

## International Conference



# Moving forward from Cancún

## The Global Governance of Trade, Environment and Sustainable Development



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## Conference Summary

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## 1 Background

The present document summarizes the proceedings of the conference “Moving forward from Cancún”, which took place 30 / 31 October 2003 in Berlin. It gives an overview about the panels, presentations and discussions as well as the conclusions drawn during the conference. For the participants the following pages offer an excellent summary of the range of issues raised and the questions highlighted during the conference. Moreover, for those engaged in research or policy making in the area of trade, environment and sustainable development the report provides input into their work and helps to address the salient questions arising after Cancún. Lastly, in regard to the ongoing CAT-E project the report will certainly support the CAT-E network to identify issues and problems in the area of trade, environment and sustainable development that require further research. Moreover, the results of the conference will certainly feed into the ongoing research as well as the preparations of the next CAT-E conference in 2003.

The structure of the document is as follows: First, the summary provides some background information on the CAT-E project and its work. Thereafter, the summary evolves along the panels held at the conference outlining the presentations and ensuing debates. The summary will end with highlighting the main conclusions concerning the research community as well as policy-makers. In the Annexes lists of the steering committee, the participants and important links can be found.

### 1.1 The CAT-E Project

The Concerted Action on Trade and Environment (CAT-E) is a three year project funded by the European Commission DG Research. Running until the end of 2005, it is designed to provide an opportunity for the large and growing community of European researchers working on trade and environment issues to develop new lines of co-operative research. To this aim, the CAT-E network brings together researchers from almost every member state of the European Union. It is composed of three core institutions, namely IVM the coordinator, Ecologic and IDDRI, and at present further 18 members.

CAT-E provides its members the opportunity to meet regularly, to discuss research hypotheses and methods, to review results, and to generate new research impulses in this area. Moreover, the CAT-E project launched a process to document the progress of research in annually reports. These reports summarize the main lines of arguments and provide current bibliographies on more than 20 issues in the area of trade, environment and sustainable development. Topics covered in the reports include Investment, Human Rights, Subsidies, Services, Intellectual Property Rights, the relation between multilateral environmental agreements and the WTO, or Agriculture.

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As the CAT-E project aims to launch dialogues with policy-makers at all levels, the CAT-E reports are written in a fashion that they are useful to both researchers and policy makers. Moreover, the reports serve as an input to three annual conferences. The objective of these conferences is to bring together network members, policy makers, civil society groups as well as the private sector to exchange point of views and knowledge and to engage in debate on how to move forward in the field of trade, environment and sustainable development.

The CAT-E reports as well as further information about the network, its members and ongoing activities can be obtained at <http://www.cat-e.org>.

### **1.2 The Conference “Moving Forward from Cancún”**

The conference “Moving forward from Cancún” is the first of three conferences carried out in the framework of the CAT-E project. It was organized by the CAT-E core member Ecologic – Institute for International and European Environmental Policy – in cooperation with the Task Force Global Issues of the German Federal Foreign Office and took place 30 / 31 October in the Europe Hall (Europasaal) of the German Federal Foreign Office in Berlin.

Being convened just in the aftermath of the collapse of the 5th WTO Ministerial conference, the conference was designed to review the developments in Cancún, to evaluate progress made concerning trade and sustainable development, and to chart options for the way ahead.

The two day conference brought together a large number of distinguished experts, academics and policy-makers as well as representatives from civil society and the business community, providing the opportunity to exchange views and arguments and to move the debate forward.

The international conference was attended by representatives from most European Member States as well as participants from countries including Russia, Switzerland, Bosnia-Herzegovina, Romania, Israel, India, Uganda, Canada and the United States of America. The organizers are in particular thankful to the US Embassy in Berlin and the Friedrich Ebert Foundation who supported a number of participants to attend the conference.

Information on the conference including background documents to all panels can be obtained from the conference web site at <http://www.ecologic-events.de/cat-e>.

## 2 Conference Proceedings

### 2.1 Opening - Ambassador Dr. Wittig

Dr Wittig from the German Federal Foreign Office (Deputy Head of Department, Dept. of Global Issues, United Nations, Human Rights and Humanitarian Assistance) gave the opening remarks for the conference. His address highlighted the reasons to host this conference on trade, environment and sustainable development and why it fits perfectly into the German Federal Foreign Office. First, the Task Force for Global Issues in the German Federal Foreign Ministry and its capacities to organize conferences suits well to support the preparation of international conferences with a large number of guests. Secondly, and more importantly, the CAT-E project and its network stands for international exchange and communication - two fundamental characteristics of foreign affairs. Against the background of globalization the duties of all ministries become more global as their duties and action interact more closely on the international level. As a consequence, all ministries become more international and even within governments foreign relations become more and more prevalent. Thirdly, the German Federal Foreign Office acknowledges and appreciates the role of think tanks and research institutions to shape the political agenda. Thus, it wants to support the creation of a new international research network and to contribute to achieve the knowledge base necessary to improve policy making.

As the collapse of Cancún does not represent the final word in the development of the international trading system, the need to balance trade, environment and sustainable development will endure. Thus, the conference is seen as an opportunity to take advantage of the intellectual momentum and to carry ideas and ideals forward to achieve a more inclusive and mutual supportive policy on trade, environment and sustainable development.

### 2.2 Keynote – Mr. R. Andreas Kraemer

The keynote address by R. Andreas Kraemer, director of Ecologic, gave an overview about the nature and aim of the CAT-E conference, the CAT-E network and its linkages to Ecologic's current work.

Today, trade diplomacy effects a series of issues. The expansion of the trade agenda and its impacts on other policy areas was e.g. mirrored by the presence of four German Minister in Cancún. The broadness of the agenda is also reflected in the CAT-E project which currently analyses more than 21 issues in the area of trade, environment and sustainable development. Only some of these issues were chosen for the conference, but already now the conference aims to include emerging issues, such as instruments for consumer policy and human rights.

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In Cancún, European research and lobbying was not reflecting its economic power. Institutes and organizations from Northern America were much more present and visible. However, the CAT-E project provides an excellent opportunity to create a network of adequate quality and size to effectively shape the political agenda in the area of trade, environment and sustainable development. The number and composition of the participants demonstrate the early success of the network. In addition, CAT-E aims to expand further. Ecologic's workshop on the relation between multilateral environmental agreements and WTO rules 2005 in Budapest is only one example how Ecologic will contribute to identify Eastern European Partners and to create a truly Pan-European CAT-E network.

The CAT-E network as well as Ecologic aim to work and interact closely with academic and policy makers on the national and international level. The list of participants gives truly testimony to this ambition. It is hoped that this exchange will be fruitful for all participants. Researchers need focus given by policy makers. The amount of Information available makes is indispensable that these information have to be digest for policy makers. This is exactly what a network like CAT-E can achieve.

The conference will bring together international experts, policy-makers and civil society to jointly assess the developments in Cancún, to analyze potential and opportunities to move forward and to give clear messages coming out of policy community to the decision makers.

