institute in Washington, tried to quantify the value of binding tariffs on the basis of the terms outlined in draft agreement texts on agriculture and non-agricultural market access (NAMA) dating back to 2008.

He estimated that if countries were to raise tariffs to the maximum level possible under their existing WTO commitments, the losses to the world economy would amount to some $350 billion. Two-thirds of this loss, he reckons – worth over $200 billion – would be offset if governments were constrained by the ceilings likely to arise from a Doha Round accord. In a more plausible scenario, in which governments would raise tariffs not to the maximum extent possible, but to the highest levels they had actually applied during the past 13 years, the losses would be over $100 billion – but a Doha agreement would offset the lion's share of these losses.

Jeffrey Schott, of the Peterson Institute of International Economics, estimated that as things stand, a Doha Round agreement would produce global welfare gains of the order of $60 billion – not enough, he argued to secure ratification of a Doha agreement in government legislatures. He called for substantially more market access on services, an area in which the World Bank's Mattoo demonstrated that governments' offers of binding market-opening fell well short of their

existing levels of openness, along with cooperation in other areas such as trade facilitation to smooth access to merchandise markets.

Any differences of opinion between the trade economists paled in significance to the divide between ambassadors from the US, Brazil, China, and India on what is needed to bring the Doha Round to a close.

US Ambassador Michael Punke complained that the current Doha Round deal would be impossible to sell in Congress because the "pain" – concessions demanded of the US, such as farm subsidy reform and cuts to tariff peaks on textiles – was clear, while the "gains" were obscured by unclear flexibilities for developing countries. Punke called for increased liberalisation, particularly from fast-growing developing countries, in agriculture, NAMA, and services, with cuts to applied levels of market-opening.

The Brazilian and Chinese ambassadors, meanwhile, said that realism demanded concluding an agreement on the basis of the chair's draft texts. Brazilian Ambassador Roberto Azevedo noted that that the US was hardly alone in not knowing where it stood to gain: Brazilian farmers did not know whether farm subsidy spending in competing countries would actually be reduced as a result of the round, nor did they know whether they would still be facing three-digit tariffs after an agreement.

"You can't expect at this point in the negotiations, you will change the result by several orders of magnitude," Azevedo said, warning that excessive demands for liberalisation would run aground in Brazil's legislature. "And believe me," he said, in a comment clearly directed at the US ambassador sitting across from him, "We have a Congress too."

ICTSD reporting.

IN BRIEF

Cameron and Merkel Create Experts Group to Promote Trade

The United Kingdom and Germany are creating an "experts group" charged with looking at ways to promote trade liberalisation and revive the WTO's struggling Doha Round of trade talks. The group is to be headed by Peter Sutherland, who headed the GATT through the end of the earlier Uruguay Round trade negotiations before becoming the WTO's first director-general, together with Jagdish Bhagwati, one of the world's leading proponents of free trade and a professor of economics and law at Columbia University.

In a joint statement released following talks over the weekend in the UK, Prime Minister David Cameron and Chancellor Angela Merkel said that "[t]rade is the engine of global growth. That is why we have put boosting trade and tackling trade barriers high on our governments' agendas and want to see a strong political commitment to liberalising trade at the Seoul G20 summit." They expressed hope that the group would contribute to boosting trade and the recover from the global financial and economic crisis.

Downing Street said the group would be asked to "assess the current environment for trade and to recommend the priority political and regulatory steps needed to increase global trade flows in the short and medium term." In particular, it would be asked to "present an analysis of the global welfare potential at stake in the various options for the conclusion of the Doha Round," and to "define a longer term approach to trade liberalisation and regional integration in support of the multilateral trading system, including steps to tackle regulatory, administrative and physical barriers to trade."

The group, which is also being sponsored by Turkey and Indonesia, is expected to report early next year.

ICTSD reporting; "WTO Head Joins Up With India Professor Over Doha Trade Talks," THE GUARDIAN, 31 October 2010; "UK and Germany Seek Ways to Boost Global Trade," REUTERS, 31 October 2010.

WTO IN BRIEF

S&DT Monitoring Mechanism Takes Shape

A group of WTO ambassadors have reached a tentative agreement on the shape of a 'monitoring mechanism' that would review the functioning of the multilateral trading system's provisions for 'special and differential treatment' (S&DT) for developing countries, and possibly suggest improvements to those provisions.

