

Particular points of sensitivity included how to characterize the role that environmental policies play in ensuring that trade-induced growth is sustainable. The key point here for many countries, both developed and developing, including Canada, was that market access should not be conditional on environmental policies. The compromise language addresses this concern largely through making reference to the environmental policies determined at the national level. Paragraph 198 of the CTE Report created considerable debate over how to acknowledge the reality that discussions had focussed on agriculture while addressing the sensitivities indicated above.

The market access conclusions must be considered particularly anodyne for an organization whose prime competence lies in trade liberalization.

TRIPs:

TRIPs became, as predicted, largely an issue between India and the USA. India tabled its first of three non-papers in May that appeared to suggest reopening the TRIPs Agreement with respect to environmental technologies with respect to compulsory licensing, patent protection and trade secrets. Formal reaction was largely limited to the USA but a number of other countries, Canada included, indicated our concerns bilaterally. Canadian concerns were primarily that MEA-related environmental technology transfer issues should be addressed in the context of that MEA and that reopening compulsory licensing for one sector - environmental technologies - was not politically possible given that we had closed it for another - pharmaceuticals.

India appeared to send signals that it had heard the message and re-stated that its intent was not to re-open the TRIPs Agreement. However, its second TRIPs non-paper, tabled in June, was even stronger, which obliged more countries to question the Indian approach in formal meetings. The paragraph-by-paragraph critical commentary by the USA was joined by more general remarks of concern by Switzerland, Canada and the EU. Canada noted in particular the existing balance within the TRIPs Agreement between holders of intellectual property and abuse of monopoly power concerns. Korea also tabled a non-paper describing their concerns with respect to the Montreal Protocol but quickly issued a corrigendum at the same meeting to reduce any risk that they might be accused of re-opening TRIPs and ensure that their position was distinct from India's. No countries supported India although ASEAN made one short general remark of support without any follow-up.

The second issue for which there was greater interest was the relationship between the Biodiversity Convention and the TRIPs Agreement, particularly with respect to indigenous knowledge. Australia, Brazil, and Canada all expressed some interest in further discussions on this issue. India tabled a paper on Biodiversity that went beyond what most delegations believed was reasonable. The USA made a predictable paragraph-by-paragraph rebuttal.

In the negotiations, it became increasingly clear (and as expected from the beginning) that TRIPs would become a bargaining chip. The drafts prepared by the Chair struck a middle-