### **2.3 Panel 1: The General Agreement on Trade and Services**

The chair of the GATS panel, Lakshmi Puri of UNCTAD, began by making a few comments on the issue of moving forward from Cancún. She noted that the conference title was not a mistake, but rather an act of precision. She asserted that it is very important, particularly if there has been an impasse, to make a concerted effort to move forward and identify what has to be done – and, as services were a factor for the impasse, the GATS panel would be helpful in determining how to move on. Another factor responsible for the impasse is that Cancún presented a moment of truth — i.e., countries had to make specific commitments about issues relating to human livelihood and health etc. in areas such as agriculture. The other important issue was the unfinished business of the Uruguay round. Many of these issues were not given the same kind of priority, and there were at the same time a number of other issues that needed to be brought to fruition.

A third issue was the promise of the Development Agenda. Developing countries felt at Cancún that they had made a double payment (i.e. in agriculture and textiles) but hadn't been paid back. All the deadlines in respect of these key issues had been missed. Clearly the development expectations were unsatisfactory and disappointing and there was a feeling among developing countries that they had been shortchanged.

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A fourth important aspect was the democratic factor – that is, these were not just government representatives or trade negotiations, but there were also electoral considerations at play and negotiations among democracies that were very complex (not only for the US and EU but also small African countries). This was exacerbated by the engagement of civil society, which also contributed an increasing involvement of stakeholders bringing their interests to these negotiations.

The negotiations produced several lessons for the services area. The good news is that services were not a contentious issue in Cancún. The bad news, however, is that services are very much linked to the overall balance of the whole negotiations and are directly related to movement in areas such as agriculture. As a result, the attempt to resume business in the WTO after Cancún began with services negotiations. It will not be possible, however, to move forward with services unless there is a deblocking in other areas.

Ms. Puri noted that, if we want to move forward, it is necessary to consider that services have been more successful and less contentious because the structure of the GATS is broad and well suited to development. In terms of trade interests, many developing countries currently harbour defensive interests. Services negotiations offer an important opportunity for developing countries to remain engaged and to feel that they should contribute positively to the trade negotiations.

Lastly, Ms. Puri made mention of UNCTAD's involvement with Mode 4 and the welfare effects that it would bring, and she asserted that the opening of Mode 4 could mean a gain to developing countries that exceeds aid by 3 times. In UNCTAD's opinion, this is the area that will give developing countries the incentive to move forward in areas of environment and other issues, as right now they are making some ambitious demands.

The first of the panellists, **Anna Sophie Herken** of the BMWA, gave an introduction to the structure of the GATS and the state of play in the services negotiations. She stressed the economic importance of the agreement and gave an overview of the service sectors covered and the four modes of supply. She noted that the distinctive structure is important because it allows member states a great degree of flexibility, and stressed that under GATS there is no obligation to open any sector. When a commitment is taken, however, it can be tailored to the national interests while maintaining the right to regulate. It is not the intention of GATS to threaten public services, nor does it aim at privatisation or deregulation. She mentioned that the EU offer is the most substantial offer that has been tabled so far. The EU has offered many new sector commitments, such as in postal, environment and legal services, but has made no new changes to its commitments for social services, water for human use, education. As trade in services was not really an issue in Cancún, from a services perspective it was a disappointment for the EU. Ms. Herken hoped that the General Council meeting in December should help to offer some clarity, and she stressed the need for a meaningful improvement of the offers that have been tabled so far.

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**Mr. Markus Krajewski** of the University of Potsdam discussed the importance of water in the services negotiations and in sustainable development. Water has traditionally been regulated as an item in the public domain, but recently that there has pressure to involve more private actors and private investment. He addressed the issue of water from the perspective of Human Rights, noting that access to water is not explicitly recognised in human rights treaties, but it is arguable that access to drinkable water is a precondition for the fulfilment of a number of other human rights (e.g. right to life, health, shelter). Mr Krajewski went on to discuss academic approaches (i.e. the liberal-constitutional and narrow legalistic perspectives), but stressed the need to focus on the wide perspective and the broader implications.

Mr. Krajewski concluded that there is a need for regulatory flexibility – in effect, he stated, the GATS can effectively restrain such regulatory flexibility. Cancún allows for time to stop and reflect. Is the GATS environmentally friendly? Is it such a success story? There are still many issues that are not clear—content of provisions are unclear. There is a lot of talk about how to get back on track, but before we should determine which track we should put the train on?

**Ms. Elizabeth Benson** from Energy Associates (USA) reflected on the specific experience of Cancún. She stressed that there remains not only the opportunity but also the obligation to make something good out of Cancún. It is necessary to learn from the lessons that Cancún had to teach. The first is that globalisation is a reality, and must be considered as the fulcrum on which the entire ministerial is balanced. Second, the WTO is not intended to be a UN general council. Debate is critical to success, but if it's the only skill that a country can bring to the table than it is empty. Everyone needs to negotiate but also to compromise. Thirdly, the capacity to craft offensive and defensive trade policies and negotiate on an equal footing remains an elusive goal for most of the countries involved. Many developing countries do not yet have the fundamental capacities to analyse and respond effectively in this environment.

In the discussion that followed the panellists presentations, Ms. Puri voiced her hope that Cancún would be a wakeup call with regard to the need for having a genuine development commitment in trade negotiation system. She asserted that it's not enough to tell developing countries that trade is good for them and then not give them a level playing field. There was some discussion about Cancún as part of the system of global governance, and the corollary role it may have played to increase transparency, disclosure, capacity building, accountability and participation. Another issue discussed were sustainability impact assessments with regard to environmental services, and both the German and US approaches to SIAs (particularly with regard to water and energy).

## 2.4 Panel 2: Investment Liberalization

Investment Chair Mr. Lingemann from the German Federal Foreign Office opened the panel with the statement that if the Doha Round fails, there is more at stake. In a globalised world, the international institutions of economic governance have become increasingly important in shaping the development agenda. The Singapore issues were the formal reason why the negotiations failed. However, at the same time foreign direct investment has become an fundamental source of capital in international activities. Therefore it needs to be determined what role investment liberalisation will play in sustainable development. He posed the question of why investment liberalisation has come to be such a contentious issue, and mentioned some advantages and disadvantages of bilateral investment agreements.

The first presenter, **Mr. Konrad von Moltke** from the Institute for Environmental Studies (IVM – The Netherlands), began the panel with a couple of general comments to address loose talk about trade policy. He emphasised that investment is entirely different from trade. Its economic functions, social and environmental functions are different from trade in goods and also from trade in services. He stressed a few salient points: first, the theory of comparative advantage does not apply to investment, as the risk in investment hinges on the fact that that it's time sensitive. The core issue, according to Mr. von Moltke, is to balance investment rights in a way that is accountable. He pointed to significant defects in investment agreements themselves as the reasons behind the failure of all of these agreements. Therefore, it is a difficult agenda for the WTO. At the same time, investment is of fundamental importance to any pathway to sustainable development; that is, robust international agreements on investment will promote sustainable development.

He addressed the issue that the Singapore issues seem to have been taken off the agenda. In some negotiations, cutting down the agenda is a necessary requirement for success, and thus Cancún can be considered somewhat of a success. He concluded with noting that there has to be a new discussion on how investment treaties have to be structured to achieve development goals. As an example he pointed to how the climate change convention, which includes investment, underlines the importance of investment and technology transfer to achieve sustainable development.