The ambassadors, from developed and developing countries representing a cross-section of interests among the WTO's membership, have been holding regular, informal meetings to discuss the spectrum of issues in the Doha Round negotiations. They have produced a short document on "guiding principles" for the S&DT monitoring mechanism.

The proposal was discussed Wednesday in a small group of delegates; the chair of the Committee on Trade and Development special session (CTD-SS) may bring it forward in a meeting of all members next week, sources say.

As per the document, the mechanism "shall act as a focal point within the WTO to analyse and review [the] implementation of S&DT provisions. It shall complement, not replace other relevant review mechanisms in other bodies of the WTO." It would "regularly evaluate the utilization and effectiveness of S&DT provisions, with a view to ensuring that they are effectively and better implemented." Notably, it is charged with proposing action, "as appropriate," that would strengthen and improve the reviewed provisions.

One of the sticking points in WTO discussions on an S&DT monitoring mechanism has been whether it would be a negotiating body or a transparency exercise focusing more on improved implementation. Generally, developing countries favoured the former, with developed countries preferring the latter. The "guiding principles" document struck a compromise by specifying first that the "monitoring mechanism is not a negotiating body" but immediately opening the door to "recommendations or proposals for opening negotiations as applicable in other WTO bodies over the S&DT provision(s) reviewed."

The monitoring mechanism is to operate through "dedicated sessions" of the Committee on Trade and Development.

The Doha mandate instructs members to review "all special and differential treatment provisions… with a view to strengthening them and making them more precise, effective and operational."

ICTSD reporting.

ACTA Faces Criticism at WTO and in the United States

A nearly concluded multi-country agreement on counterfeiting came under fire at the WTO last week, as some members accused the deal, negotiated among a group of mostly industrialised country governments, of undermining multilateral cooperation and global rules on intellectual property.

The prospective Anti-Counterfeiting Trade Agreement (ACTA) is also facing questions within one of its leading proponents, the United States, surrounding uncertainty about whether clauses in the draft deal would contradict US law.

During the 26-27 October session of the WTO Council for Trade-related Aspects of Intellectual Property Rights (TRIPS), developing countries such as China and India expressed concerns about ACTA's consistency with WTO intellectual property rules, raising the possibility of trade disputes if non-parties to ACTA end up affected by the future agreement's provisions.

According to countries taking part in the ACTA negotiations, a final accord is only weeks away; most major differences were resolved during a round of talks in Tokyo a month ago (see BRIDGES Weekly, 7 October 2010, http://ictsd.org/i/news/bridgesweekly/86164/).

In the TRIPS Council, China called for scrutiny about the consistency and compatibility between ACTA and the WTO legal framework, particularly

about whether it risked creating additional trade-restricting obligations for WTO members. China also criticised the lack of transparency that characterised much of the ACTA negotiations.

The Indian delegate warned that ACTA risked "completely upset[ting] the balance of rights and obligations of the TRIPS Agreement," and could "potentially undermine seriously decisions taken multilaterally such as the Doha Declaration on Public Health in the WTO and the Development Agenda in [the World Intellectual Property Organization]." He expressed concern that depending on what ACTA parties finally agree to, they might end up subjecting non-parties to higher levels of intellectual property enforcement than those demanded under the TRIPS, distorting the legitimate movement of traded goods in transit, and weakening the institutional status of the WTO and WIPO.

Sources report that countries participating in the ACTA process rejected these allegations, arguing that the prospective agreement did not affect TRIPS and was necessary to tackle counterfeiting, particularly for dangerous counterfeit medicines and spare parts.

ACTA is also facing challenges from within key parties – namely, the United States. Inside US Trade, a Washington-based trade news publication, reported last week that US patent officials are unsure whether ACTA would contradict provisions in the new healthcare reform law, as well as in other US patent-related rules.

At issue are provisions in the US healthcare reform and in other US patent laws that limit damages and injunctions for patent infringement in certain cases, such as in the context of developing generic drugs or performing surgery. ACTA provisions contain no such cap on compensation.

Members of European Parliament have also raised questions about how ACTA might interact with the domestic laws of EU member states.

ICTSD reporting; "U.S. Patent Office Unsure If ACTA Conflicts With Health Care Reform," INSIDE US TRADE, 29 October 2010; "L'impact de l'ACTA en Europe inquiète une eurodéputée," NUMERAMA, 30 October 2010.

