



April 2002

**Report on the
Brainstorming Session on Trade and Environment
(held in AITIC's offices, Geneva, on Monday 25 February 2002)**

1. In response to the need to establish a dialogue on specific trade and environment-related issues in relation to the Doha Work Programme, expressed by several representatives of less-advantaged (LACs) and other developing countries in Geneva, including observers in the process of accession to the WTO, the UNCTAD Secretariat and AITIC organised a brainstorming session on trade and environment on 25 February 2002. Ms. Esperanza Durán, Director of AITIC, and Mr. Rene Vossenaar, Chief of the Trade, Environment and Development Section, DITC, UNCTAD, chaired the session.

2. AITIC's Director welcomed participants and underlined the importance of this session, since it was the first step in the process of reflection and debate on trade and environment issues, which constitute an important part of the WTO negotiating agenda. Before giving the floor to the other speakers, she expressed her desire to organise other brainstorming sessions of this kind on other issues of importance to developing countries.

3. UNCTAD's Chief of Trade and Environment highlighted UNCTAD's interest in trade, environment and development issues and explained that the organisation did not have a particular agenda on these matters but was organising more and more seminars and workshops in collaboration with the WTO Secretariat and UNEP in order to assist developing countries.

4. Mr. Jorge Vigano, Counsellor, Trade and Environment Division, WTO, stressed the importance of trade and environment issues in the WTO. Indeed, the Doha Ministerial Declaration integrated these issues as a priority for future negotiations between the members of the Organisation. He stated that many meetings were organised within the WTO in order to discuss the Work Programme. In particular, regarding technical cooperation. In this regard, the Trade Negotiating Committee (TNC) and the Committee on Trade and Environment (CTE) were working back-to-back. Indeed, seven activities are being organised at a regional level on trade and environment¹.

¹ See WTO document 'Coordinated WTO Secretariat Annual Technical Assistance Plan 2002, Note by the Secretariat' (WT/COMTD/W/95).

5. AITIC's Director then gave the floor to participants, in order to hear their needs and concerns in trade and environment issues.

6. The representative of Indonesia made reference to paragraph 32 of the Doha Ministerial Declaration and underlined the importance for his country of eco-labelling on fisheries and agriculture. He also mentioned the issue of market access for Indonesia's goods and emphasised the need for environmental protection in this respect. He noted how satisfactory it was that technical assistance and capacity-building to developing countries were provided for in the Declaration. Finally, he explained that the protection of traditional knowledge was extremely important to Indonesia.

7. The representative of Uruguay underlined the importance of cooperation and capacity-building in the new negotiation issues and explained that the organisation of seminars and workshops was extremely beneficial for developing countries and he thanked the WTO and UNCTAD for this assistance. He expressed his desire to have more help from different agencies, as well as more 'user-friendly' material, such as the one provided by AITIC, and to know more about the WTO rules regarding trade and environment, in particular paragraph 31 of the Ministerial Declaration dealing with multilateral environmental agreements (MEAs).

8. The representative of the Philippines drew attention to the need for clarification on the upper limits of the mandate of the WTO. He believed WTO rules should have priority over MEAs, but the parameters of the mandate were not clearly defined, and a neutral, impartial presentation of these parameters was therefore needed. He explained he had difficulties telling the Minister in his capital what these parameters were, as well as what were the expectations and risks the Philippines had to be aware of. Furthermore, he thought that the procedural issues for the negotiating process in the CTE had to be clarified in advance. As for substantive issues, clear guidance was needed on a practical basis. He also expressed his view that technical assistance was positive, but it had to be tailored to each country's requirements.

9. UNCTAD's Chief of Trade and Environment then took the floor to comment on what had been said. Firstly, he believed environmental requirements could affect market access. In particular, he explained that UNCTAD considered it necessary to update factual studies on the importance of eco-labelling in market access and its possible trade effects. He highlighted that UNCTAD would hold an expert meeting on environmental requirements and trade from 2-4 October 2002 in Geneva. On TRIPS, UNCTAD was going to organise a meeting on the protection and use of traditional knowledge, in order to respond to Indonesia's concerns. This meeting would be a high-level event, co-organised by UNCTAD and the Government of India and held in New Delhi in early May 2002. He also assured the representative of Uruguay that more seminars and workshops would be organised. Finally, technical cooperation was a key area in which priority had to be given to issues on which delegations needed immediate support (eg. agriculture and services, trade and environment). Informal sessions were very beneficial for developing countries, compared to formal sessions, in which the discussions had a very different nature.

10. The representative of the WTO underlined the fact that apart from some organisational issues (timetable, etc.), the substance has not changed since the Marrakesh Agreements. The Committee on Trade and Environment of the WTO had one priority at the moment: the re-organisation of the agenda after the Doha Declaration. The particular problems had to be defined one after another. Furthermore, the WTO document on MEAs containing trade measures² needed to be updated. As a response to the concerns of the Philippines, the representative of the WTO explained that the problem with the WTO Secretariat was that a risk for one country was not necessarily a risk for another. The approach was therefore different from each country's point of view.

11. AITIC's Director then expressed her view that paragraph 33 of the Doha Declaration regarding technical assistance and capacity-building was vague and therefore difficult to implement practically. She believed details had to be given concerning the links and trade-offs between other WTO Agreements and other negotiations, and concerning the modes of delivery of technical assistance.

12. The representative of Costa Rica thanked WTO, AITIC, and UNCTAD for their work. He made reference to paragraph 32 of the Doha Declaration as not being very explicit. Things remained to be seen. First, it was important to enhance the understanding of and clarify the relations between agriculture and environment. Second, an effort was needed to relate traditional knowledge to the TRIPS Agreement. Third, it was very important to Costa Rica to know about the ways to take advantage of organic agriculture, given that priority was accorded to environmental issues in relation with market access. Indonesia supported Costa Rica's concerns and ideas.