The next presenter was **Mr. Albert Cho** from the World Resources Institute (Washington, DC), who said that with regard to investment negotiation, it is important to recognise that the drivers to push investment agreements forward have not disappeared, even if they have for the time being been pushed aside. In the meantime, he asserted, is it important to analyse prevailing norms and principles in order to identify positive frameworks for investment vis à vis sustainable development. To do this, it is necessary to look at specific examples, and Mr. Cho chose electricity – with such huge market, combined with the post-Cancún pressure on countries to make new commitments in this area, electricity is a good place to ground discussion of sustainable development integration in policies. He presented as case studies

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a number of positive examples in which national regulation on investment was able to embark on a path which is more friendly to sustainable development.

He concluded that existing concerns over policy space for sustainable development are real, and it is difficult to preserve the needed space in practice. When these capacity issues are combined with political influences, it is not always possible to implement sustainable development issues successfully in policy. In order to look forward, it is important to assess the costs and benefits of multilateral investment framework. Investor protection and liberalisation are legitimate goals, but there remains a need for a significant amount of work in order to determine how to formulate a development-first investment framework.

**Mr. Peter Knoedel** (BP Germany) then presented an industry perspective on how to balance stakeholder interests when investing for the long term. He stated that investment, particularly in the oil sector, needs predictability and stability. He chose to present an example of how a large multinational company could formulate a long-term framework for sustainable development, using the case study of BP's involvement with the BTC pipeline project to secure the Caspian oil supply and develop the Caspian economy.

As the pipeline is being constructed in a part of the world where economies and legal frameworks are in transition, it becomes a special challenge to ensure certainty and high standards. In response to this challenge, the parties involved with the BTC project have formulated a complex level structure called the "Prevailing Legal Regime", an important component of which is the so-called "joint-statement" which expresses the commitment of all parties to adhere to international best practices in *inter alia* environmental, human rights and social and corporate responsibility standards. According to Mr. Knoedel, this joint statement spells out clearly the spirit in which the BTC project has been undertaken, and could become a blueprint for future projects of this kind. He affirmed that, with regard to investors rights and states rights, there exists no single answer to find the balance. The level of transparency with the BTC project differentiates it from other projects, and therefore BP's project could represent a benchmark.

As the final speaker of the panel, **Ms. Alice Ruhweza** (National Environment Management Authority – Uganda) gave an overview of the particular problems that developing countries face with regard to investment. She presented the legal framework within which investor rights operate in Uganda, and identified the challenges for both regulators and investors. Regulators have limited resources and a general lack of data, which makes it difficult to attract good investment without over-regulation. Investors must contend with significant bureaucratic issues (registration, taxes, customs etc) in addition to legal issues and problems with access to land. Ms. Ruhweza set forth a list of recommendations, including among others: simplification and streamlining of investment registration and establishment procedures, improvement of the overall legal framework and increased coherence in the customs appeal process. She concluded by asserting that there is no need for an international investment agreement in Uganda; the current regulation is working, but simply

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needs to be improved. She also noted that the WTO legal mechanism is only binding if the investor is a Member.

The discussion was opened with the assertion that BTC project represents the state of the art and offers a good example of how to identify an appropriate negotiation agenda for sustainable development with international investment agreements, i.e. how private and public law can be combined in order to incorporate voluntary requirements into specific, legally-binding investment agreements.

There was much discussion about BITs, as they relate to bilateral investment disputes and to what extent they are preferred by investors over multilateral investment agreements and frameworks. From the political economy perspective, the issue of domestic capacity building with regard to attracting investment was raised, and it was noted that institutional and regulatory issues cannot be solved simply by investment liberalisation. It was argued that because of the GATS, investment was already in the WTO. The GATS was not created with investment in mind nor is investment explicitly mentioned, but the investment elements are instrumental in the GATS. A GATS-type investment agreement, it was opined, would be better than the MAI model, but it would still fail in the institutional weaknesses of the WTO. But, as the question was then posed, if not in the WTO, then where?

Ultimately, it was determined that, although investment agreements are necessary instruments to achieve environmental and sustainable development interests, no members of the panel advocated further integrating investment into the Doha agenda.

### 2.5 Panel 3: Intellectual Property Rights

The Intellectual Property Rights panel chair **Dr. Malte Hauschild** opened the panel by asserting that, from a ministry's point of view, Cancún was not a failure but a misunderstanding. He also noted that the importance of acknowledging the progress made on the issue of access to medicines, for which agreement was reached despite the proceedings in Cancún.

**Jean-Frédéric Morin** from *Únisfera/IDDRI* spoke first on bilateral intellectual property rights agreements, and aimed to bridge the IPR discussion with the issues raised by the investment panel. He warned that the perception of the Cancún failure as a victory was an illusion. According to Mr. Morin, bilateralism could prove to be more harmful for developing countries than a "bad agreement" within the WTO. In the intellectual property arena, bilateral agreements are already a reality, and have been more effective than multilateral organisations at pushing back the borders of the international IP regime. He noted that bilateralism shifts the balance of power in favour of developed countries and allows advances that most likely could not be achieved through multilateral negotiations at the WTO. Mr. Morin outlines the key features of bilateral IP treaties, including their background,

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the treaties themselves, the countries involved, the negotiations strategies and the treaties' provision. He concluded his presentation with some general remarks on bilateral agreements; among these, he noted that bilateral IP agreements represent both a geographical and legal expansion, and there are distinct links among bilateral, regional and multilateral negotiations. His final point was that the ultimate objective of these agreements should be not the extension of intellectual property rights, but the sustainable development of the two trading partners, namely the move from a hegemonic to a co-operative regime.

**Dr. Christine Godt** from the University of Bremen (Germany) asserted in her presentation that IPRs undergo a paradigmatic change that seems to be congruent with the overarching phenomenon of globalisation. Using the example of the Convention on Biodiversity, combined with the International Treaty on Plant Genetic Resources, Dr. Godt argued that intellectual property rights can become embedded in an administrative framework through which they can be used as instruments to achieve social and environmental goals. As she noted, the CBD builds on a concept of mutual supportiveness of economic incentives and environmental protection. With this in mind, the global IPR regime can provide an institutional model for "taming" economic globalisation. In order to explore her thesis further in her presentation, she outlined the three pillars of new architecture of international governance within which the IPR system can serve as a blueprint: 1) from national to transnational duties; 2) from equal to differential duties; and 3) from national to international horizontal co-ordination. She concluded with a comment on the ministerial negotiations, noting that modern regulatory IPR issues were not addressed at Cancún because no countries were ready to bring them to the table; rather, they were more concerned about protecting their rights. Nevertheless, she asserted, IPRs will be driving forces in WTO constitutionalisation.

**Dr. Anitha Ramanna** from the Indira Gandhi Institute of Development Research (India) examined the TRIPs negotiations from perspective of the global political economy. She began her presentation by noting that the process of negotiations is just as important as the actual understanding of what the legal provisions are. With this in mind she presented the state of the debate with regard to public health, geographical indications and traditional knowledge in order to provide an overview of countries' perspectives and interests regarding the IPR issue. She asserted that intellectual property rights are no longer a north/south issue, but rather are becoming more. The outcomes of IPR disputes cannot always be explained in terms of a power play, and there remains a great deal of scope for alliance and co-ordination between developed and developing countries with regard to IPRs. She expressed the belief that compromise is possible, and asserted that a range of actors – ranging from civil society to industry and government - can help to influence and accelerate the processes in the WTO. Dr. Ramanna concluded by noting that during the negotiations themselves the definition and scope of IPRs changed – this gives hope for progress, but also should be taken as a warning signal if it becomes a grab for all the countries and everyone is out for themselves.