EVENTS & RESOURCES

Events

Coming up this week

3 November, London, England. GLOBAL FINANCIAL FORUM: THE NEW GLOBAL ECONOMIC ORDER. During this conference hosted by the Chatham House, leading figures from governments, regulatory bodies, financial institutions and international organizations will assess the impact of steps taken to mitigate the global financial crisis and focus on vital issues for the future. These issues include stimulus policies, counter-cyclical policies, central banks and government bonds, and the macro supervision being provided by the G20 and the Financial Stability Board. For more information, please refer to the Chatham House website at http://www.chathamhouse.org.uk/gff/

4 November, London, England. THE POST-CRISIS GLOBAL ECONOMY: ARE CHINA AND EMERGING MARKETS EATING OUR LUNCH? During this event hosted by the Chatham House, the speaker – George Magnus, Senior Economic Advisor, UBS Investment Bank – will discuss how the financial crisis and its aftermath has shocked the West into protracted behavioural change. The event is by invitation only. For more information, please refer to the Chatham House website at http://www.chathamhouse.org.uk/events/view/-/id/1725/

8 November, Taipei, Taiwan. CLIMATE CHANGE NEGOTIATIONS IN CANCUN: DETERMINANTS FOR CHANGE. The objective of this seminar is to try and outline the tendencies, processes or determinants that could affect climate negotiations between COP 15, in Copenhagen, and the upcoming conference in Cancun, and possibly alter its results. Participation will enable speakers and participants to give a first prospective analysis of the upcoming negotiations in Cancun. For more information, please visit the

Institut Français Des Relations Internationales's website at http://www.ifri.org/index.php?page=contribution-detail&id=6238&id_provenance=79&provenance_context_id=

8 – 12 November, Hong Kong, China. RISK MANAGEMENT AND INTERNAL CONTROLS. This course, hosted by the Asian Development Bank, is designed to provide examiners with an understanding of the importance of internal controls and risk management in banks and how the review of internal controls and risk management fit into the overall bank rating assessment. The course is also intended to give examiners guidance on assessing the risk management and internal control environment in key functions, such as credit administration, investments, deposits, and payment system risk. For more information, please visit the Bank's website at http://www.adb.org/documents/projects/apec/Program-RMIC-2010.pdf

WTO events

An updated list of forthcoming WTO meetings is posted at: http://www.wto.org/meets_public/meets_e.pdf. 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.

4 November: Committee on Customs Valuation

4-5 November: Trade Policy Review Body – Sri Lanka

8 November: WTO Introductions Day

8 November: Committee on Trade and Development – Special Session

9 November: Committee on Budget, Finance and Administration

9 November: Committee on Trade an Environment

Other upcoming events

11 – 13 November, Seoul, South Korea. G20 SUMMIT. The Group of 20 summit will be taking place in Seoul, South Korea. The summit will continue to look at and discuss the effects of the global financial crisis, and what can be done to speed the recovery. Other majors issues may also be examined. For more information, please refer to the G20 South Korea website at http://www.g20.org/index.aspx

11 – 15 November, Mengzi, China. FIRST WORLD CONFERENCE ON TERRACED LANDSCAPES. The government of Honghe Prefecture is hosting this gathering to promote better understanding of terraced landscapes worldwide, and to bring together international scholars and indigenous farmers for a fruitful exchange regarding terrace protection, sustainability challenges and solutions, conscientious development, landscape management, and examples of good practice around the world. For more information, please refer to the event's website at http://www.1stwtfc-honghe.net/English/About/About.Html

14 – 16 November, New Delhi, India. THE INDIA ECONOMIC SUMMIT. The World Economic Forum's India Economic Summit will this year convene under the theme "Implementing India" and pay particular attention to how inclusive social and economic progress can be delivered and serve as a model for other developing economies. The Summit has the objective of moving from agenda to action. It will focus on how domestic and international decision-makers from business, government and civil society can implement national policies across states in both rural and urban areas to accelerate economic development, remove barriers to growth and increase social inclusion. In this context, India's imperatives include building critical infrastructure, expanding skills development, addressing security threats and achieving income and gender equality. For more information, please refer to the summits website

http://www.weforum.org/en/events/IndiaEconomicSummit2010/index.htm

17 – 19 November, Santo Domingo, Dominican Republic. SECOND INTER-AMERICAN MEETING OF MINISTERS AND HIGH-LEVEL AUTHORITIES ON SUSTAINABLE DEVELOPMENT. The upcoming Ministerial Meeting is the next milestone of progress in the western hemisphere's environmental agenda. During the preparatory process, the Department of Sustainable Development of the Organization of the American States will work closely with governments, technical experts, civil society organizations and the private sector to set out specific, tangible and cooperative measures that can make a difference in the regions' environmental performance. The OAS welcomes and encourages participation of the environmental community in this process. For more information, please refer to the OAS's website at http://www.oas.org/DSD/MinisterialMeeting/SecondMeetingSustainableDevelopment_e.asp