13. UNCTAD's Chief of Trade and Environment underlined the fact that there was not yet a decision that the issues contained in paragraph 32 were negotiating issues. One proposal of UNCTAD was that an expert meeting on eco-labelling be organised, and that the issue should be discussed in the context of capacity-building.

14. The representative of Kenya asked when technical assistance and capacity-building would be provided. They were needed before the beginning of the negotiations, especially concerning environmental issues. The representative of Costa Rica agreed with this point but thought the WTO members themselves were responsible for this. Indeed, members, through their delegations, had to be more clear about their specific national and regional needs, in order for technical assistance to be efficient and adapted to their needs. This idea was supported by the representative of Nigeria. However, the representative of Kenya pointed to the lack of knowledge of developing countries of their own needs, because of the difficulties they faced in understanding them.

15. AITIC's Director took the floor to note that WTO members and observers have different needs, concerns and knowledge. Therefore, she asked participants if they wanted a primer course on trade and environment related to WTO issues, and if continuous training and updating on certain issues would be useful. According to her, seminars should be organised before the beginning of the negotiations or in tandem

² See WTO document '*Matrix on Trade Measures Pursuant to Selected MEAs, Note by the Secretariat*' (WT/CTE/W/160).

with them, either in capitals or in Geneva, and to have a constant flow of information both ways between delegates and governments.

16. The representative of the WTO underlined that the WTO was trying to address all the components of the Declaration and would improve the situation by organising more meetings and seminars. Several regional meetings are currently taking place (e.g. in Asia and in the Pacific), but national seminars had to be organised. The mechanism of communication between the Ministers (capitals), the ambassadors and the delegates attending the meetings has to be accelerated, in order for these meetings to be more effective.

17. The representative from Gabon then thanked AITIC, the WTO and UNCTAD for this brainstorming session. She expressed the difficulty her country faced in coping with environmental matters, due to the subject's breadth and the not always clear texts. She said clarification was needed on meanings of certain words, on objectives of the texts and on overlaps that could exist between the different Agreements. She emphasised the fact that negotiations could be something to be afraid of, as many delegations were not prepared. It was important that such delegations learned about trade and environmental issues before negotiating, as learning and negotiating at the same time would be too much of a challenge. In those countries, the relationship between trade and environment did not exist and it was vital that the countries that know about these issues, stop and look back at those that do not.

18. The representative of UNEP stressed the importance of not restricting the work of Ministers in capitals. Indeed, in order for UNEP to organise meetings (regional, national or international), the organisation had to hear requests from the capitals. Concerning these meetings, it was very important that they be related to one another, since trade and environment were mutually supportive. On capacity-building, the representative of UNEP informed participants that the organisation was fund-raising at the moment, in collaboration with UNCTAD. As regards MEAs and WTO Agreements, he stated that meetings were organised between UNEP and the WTO to enhance synergies, bring the secretariats together, and have experts from different countries come to Geneva in order to improve the organisations' actions. Furthermore, UNEP was in the process of assessing the countries' needs. For example, a meeting was to take place on 15 March 2002 on fisheries subsidies and an assessment meeting was organised for 19 March 2002.

19. The representative of the South Centre took the floor, thanking UNCTAD and AITIC for the organisation of the brainstorming session. He was very interested in hearing the different views, as the South Centre was always trying to use its constrained resources to meet developing countries' concerns. He thought it was very important that the Doha Declaration be analysed, including the paragraphs on trade and environment. The South Centre was going to include trade and environmental issues in the areas it was already working on. Finally, he highlighted the fact that national, regional and possibly Geneva-level meetings were vitally important, and that countries had to set negotiating objectives, among themselves, in order for the work to be more effective.

20. The representative of UNCTAD then made a presentation on 'Post-Doha Capacity-Building and Technical Cooperation Requirements on Trade and Environment Issues'³. To introduce the subject, he underlined the fact that UNCTAD was not starting from scratch concerning capacity-building, since a lot of work had already been done with other organisations. For example, a joint proposal had been developed by UNCTAD, the South Centre, the Commonwealth Secretariat, UNEP and an NGO in London, and workshops and seminars at the national and regional levels were organised in certain countries with the WTO. It was important to try to bring some of the national experts to Geneva, so as to organise expert group meetings and meetings between these experts and trade negotiators. Finally, UNCTAD and UNEP had a capacity-building task force, which did systemic research, brainstorming sessions etc. UNCTAD could include training workshops to discuss specific problems and have in-depth exchanges of views.

21. After the presentation, the representative from Indonesia commented on the vital importance of having these different workshops and brainstorming sessions, and reiterated the need for technical assistance and support from the different international organisations.

22. The UNCTAD representative informed participants that information on several capacity-building and technical assistance activities could be found on UNCTAD's trade and environment web site at www.unctad.org/trade_env/. He reiterated that developing countries should seek specific support for particular problems to get tailored assistance.

23. The representative of Costa Rica explained that his country often had to refuse the help that was offered because the assistants were often under or over qualified. Therefore, he was very supportive of focused workshops on specific needs of countries.

24. The representative of UNEP said it was important for developing countries to express their needs and requests, but they also had to share their experiences.

25. The Director of AITIC and UNCTAD's Trade and Environment Chief thanked participants and expressed their hope that other sessions of this kind could be organised rapidly.

³ A document on this presentation was distributed during the session.

LIST OF PARTICIPANTS

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Ms Esperanza DURÁN	AITIC
Ms Christina GMÜR	AITIC
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H E Mr Ronald SABORÍO SOTO	Costa Rica
Ms Natacha GUMÁ GARCÍA	Cuba
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H E Mrs Yolande BIKÉ	Gabon
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