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IPR panel Chair Mr. Hauschild directed the discussion with the question of what the tangible prospects are for IPRs following Cancún. Some responses were rather negative – for example, the view was expressed that the TRIPs agreement won't go anyway because it's not open to negotiations, nor should the agreement be considered the "new frontier" of the IPR regime. There was an emphasis on the need to create synergies between developed and developing countries – suggestions were either through bilateral or regional agreements, or through patent law or improvements in negotiations. The hope was expressed that there is a scope for pushing this agenda in many different forums.

The question of forum shopping was also raised, particularly with regard to its potential effects on developing countries, but in response the view was expressed that it is difficult to identify exactly what forum shopping means; as the WTO allows for linkages on various issues and the ability to bargain in a manner different from that available in other forums, there may be a return to the WTO even when negotiations seek to operate within other forums. There was also some debate on the efficacy of observer status and whether it truly represents real progress, and to what extent it can influence international negotiations processes. This was mentioned particularly with respect to the public health agreement as a potential aid to countries who don't have the sufficient capacity to operate within the complicated regime which has been put into place. In the realm of capacity building, however, it was mentioned that there can be included a sort of imposed capacity building which equals the changing as patent law etc. It is therefore essential to be careful with how capacity building is defined and allowed for with respect to developing countries.

### 2.6 Panel 4: Multilateral Environmental Agreements and WTO Rules

In order to position the discussion of multilateral environmental agreements in the context of the conference, Chair **Ms. Alexandra Wandel** of Friends of the Earth Europe mentioned that trade measures in these MEAs are important in order to achieve the objective of the MEA and implement it at the national level. However, the question was raised how it is possible to counter potential negative implications of MEA negotiations within the WTO. It is also important to identify what other reform steps, if any, are needed to strengthen environmental governance.

The first panel presentation came from **Mr. Georg Luy** from the Federal Foreign Office, who analysed the relationship between MEAs and WTO rules in negotiations on Par.31(i) from the Doha Development Agenda. He pointed first to the growing interfaces between trade and environment which focus on these two sets of rules. He also noted that the EU was a principle demandeur for the inclusion of environment on the trade agenda, mentioning that there was clear opposition particularly by developing countries with an inherent primacy on trade and development aspects. The bulk of Mr. Luy's presentation focused on the basic principles of Par. 31(i), the role of Par. 31(i) in Cancún, as well as the limitations of the Doha

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mandate. In this context he examined the framework of the Committee on Trade and Environment Special Session (CTESS) negotiations, as well as the major issues dealt with in CTES, in order to assess that little progress has been made in the implementation of the Doha mandate. In his concluding remarks he expressed the need to move forward in strengthening international environmental governance by applying mutual supportiveness institutionally and developing a balanced relationship between trade and environmental governance.

**Ms. Laurence Graff** from the European Commission – DG Environment followed with a assessment of the state of play of WTO negotiations on the relationship between MEAs and WTO rules. She began by pointing out that the mandate presents a number of limits and constraints, and it is therefore of key importance in understanding the dynamics of the CTE process and the reluctance of members to enter into negotiations. Ms. Graff noted that it is not an ideal mandate, as it excludes the key issues of non-parties, but the negotiations nevertheless do provide the opportunity for accommodation of MEAs within the WTO. It must be ensured, however, that these negotiations and their outcomes will not have a negative impact on the status and recognition of MEAs in general in the WTO, as well as on the current status quo.

After two years of negotiations, Ms. Graff indicated, not much progress has been made. After a few attempts to clarify the key concepts concerning the mandate, there was some discussion on the need for a definition of MEAs. The debate concentrated on the process aspects – i.e. issues of how to conduct negotiations and how to proceed – that is, with a sequential and analytical approach versus a horizontal and systemic solution. She mentioned that in the CTE before Cancún, even those supporting the analytical and sequential solution realised that it wouldn't work without also a conceptual debate. But they also realised that it would be a very legalistic and technical process that would be extremely difficult to handle in the WTO (even in the CTE). As a result, she concluded, it is necessary to enter into a more horizontal communication in the coming months.

**Mr. Matthias Buck** of the University of Hamburg was the last speaker on the panel, and addressed the issues of information exchange and observer status with regard to MEAs and the WTO. Much on the discussion on MEAs and WTO in the past decade has focused on a general relationship between these two bodies of law, he stated, but there is great deal of interaction on the level of specific provisions. This requires a significant amount of co-ordination, both substantively and fundamentally. In his presentation, Mr. Buck made a case for this kind of co-ordination and outlined the fundamentals of MEA-WTO Interaction, focusing the argument on the mandate of DMD Para. 31 (ii) and its implications for observer status and information exchange between MEA Secretariats and the relevant WTO communities, as well as the status of deliberations on the mandate. The fact that some information exchange should occur is not disputed, it is just a question of process for ensuring this exchange. In the mandate, criteria are identified, but there are no exact

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provisions for how to grant observer status. Although the mandate has some shortcomings, Mr. Buck expressed that it also allows for significant flexibility. Ultimately, he concluded that WTO-MEA interaction is inevitable, and will further grow in relevance both legally and politically, and the important co-ordination on the international level will only be effective if it operates successfully in both directions.

As the environment was basically not discussed at Cancún and CTE negotiations have been suspended, there remained many questions to be addressed in the discussion that followed the MEA panel. How can it be prevented that environment be placed at a disadvantage? Will it be considered that environment would shift to the UN? What is the broader picture—how can the MEA regime be strengthened in itself, as MEAs are quite weak and WTO is strong?

It was agreed that there needs to be a strong push to keep the environment on the agenda, whether the impulse is political or stemming from civil society and researchers. It was mentioned that directing political will in favour of sustainable development faces the challenge of upcoming elections in various member states. But it was also mentioned that, from environmental perspective, the environmental mandate from Doha is not at the centre of negotiations despite many implications for environment and sustainable development. Other issues, such as agriculture, tend to feature more prominently.

Yet another issue was the discussion on the feasibility of moving the environmental negotiations to another forum (such as a World Environment Organisation). It was mentioned that although it is conceptually ideally, it is not practical from an institutional perspective; in addition, there is no consensus on this move, and therefore it is simply not possible politically at present. The conclusion seemed to be that the WTO remains an important organisation, and though the opportunity to address environmental issues there should not be lost, the pressure must be kept alive to keep sustainable development on the agenda.

From the perspective of developing countries, it was said that the liberalisation of environmental goods and services should be used as a vehicle for exporting those goods in which developing countries have a comparative advantage. A holistic approach toward the trade and environment issues, and bringing in the involvement of developing countries, can lead to a triple-win situations (for environment, development and trade).

### 2.7 Panel 5: Agriculture Liberalization

The agriculture liberalisation Chair, **Mr. Heino von Meyer** of the OECD, has spent 20 years as a consultant and academic trying to move forward agriculture policy reform, and was therefore well qualified to assess that progress has been very slow in this area. He opened the panel with some orders of magnitude by mentioned that the agriculture industry received support of US \$300 billion in 2002 – 1.2 % of total OECD GDP, and that for a sector which produces about 3% of GDP in OECD countries. About ¾ of this support came in the form of

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input subsidies, which is can be trade distorting and potentially harmful to the environment. Overall, Mr: von Meyer noted, it is a highly inefficient policy.

