

## Developed countries backtrack on technology transfer

Rio de Janeiro, 13 June (Meena Raman) – Developed countries are backtracking from their previous commitments since the Rio Summit in 1992 on technology transfer, as was made clear by their positions in the informal negotiations in New York last week (29 May to 2 June) on the outcome document for the Rio+20 Conference.

The United States, European Union, Canada and Australia do not even want any reference to “technology transfer” in the title of the outcome document.

The Co-chairs who drafted the streamlined outcome document, had in the section on technology transfer, the following title – “Technology development and transfer”. The US wanted deletion of the word “transfer” and instead put the title as “Technology development, innovation and science”. This is supported by Canada and Australia. The EU also wanted a new title: “Research, Innovation and Technology Development.”

According to observers, this was the clearest indication by developed countries of an intention to kill off the concept (let alone the commitment to) technology transfer.

Wherever the words technology transfer appeared in the entire document (not only under the section on “Means of implementation”) there were efforts to either remove the word “transfer” or if it was retained, the US, supported by Canada, wanted the words “voluntary transfer on mutually agreed terms and conditions”.

Senior diplomats involved in the process say that developed countries are backtracking from previous commitments that refer to the term “technology transfer” without any qualification. It is only where the technology transfer is to be on “concessional and preferential terms” that these should be “mutually agreed”. Thus the primary

commitment of developed countries is to transfer technology.

For instance, they cite Agenda 21 and the Johannesburg Plan of Implementation (JPOI) where they are references to the promotion of technology transfer and diffusion of environmentally sound technologies and corresponding know-how “on favourable terms, including on concessional and preferential terms, as mutually agreed...”

They say that the current references in the words “voluntary” and on “mutually agreed terms and conditions” are diluting the JPOI and Agenda 21 and the language in the Convention on Biological Diversity (where there is reference to “fair and most favourable terms, including on concessional and preferential terms where mutually agreed” in Article 16(2) of the Convention).

Instead of supporting the Co-chairs’ text on language to “agree to explore modalities for enhanced access to environmentally sound technologies by developing countries” (in paragraph Technology 1), Switzerland wanted “modalities for enhanced market access” in developing countries for the technologies, which, as one senior diplomat put it, “is a total distortion of what is intended.”

### Efforts to remove proposals on IPRs

The US and some other developed countries including the EU, Japan, Australia, and Switzerland also want to remove any references to the issue of intellectual property rights (IPRs), and to even to remove entire paragraphs in the outcome document in this regard.

The Co-chairs’ text (in paragraph Technology 4) has a proposal on addressing the role of patents and IPRs which notes the need to give consideration to this issue in relation to their

impact on access to transfer of environmentally sound technologies.

That paragraph reads: “We note that consideration must be given to the role of patent protection and intellectual property rights along with an examination of their impact on the access to and transfer of environmentally sound technology, in particular to developing countries, as well as to further exploring efficiently the concept of assured access for developing countries to environmentally sound technology in its relation to proprietary rights with a view to developing effective responses to the needs of developing countries in this area.”

The US, the EU, Japan, Canada, Australia and Switzerland want this proposal deleted.

The Co-chairs in their document also made the following proposal in paragraph Technology 5: “We request the competent fora in the UN system to identify options for an appropriate mechanism to facilitate clean technology dissemination to developing countries, consistent with existing patent protection systems and invite the Secretary-General to report to UNGA67 (67<sup>th</sup> session of the UN General Assembly) on the options. In this regard, we note that the UNFCCC technology mechanism, as agreed in Cancun and Durban, and in particular the on-going implementation of the new global Climate Technology Center and Network, is a highly relevant model for facilitating the development and transfer of sustainable technologies to address the technological needs of developing countries.”

This entire paragraph is proposed for deletion by the US, Japan and Canada.

The G77 also inserted a proposal in paragraph Technology 5 for an international mechanism under the General Assembly to bridge the technology gap as follows: “We resolve to establish an international mechanism under the General Assembly in order to promote implement, and monitor concrete actions, supported by stable, adequate and predictable financial contributions and focused on bridging the technological gap between the developed and developing countries and facilitating transfer of technology in sustainable

development and strengthening national capacities, scientific understanding and technological evaluation in the developing countries.”

A similar proposal in paragraph Technology 11 was opposed to by the US, Japan, Canada and the EU, who wanted its deletion.

A proposal in paragraph Technology 7 “to explore the possibility to establish a global fund for voluntary contributions by States, civil society and the private sector, to facilitate transfer of environmentally sound technologies” was opposed by the EU, Canada and Switzerland. The US wanted reference to “voluntary transfer ...on mutually agreed terms and conditions”.

In a related matter, in the section on “health”, the Co-chairs’ (in paragraph Health 5) made the following proposal: “We reaffirm the right to use, to the full, the provisions contained in the agreement on Trade-Related Aspects of Intellectual Property Rights, the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, the decision of the World Trade Organization General Council of 30th August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS agreement and public health, and, when formal acceptance procedures are completed, the amendment to article 31 of the agreement, which provides flexibilities for the protection of public health, and, in particular, to promote access to medicines for all, and encourage the provision of assistance to developing countries in this regard. We also call for a broad and timely acceptance of the amendment to the article 31 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, as proposed by the World Trade Organization General Council in its decision of 6 December 2005.”

The US wanted deletion of the entire paragraph, while the G77 wanted only the last sentence deleted.

The negotiations on technology transfer are likely to continue being very contentious in the final negotiations this week in Rio.