Resources

CHANGING RULES OF ORIGIN TO IMPROVE MARKET ACCESS FOR LEAST DEVELOPED COUNTRIES. By Kimberly Ann Elliott (Center for Global Development, 1 October, 2010). Developed countries are committed by the Millennium Development Goals, and under the World Trade Organization (WTO) communiqué issued at the Hong Kong ministerial in 2005, to provide duty-free, quota-free (DFQF) market access for least developed countries (LDCs). According to this paper, removing trade barriers to LDC exports lowers trade costs and expands trade, but rules of origin often raise costs and penalize exports, especially in LDCs with relatively undeveloped manufacturing sectors. As a result, what trade preferences give with one hand, they frequently take away with the other. While many rich countries have more to do to provide DFQF market access for LDCs, many could immediately improve existing programs by implementing more flexible rules of origin. This paper looks at whether rules of origin are needed, and, if they are, practical solutions for implementing them. For more information, please visit the Center for Global Development's website at http://www.cgdev.org/content/publications/detail/1424480

EPAS AND WTO COMPATIBILITY – A DEVELOPMENT PERSPECTIVE. (South Centre, September 2010). The discussion on WTO compatibility in the Economic Partnership Agreements (EPAs) between the EU and ACP countries has so far been very narrowly defined, and largely from the perspective of the European Union. The EU has asked ACP countries to liberalize at least 80% of their trade. Rather than simply taking on the EU's interpretation of 'WTO compatibility' and GATT Article XXIV, 'WTO compatibility', from the perspective of developing countries must be seen from the view point of the flexibilities these countries enjoy in the WTO, which should be reinforced in the EPAs. The paper is a matrix providing a comparison of the EPA commitments the EU is asking ACP countries for, and treatment of these issues in the WTO, including where appropriate, the type of flexibilities available for the different developing country groupings at the WTO. The issues dealt with in this paper include such things as market access for agricultural products, standstill clause, rules of Origin, MFN Clause and intellectual property. To access this paper, please refer to the South Centre's website at http://www.southcentre.org/index.php?option=com_docman&task=cat_view&gid=45&limit=5&limitstart=0&order=date&dir=DESC&Itemid=313&lang=en

REVIVING THE AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA) OF 2000. By Kimberly Ann Elliott (Center for Global Development, 29 September, 2010). The African Growth and Opportunity Act (AGOA) of 2000 marked a major change in U.S. trade policy for poor countries by extending duty-free treatment to almost all imports from eligible countries, with the goal of expanding trade and encouraging growth-oriented reforms. African exports to the United States did increase markedly, but they were concentrated in a few products from a handful of countries. Moreover, AGOA's success in boosting clothing exports was not sustained as global competition increased later in the decade. According to this paper, to revive the program and expand its benefits, the Obama administration

and Congress should work together on two main priorities: 1) Remove or significantly ease remaining restrictions on agricultural products. 2) Collaborate more effectively with African partners to improve the business climate and competitiveness. To access this paper, please refer to the Center for Global Development's website at http://www.cgdev.org/content/publications/detail/1424474

IMPLICATIONS OF IMPORT REGULATIONS AND INFORMATION UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY FOR GM COMMODITIES IN KENYA. By V. Kimani and G. Gruere (AgBioForum, November 2010). This study investigates the implications of implementing information requirements under the Cartagena Protocol on Biosafety's Article 18.2.a in Kenya. It also assesses the challenges associated with the upcoming introduction of import regulations for genetically modified (GM) food in a country that largely imports and transports grain in East Africa. The analysis shows that Kenya has been importing GM grains for the past few years and that border control under pending regulation will be difficult and costly. While the Protocol's information requirement's "may contain" option does not require too much effort, implementing the strict "does contain" option will significantly increase the cost of trade and potentially the price of grains in Kenya. These results suggest that a regional approach to import control is necessary, and that Kenya should reconsider its support to the "does contain" option of the Protocol. The paper is available at http://www.agbioforum.org/v13n3/v13n3a02-gruere.htm