The first presentation came from **Dorota Metera** and **Mariusz Maciejczak** from the IUCN Office for Central Europe. They mentioned that Polish agriculture presents one of the major obstacles and challenges for EU enlargement. Their goal was to utilise the case study of Poland to demonstrate WTO issues from point of view of Polish farmers. On the surface, agriculture in Poland is similar to that of the EU, a significantly greater percentage of the Polish population is employed by the agricultural industry. The percentage of farmers living only from the farm is decreasing, and one can see a shift from typical agriculture to other parts of the economy. At the same time, however, unemployment has doubled. It is therefore necessary for WTO liberalisation to keep in mind the social issue when considering the case of Poland. Poland can deliver a long list of social arguments which should be considered as improving living conditions in the countryside, supporting family farms, integrating rural developing and increasing food safety and security.

The Polish delegation in Cancún supported the position of the EU, and clearly supported the European model of agriculture, as well as further liberalisation of trade. At the same time Poland attempted to highlight the importance of supportive mechanisms for agriculture as well as market access. Keeping in mind the fact that agriculture in general is not specialised, and production is not sufficiently market oriented, Ms. Metera and Mr. Maciejczak raised the question of what will happen to farms in the future. The goals of Polish agriculture policy is similar to EU policy, as Poland is set to take over all instruments of CAP – e.g. sustainability, multifunctionality, competitiveness, profitability, biodiversity. There are common goals, but unequal support measures. Therefore, Ms. Metera and Mr. Maciejczak concluded, there needs to be a shift from functional support to more targeted measures, including environmental measures.

The second presenter shifted the focus from the Polish context to the agriculture policy in the United States. **Ms. Kelly Tiller** from the University of Tennessee's Agriculture Policy Analysis Center identified co-operative policy alternatives to address the farm income crisis which is plaguing farmers world-wide with unsustainably low prices. Despite the promise that the policy trio of deregulation, trade liberalisation and privatisation would lead to declining malnutrition, increasing rates of social gains and increasing farm prices, incomes and stability, Ms. Tiller said that the policies have simply not delivered. She focused her attention on the case of US policy changes which have led to unfavourable results. She then illustrated the problems of continuing the current US agricultural policy, and questioned the viability of a free market solution. She concluded by presenting policy recommendations and forecasts for the future of agricultural policy both in the US and globally.

**Ms. Alexandra González-Calatayud** from the Royal Society for the Protection of Birds (RSPB) addressed the non-trade concerns within the WTO Agreement on Agriculture. Though the RSPB at first glance has no explicit connection with trade, as the largest

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conservationist organisation in Europe and second largest landowner in the UK, the organisation wields influence with its considerations of how international trade affects birds, wildlife and nature world-wide. Ms. González-Calatayud identified the issue at stake as being how to define the instruments that allow for the preservation of the environment and agricultural concerns without distorting international trade. It is also necessary to consider the influence of agricultural policy on actual agricultural practice, as well as the resulting impact on biodiversity. In this same vein, trade concerns can also include sustainable development, poverty, health, land use and food security, and it is necessary to address to issues as well.

Nevertheless, Ms. González-Calatayud asserted, non-trade concerns are not a side issue, and in fact can provide fundamental justification for bundling trade policies. According to her, two conditions are necessary to enhance non-trade concerns of agriculture: maintaining a certain level of domestic agriculture production; and promoting sustainable agriculture. She identified some policy mechanisms for achieving these conditions, including diversity of instruments, domestic support and inclusion of southern interests, and pointed out that the nature and extent of non-trade concerns vary from country to country. She concluded that a great deal of work still needs to be done in negotiations but also on the ground with farmers, certification and capacity building. This work on the ground could help to win back the trust and show that concerns are general and not based purely on protectionism.

The panel discussion began with comments from the southern perspective. It was said that agriculture is a core issue for developing countries in the trade negotiations, and regardless of whether it's officially stated it is a key development benchmark for developing countries. It was also mentioned that multifunctionality is a serious concern for developing countries because they see it as a way for developed countries to justify their subsidies and circumvent the deregulation of trade in agriculture. It was suggested that tariffs be lowered until a level playing field is achieved, which ensures that farmers have an equal opportunity to compete.

The viewpoint of the accession countries was also expressed. It was noted that agriculture plays an important role in all of the 12 countries in this region, and these countries have special needs that are often not addressed during negotiations. It was suggested that special projects should be developed to assess rural development and agriculture problems presented by joining the WTO. In response it was noted that social acceptance for accession was helpful to ensure competitiveness, which is a key issue for farmers as their countries enter single markets.

Ultimately it was determined that neither the status quo nor free market solutions are adequate for addressing the problems in agriculture, but the question remained whether, in addressing trade concerns, the means currently applied actually deliver the services in a satisfactory way.

## 2.8 Panel 6: Instruments for Consumer Policy

Chair **Mr. Sascha Müller-Kraenner** from the Heinrich Böll Foundation introduced the panel by placing the debate in the German context, noting that the interface between the trade agenda and consumer policy agenda has been traditionally of particular importance to the Green party. He then centred the discussion in the international realm by presenting to speakers the challenge of determining how to strengthen global governance. Strengthening governments, Mr. Müller-Kraenner noted, will not have a long term effect in this regard – governments can only be effective if they interact with those consumers who support them.

The first speaker of the panel was **Mr. Joost Pauwelyn** from Duke University Law School, who offered an overview of new developments in trade instruments for social policy. He noted that consumer concerns are at the heart of enhanced trade liberalisation, but he posed the question of what the scope is for invoking consumer concerns in favour of trade restrictions. He began by examining whether the WTO permits the use of trade restrictions as mechanisms to deal with consumer concerns, particularly social concerns and social policy questions abroad, and framed the debate by analysing WTO case law and some recent examples of the WTO legality of trade instruments to respond to such concerns.

Mr. Pauwelyn noted that trade policy is not a first-best response to social problems abroad, which should be attacked at their roots. He also asserted that if consumers are genuinely concerned, the market itself will respond accordingly and correct for this. In some situations, however, can and must the state intervene to correct the market, and in certain instances trade policy is an appropriate mechanism. Although the WTO has become more tolerant in this respect, the case law remains patchy and unpredictable. In addition, there exists a heavy burden on the WTO judiciary because it is still unclear to what extent these instruments are justified.

The next speaker of the panel, **Mr. Markus Gehring** from the University of Hamburg reviewed the nature of precaution through process and how it is realised through regulatory instruments such as environmental and sustainability impact assessments of trade rules. He presented different levels of regulation for international trade, as well as case studies of the US Trade Act of 2002, the Canadian EA of Trade Policy legislation in Canada and the WTO GATS assessment. He noted that more and more countries are adopting this approach on a national level, and although at the global level there are discussions about an international mechanism, no institutional assessment instrument exists.

Mr. Gehring expressed the opinion that the precautionary principle should be widely applied by states to their capabilities in order to protect the environment. He recommended that environment, sustainable development and consumer interests be integrated not only into national environmental assessments of trade, but also into WTO reviews (e.g. through the CTD or CTE). He also assessed that mechanisms should be set in place to ensure transparency, participation and increased accountability. His conclusion was that consumer

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concerns can be integrated, but it's still a challenge, as most consumer groups don't have these processes on their radar screen and do not have access to this kind of information.

