

# Intellectual Property and Bilateral Trade Agreements

Moving towards effective participation

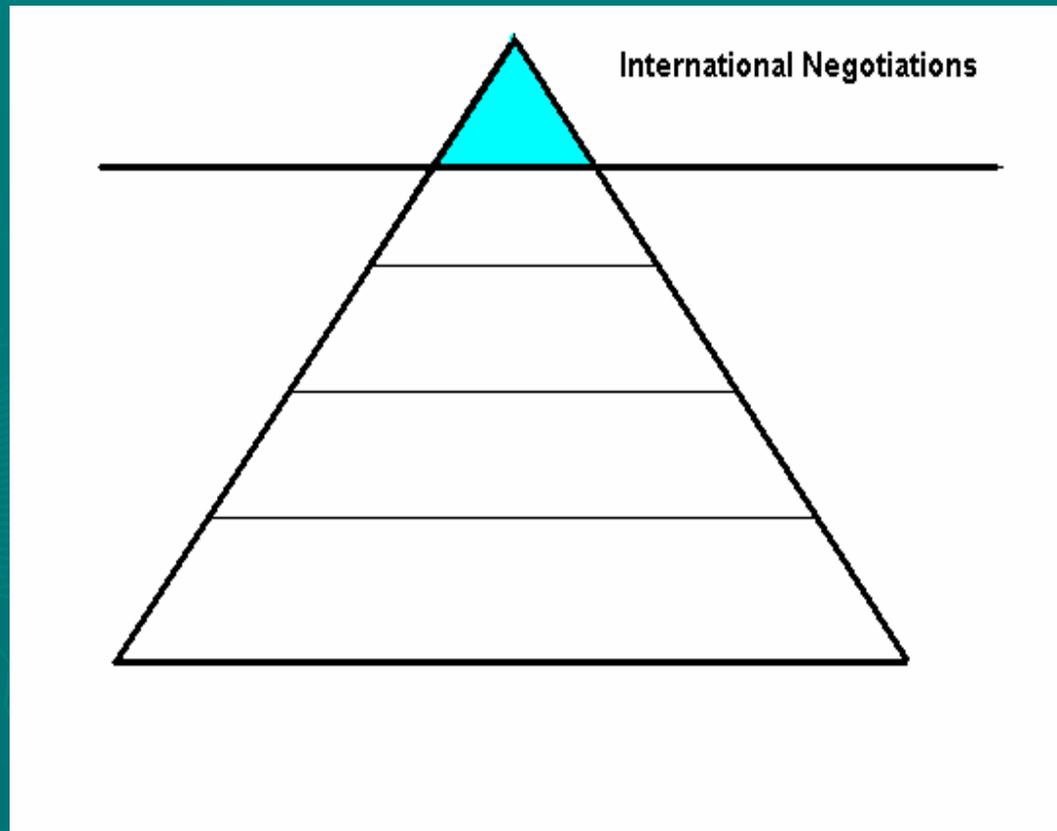
# Roadmap

- ▶ Goal of presentation
- ▶ What is effective participation?
- ▶ Lessons from multilateral IP negotiations
- ▶ Concluding thoughts