In the discussion that followed the panellists' presentations, the question was raised of how one defines consumers. It was noted that it is seemingly difficult to link issues of environmental impacts and sustainability to consumers, which could make it problematic to utilise consumer policy instruments to promote the environmental agenda. It was questioned to what extent consumer preferences can really make a difference in the market. However, it was asserted that consumer preferences can be one of the best ways to examine the market directly, and one should not underestimate the importance of consumers and the way in which they make decisions.

There was some discussion on the issue of labelling, and it was noted that if consumers are able to distinguish between two products, it will not change competitive opportunities with trade if the government labels a particular product. If consumers do not express a preference, however, then government intervention will have a more significant market effect. Along this same vein, it was mentioned that a voluntary label is a standard according to the WTO and is thus, in contrast to private standards, subject to a code of good practice. It was also suggested that labels could potentially provide Least Developed Countries with the opportunity to benefit from their comparative advantages.

The complexity of the consumer agenda was a further topic of discussion. It was noted that consumer policy focuses on balancing interests (economic, fundamental, social), and the question was thus raised whether the government should have the right to keep a product away from a consumer if the consumer is satisfied with the value of the product. The opinion was expressed that there needs to be a balance for those who have to legitimise trade policies on the basis of non-trade related issues.

## 2.9 Panel 7: Human Rights

The human rights panel began with the statement from chair **Ms. Malini Mehra** from the Centre for Social Markets (UK/India) that the human rights agenda with regard to international trade now faces the challenge of ensuring coherence and consistency of government obligations, which ultimately carry more weight than even WTO rules. The close attention of governments to these important obligations is essential to preserving and promoting human rights internationally.

Ms. Mehra then introduced the first panellist, **Ms. Caroline Dommen** from 3D (Switzerland), who presented an analysis of the relevance of human rights in the WTO and the mutual benefits to both human rights and trade when these interests are bundled. She noted that the consideration of human rights and trade is a relatively young issue, but nevertheless it can be determined that trade and trade liberalisation have concrete effects on human rights. The

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problems that international trade must confront deal primarily with the crisis of legitimacy of coherence, as well as the common perception that trade liberalisation is a great violator of human rights. According to Ms. Dommen, one reason for this is that the definition of human rights is subject to misunderstanding. Beyond the easily grasped conception of human rights as freedom from torture and mistreatment are other internationally protected legally binding rights, such as right to food and right to health. She demanded that states must have a policy in place to preserve and ensure human rights and must have an agenda with regard to the measures they will take to achieve realisation of these rights.

With regard to the rights to food and the right to health, non-discrimination is the first and most important legal obligation. As human rights exist to protect the poor and disadvantaged, Ms. Dommen noted, they require accountability: from states to their citizens, in the context of international co-operation and from private actors. In this vein, the well established human rights framework can be helpful when assessing trade and environment and other international issues with regard to transparency in international organisations, imbalances of power, commodification of certain elements of human life and the obligations of states to monitor the impacts of policies. With respect to specific effects of WTO rules on human rights, Ms. Dommen pointed to intellectual property rights and access to medicine, and she indicated that the human rights agenda shares concerns with many IPR issues.

The next speaker was Mr. Peter Rothen - Head Human Rights Department of the German Federal Foreign Office - presented the German government's view on the human rights issue. He noted that the position of the Federal Foreign Office is linked to overall human rights and business issues, pointing to the norms on the responsibilities of transnational corporations and other business entities adopted by the subcommission of the UN commission on Human Rights. He explained that these norms are not adopted by the UN, but rather are recommendations by independent experts who form the so-called subcommission and which have just been transferred to the Commission on Human Rights for consideration. With regard to these recommendations, states have not yet taken a position.

Mr. Rothen explained the structure of the norms package and detailed the procedure that must be followed in order to adopt them, though he expressed doubt that the norms would be quickly adopted. He noted that, although with regard to content these norms present nothing new, the main and important difference of these norms is their compulsory nature of the norms. This moving away from the voluntary approach, despite the German government's endorsement of corporate social responsibility, presents a problem in Germany and the EU where a traditional approach has been to pursue human rights on a voluntary basis. Mr. Rothen expressed that the non-voluntary approach could in fact be counterproductive, as state organisations will likely not have sufficient capacity to process reports from all transnational companies and businesses.

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**Mr. Kevin Gray** from the Royal Institute of International Affairs reaffirmed Caroline Dommen's assertion that the trade and human rights linkage is still in its early days, and noted the irony that although these regimes have a temporal relationship, they have developed independently of one another. He indicated that the resistance to integration of human rights in the WTO could be conceived as a veiled protectionism, but stated that as human rights cuts both horizontally and vertically, there is some scope for interpretative play and it is therefore difficult to implement human rights regimes. It is also quite difficult to establish a concrete and direct linkage between liberalised trade and human rights violations.

Mr. Gray then presented a detailed analysis of the right to food and the right to health, outlining potential violations to these rights, impacts of considerations of these rights on international trade, as well as the available mechanisms within the international trade regime to ensure these two rights. He pointed out the similarities between the right to food and the right to health, both theoretically and with regard to implementation and impacts in practice. He concluded with an assessment of the ways in which the human rights agenda can be effectively advanced in the WTO.

In the discussion that followed the panellists' presentations, there was some debate on how to assess trade and human rights from a development perspective, in particular with regard to the issue of right to development. From one viewpoint, it was asserted that the right to development is a red herring in the context of the human rights agenda and only serves to confuse the debate. Along this line of thinking, the view was expressed that more could be accomplished by weighing the obligations of states through the legally binding mechanisms. It was also noted that it is not helpful to characterise the collective rights along with the individual rights, as the approaches are too disparate to compare.

It was said that there is no inherent conflict between WTO rules and human rights rules, but conflicts do arise with regard to the way in which the rules are implemented at the national level. With this in mind, the aim is thus to work with individual countries in the formulation of trade policy and negotiations to ensure that pressures and liberalisation pressures don't take away the countries' abilities to protect human rights.

With regard to the right to healthy environment, it was mentioned that from a legal perspective this right is not articulated as such. However, it is necessary to have a clean environment in order to enjoy right to health and right to food, and therefore this is more of an inherent right.

In conclusion, it was said that many of the issues raised and divergences noted will continue for some time, but much progress has already been made in promoting a constructive discussion and communities are interacting bilaterally. As the title of the conference made mention of "global governance", there must be more discussion of the United Nations and its role in promoting the human rights agenda.

## **2.10 Conference Closing: Final discussion “Moving forward from Cancún”**

The final discussion was chaired by began with a reflection on the meaning of Cancún. Within the conference proceedings, there were differing opinions on the outcome – the Ministerial was referred to as *inter alia* a failure, impasse, chance for reflection, success, whether because it pared down the unrealistic and unreasonable agenda or because it allowed developing countries to flex their muscles as not before. It was noted that with regard to environment and sustainable development there is now a better appreciation of the breadth of the agenda and the issues that have widened and deepened. Research has led the way, and the political process has lagged far behind, and it was concluded that the conference demonstrated not only the connections between many items on the agenda but also the disconnect between the agenda and the policy.

The trade agenda is very complex, and in order to move forward successfully there must be flexibility from all member states, but also a comprehensive streamlining of the agenda itself. It was mentioned that the agenda stands at the frontier of feasibility, and it must first be determined exactly what kind of Doha Development Agenda should be advanced. There is a need now to concentrate, and also to retain the momentum from Cancún.

From a developing country perspective, there must be determined efforts to build capacity in developing countries (in the medium and the long term) so that there are able to take advantage of the trade system. Efforts must also be made in order to successfully raise the comfort level of developing countries with the sustainable development agenda so that environment doesn't appear to be merely an instrument of protectionism wielded by industrialised nations.

It was noted that the first Ministerial was accompanied by a robust programme, which was related less to the state of play of the negotiations than it was to the growing pains of the organisation. It was said that it would be helpful to explore this linkage and to better understand the evolution of the process and the agenda setting.

It was mentioned that, unless governments take ownership of the WTO, it will be very hard to move forward. In addition, ministerials could occur more frequently simply to lower the expectations that are attached to these events and allow negotiation partners to develop trust through familiarity.

It is most important to acknowledge that there are still significant gaps in the research agenda. This applies to the processes of European trade policy formation, as well as to southern issues in the trade and environment agenda. There is also a need to determine definitively what trade is, as there is a sloppy tendency to equate trade with everything that's on the agenda. Need research on the functioning of commodities market, and on investment.

### 3 Conclusion

The Berlin conference offered a comprehensive overview of the state of the art with regard to trade and environment issues and successfully analyzed the events that led to the breakdown of the negotiations in Cancun. It can be concluded, however, that a great deal of research remains to be done in order to formulate a concrete and robust agenda for moving forward on international trade, environment and sustainable development. Apart from the issues discussed at specific panels, there were a number of issues that raised at various times during the conference. Only three shall be mentioned in the following paragraphs:

One of the most interesting issue areas for the European Research community is EU trade policy making itself. The distribution of competence in the EU for trade policy is increasingly complex as trade intersects with other policy areas. Moreover, the role of the Member States in Cancún was not clear, giving testimony to the competence struggle in the European Union. These complexities tend to make the EU inflexible in the negotiation process. While the concession on the Singapore issues represents a significant departure from prior positions, the fact that it came too late in the process to have much impact is probably attributable to the nature of the EU co-ordination process. Thus, the need for further research on EU trade policy making was raised several times during the conference.

Second, South-South trade and its implications for sustainable development has drawn attention from researchers. The high levels of tariffs within and between low income (and some middle income) developing countries currently in place, analysis of trade statistics and assessments of the comparative advantages involved in different commodities would suggest that the potential for South-South trade is high. However, there appear to be no studies on the likely consequences of South-South trade for the environment and sustainable development, except for a few investigations, recent and on the whole sketchy, of regional free trade agreements in the South. Further investigation into the potential, likely trade patterns and their impact on the environment and sustainable development might make an important contribution to future discussions and negotiations.

A last topic mentioned here is the ongoing question, how apt the WTO is to effectively and efficiently deal with issues outside the trade area. It is undeniable that international trade negotiations have undergone significant changes, and the only way is forward. The WTO now has more members and more democratic participants, and coordinating interests is indeed difficult. The question has been raised repeatedly whether the WTO remains the appropriate forum for such complex negotiations. At the same time, there is no consensus on an alternative forum. Thus, further research is still needed on how the WTO might reform itself or as to whether other international fora, especially in the realm of the United Nations, could deal more effectively with trade and environmental issues.



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The Concerted Action on Trade and Environment project members look forward to deepening and broadening the debate substantively by expanding issue areas to examine the aforementioned and among others, such as fair trade, regional agreements, or bilateral investment agreements in more detail. They also agree that It would benefit the debate to encourage a geographical expansion, moving the discussion and focus eastward and southward in order to better reflect the global context.

## 4 Annexes

### 4.1 Steering Committee

1. Knut Brünjes, German Federal Ministry of Economics and Labour
2. Dr. Nikolaos Christoforides, European Commission - DG Research
3. Julio Garcia Burgues, European Commission - DG Environment
4. Dr. Otto Lampe, German Federal Foreign Office
5. Dr. Bernhard May, Research Institute of the German Council on Foreign Relations
6. Ricardo Meléndez-Ortiz, International Centre for Trade and Sustainable Development (ICTSD)
7. Sascha Müller-Kraenner, Heinrich Böll Foundation
8. Rupert Schlegelmilch, European Commission - DG Trade
9. Jürgen Stetten, Friedrich Ebert Foundation
10. Laurence Tubiana, Institut du Développement Durable et des Relations Internationales (IDDRI)
11. Prof. Dr. Konrad von Moltke, The Institute for Environmental Studies (IVM) Vrije Universiteit, Amsterdam
12. Prof. Dr. Ernst Ulrich von Weizsäcker, Member of the German Parliament
13. Karin Zaunberger, European Commission - DG Research

## 4.2 List of Participants

1. Hanan Awwad, Friends of the Earth Middle East – Palestine
2. Elizabeth Benson, Energy Associates – USA
3. Daniel Blobel, Ecologic – Institute – Germany
4. Katia Bodard, Vrije Universiteit Brussel – Belgium
5. Luke Brander, University of Amsterdam - The Netherlands
6. Bernhard Braune, Federal Foreign Office – Germany
7. Detlev Brauns, Federal Ministry of Economics and Labour – Germany
8. Matthias Buck, University of Hamburg – Germany
9. Marco Bülow, German Bundestag – Germany
10. Isabelle-Konstanze Charlier, Ecologic – Institute – Germany
11. Christine Chemnitz, Humboldt University Berlin – Germany
12. Albert Cho, World Resources Institute - United Kingdom
13. Clare Coffey, Institute for European Environmental Policy – Belgium
14. Amit Dasgupta, Berlin Embassy of India – India
15. Rutu Dave, Environmental Assessment Agency - The Netherlands
16. Prof. Dr. Marc de Clercq, Ghent University – Belgium
17. Dr. Claudia Decker, German Council on Foreign Relations – Germany
18. David Diaz-Benavides, United Nations Conference on Trade and Environment
19. Caroline Dommen, 3D – Switzerland
20. Tanja Dräger, Ecologic – Institute – Germany
21. David Ehinger, Berlin Canadian Embassy – Canada
22. Prof. Paul Ekins, Policy Studies Institute - United Kingdom
23. Christian Fatras, Federal Ministry of Economics and Labour – Germany
24. Carlo Fatuzzo, European Parliament
25. Prof. Dr. Xavier Fernandez-Pons, University of Barcelona – Spain
26. Peter-Ernst Fischer, Federal Foreign Office – Germany
27. Thomas Fitschen, Federal Foreign Office – Germany
28. Peter Franz, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety – Germany
29. Volker Fürst, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety – Germany
30. Andrea Galvan, Fondazione Eni Enrico Mattei – Italy
31. Katja Gehne – Germany
32. Markus Gehring, University of Hamburg – Germany
33. Christiane Gerstetter, University of Bremen – Germany
34. Stefan Giljum, Sustainable Europe Research Institute – Austria
35. Dr. Christine Godt, University of Bremen – Germany
36. Aimee Gonzales, WWF International
37. Alexandra González-Calatayud, Royal Society for the Protection of Birds - United Kingdom
38. Benjamin Görlach, Ecologic – Institute – Germany
39. Antonia Gospodinova, European Parliament
40. Sebastian Gräfe, Heinrich Böll Foundation – Germany
41. Laurence Graff, European Commission, DG Environment

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43. Jörg Haas, Heinrich Böll Foundation – Germany
44. Dr. Helmut Hagemann – Germany
45. Torge Hamkens, Federal Foreign Office – Germany
46. Ingrid Hanhoff, Federal Environmental Agency – Germany
47. Dr. Malte Hauschild, Federal Ministry of Economics and Labour – Germany
48. Corinna Heineke, Freie Universität Berlin – Germany
49. Swantje Helbing, Federal Ministry of Consumer Protection, Food and Agriculture – Germany
50. Anna Sophie Herken, Federal Ministry of Economics and Labour – Germany
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54. Agni Kalfagianni, University of Twente - The Netherlands
55. Gunther Kellermann, Verband der Chemischen Industrie – Germany
56. Dr. Marina Khotuleva, Eccline EA Centre – Russia
57. Gary Knapp, Ecologic - Institute – Germany
58. Markus Knigge, Ecologic - Institute – Germany
59. Jürgen Knirsch, Greenpeace – Germany
60. Peter P. Knoedel, German BP – Germany
61. Dr. Bettina Knothe, nexus-Institute, Berlin – Germany
62. R. Andreas Kraemer, Ecologic – Institute – Germany
63. Dr. Markus Krajewski, Kings College London - United Kingdom
64. Nicole Kranz, Ecologic – Institute – Germany
65. Stefan Krug, Greenpeace – Germany
66. Onn Kuik, Free University Amsterdam - The Netherlands
67. Dr. Otto Lampe, Federal Foreign Office – Germany
68. Andréanne Léger, Humboldt University Berlin – Germany
69. Detlef Lingemann, Federal Foreign Office – Germany
70. Christine Lucha, European Centre for Minority Issues – Germany
71. Julius Georg Luy, Federal Foreign Office – Germany
72. Mariusz Maciejczak, IUCN Office for Central Europe – Poland
73. Benoît Martimort-Asso, Ecole Nationale Supérieure Agronomique de Montpellier – France
74. Malini Mehra, Centre for Social Markets – India
75. Ilka Merbold, Ecologic – Institute – Germany
76. Dr. Monika Mertens, Federal Ministry of Consumer Protection, Food and Agriculture – Germany
77. Dorota Metera, IUCN Office for Central Europe – Poland
78. Jean-Frédéric Morin, Unisféra International Centre – Canada
79. Patrice Moussy, European Commission, DG Development
80. Dr. Friedemann Müller, German Institute for International and Security Affairs – Germany
81. Sascha Müller-Kraenner, Heinrich Böll Foundation – Germany
82. Caroline Nuffort, Ecologic – Institute – Germany
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85. Alice Palmer, Foundation for International Environmental Law and Development - United Kingdom
86. Marc Paquin, Unisféra International Centre – Canada
87. Jean-Marie Paugam, Institut français des relations internationales – France

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88. Joost Pauwelyn, Duke University – USA
89. Dr. Stefanie Pfahl, Adelphi Research – Germany
90. Patrick Pfister, Technische Universität München – Germany
91. Olga Ponizova, Eco-Accord - Russia
92. David Primack, International Centre for Trade and Sustainable Development - Switzerland
93. Dr. Jadranko Prlic, South-East Institute - Bosnia and Herzegovina
94. Lakshmi Puri, United Nations Conference on Trade and Environment
95. Dr. Sebastian Puth, Federal Ministry of Economics and Labour - Germany
96. Dr. Anitha Ramanna, Indira Ghandi Institute of Development Research - India
97. Marie-Luise Rau, Humboldt University Berlin - Germany
98. Jörg Roos, Ecologic – Institute - Germany
99. Peter Rothen, Federal Foreign Office - Germany
100. Alice Ruhweza, National Environment Management Authority - Uganda
101. Tilman Santarius, Wuppertal Institute for Climate, Environment and Energy - Germany
102. Dr. Günter Schamel, Humboldt University Berlin - Germany
103. Anne Schmidt, German Bundestag - Germany
104. Evita Schmiegl, Federal Ministry for Economic Cooperation and Development - Germany
105. Ulrike Schmülling, Verband der Chemischen Industrie - Belgium
106. Markus Schneider, Ecologic – Institute - Germany
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113. Jürgen Stetten, Friedrich-Ebert-Foundation - Germany
114. Maren Studtmann, Federal Foreign Office - Germany
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116. Richard G. Tarasofsky, Ecologic – Institute - Germany
117. Dr. Kelly Tiller, The University of Tennessee - USA
118. Eva Tosovska, Economics Institute Academy of Sciences - Czech Republic
119. Julia Unger, Federal Foreign Office - Germany
120. Harro van Asselt, Institute for Environmental Studies - The Netherlands
121. Michel van Wesel, Royal Netherlands Embassy - The Netherlands
122. Dr. Tom Verbeke, University of Ghent - Belgium
123. Alice von Bieberstein, Ecologic – Institute - Germany
124. Heino von Meyer, Organization for Economic Cooperation and Development
125. Prof. Dr. Konrad von Moltke, Dartmouth College - USA
126. Alexandra Wandel, Friends of the Earth Europe
127. Claire Weill, Institut du Développement Durable et des Relations Internationales - France
128. Jakob Werksman, United Nations Development Programme - USA
129. Dr. Peter Wittig, Federal Foreign Office – Germany
130. Franziska Wolff, Öko-Institut – Germany
131. Eugen Wollfarth, Federal Foreign Office - Germany

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### 4.3 Links

#### Conference

CAT-E Conference – Moving forward from Cancún

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CAT-E Project

<http://cat-e.org>

Ecologic – Institute for International and European Environmental Policy

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U.S. Embassy – Diplomatic Mission to Germany

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#### CAT-E Network

Institute for Environmental Studies (IVM)

<http://130.37.129.100/ivm/>

Ecologic – Institute for International and European Environmental Policy

<http://www.ecologic.de>

Institut du Développement Durable et des Relations Internationales (IDDR)

<http://www.iddri.org/iddri/>

Sustainable Europe Research Institute (SERI)

<http://www.seri.at/>

Turku Law Faculty

<http://www.law.utu.fi/english/index.htm>

Institut für ökologische Wirtschaftsförderung

<http://www.ioew.de/index2.html>

Universität Hamburg - Fachbereich Rechtswissenschaft

<http://www.jura.uni-hamburg.de/>

Fondazione Eni Enrico Mattei (FEEM)

<http://www.feem.it>

University of Bologna - Interdepartmental Centre for Research on European Community Law

[http://cirdce.giuri.unibo.it/default\\_eng.htm](http://cirdce.giuri.unibo.it/default_eng.htm)

The Institute for Transnational Legal Research (METRO)

<http://www.unimaas.nl/fdr.asp?>

EURONATURA, Centre for Environmental Law and Sustainable Development

<http://www.euronatura.pt/>

University of Barcelona

<http://www.ub.edu/en/>

Stockholm Environment Institute (SEI)

<http://www.sei.se/>

University of Uppsala

<http://info.uu.se/fakta.nsf/sidor/universitat.uppsala.idAB.html>

International Centre for Trade and Sustainable Development (ICTSD)

<http://www.ictsd.org/>

International Institute for Sustainable Development (IISD)

<http://www.iisd.org/>

Royal Institute of International Affairs (RIIA)

<http://www.riia.org/>

Institute for European Environmental Policy (IEEP)

<http://www.ieep.org.uk/>

Policy Studies Institute (PSI)

<http://www.psi.org.uk/>