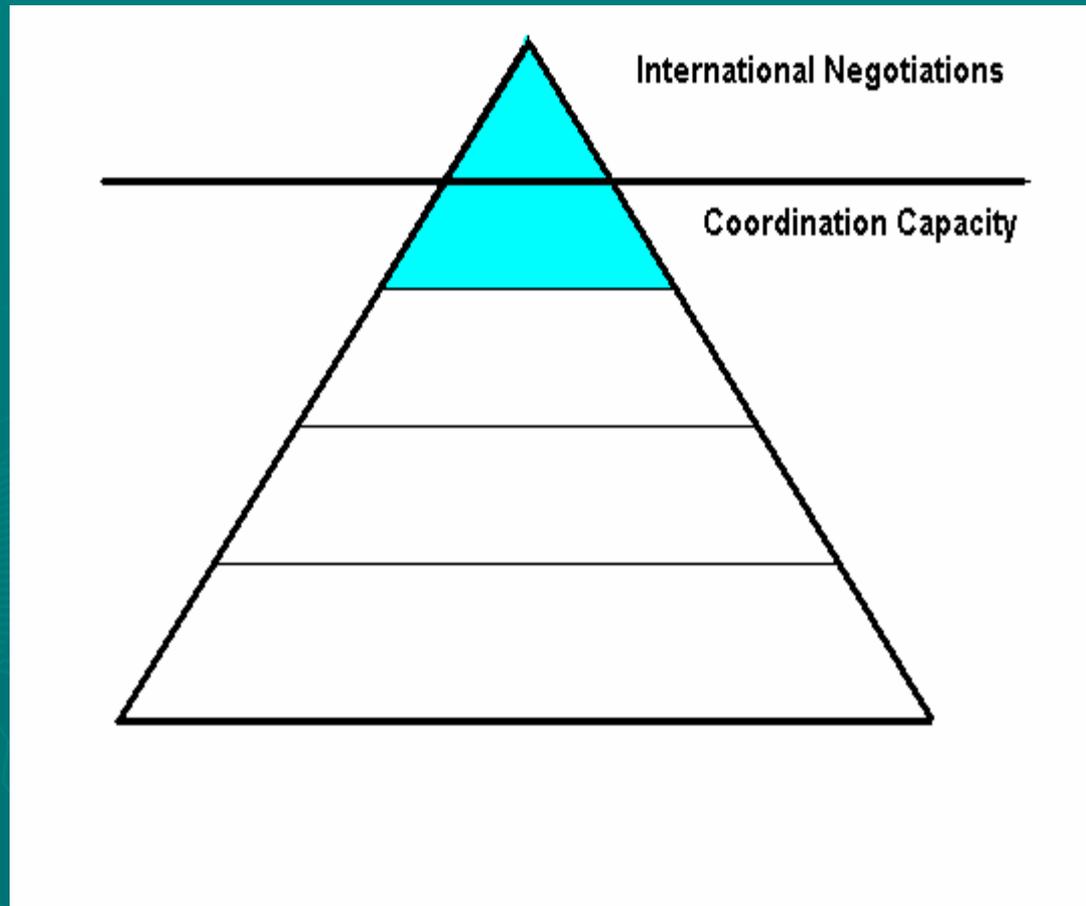
# Effective Participation

- ▶ Identify issues
- ▶ Set agenda
- ▶ Formulate positions
- ▶ Advance interests
- ▶ Adequately implement outcomes
- ▶ Consider negotiations and outcomes in context of international and national development goals.

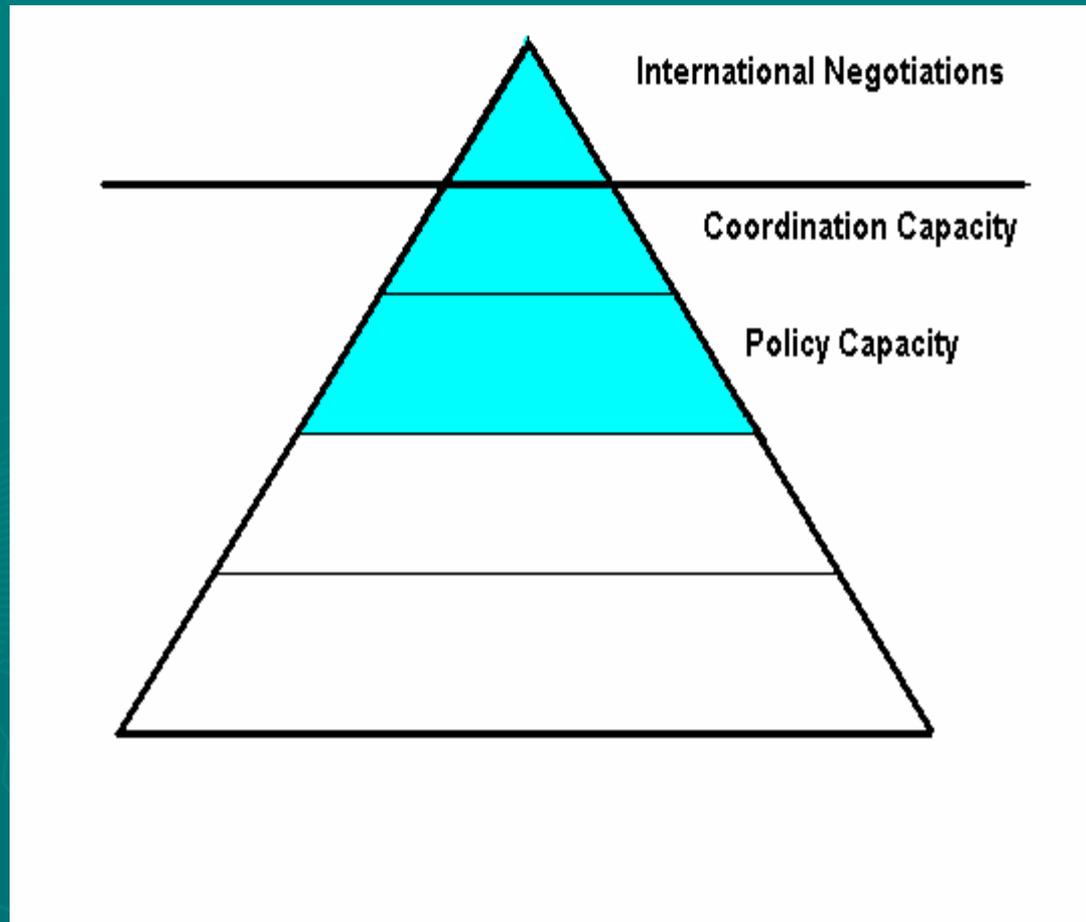
# Elements of Effective Participation



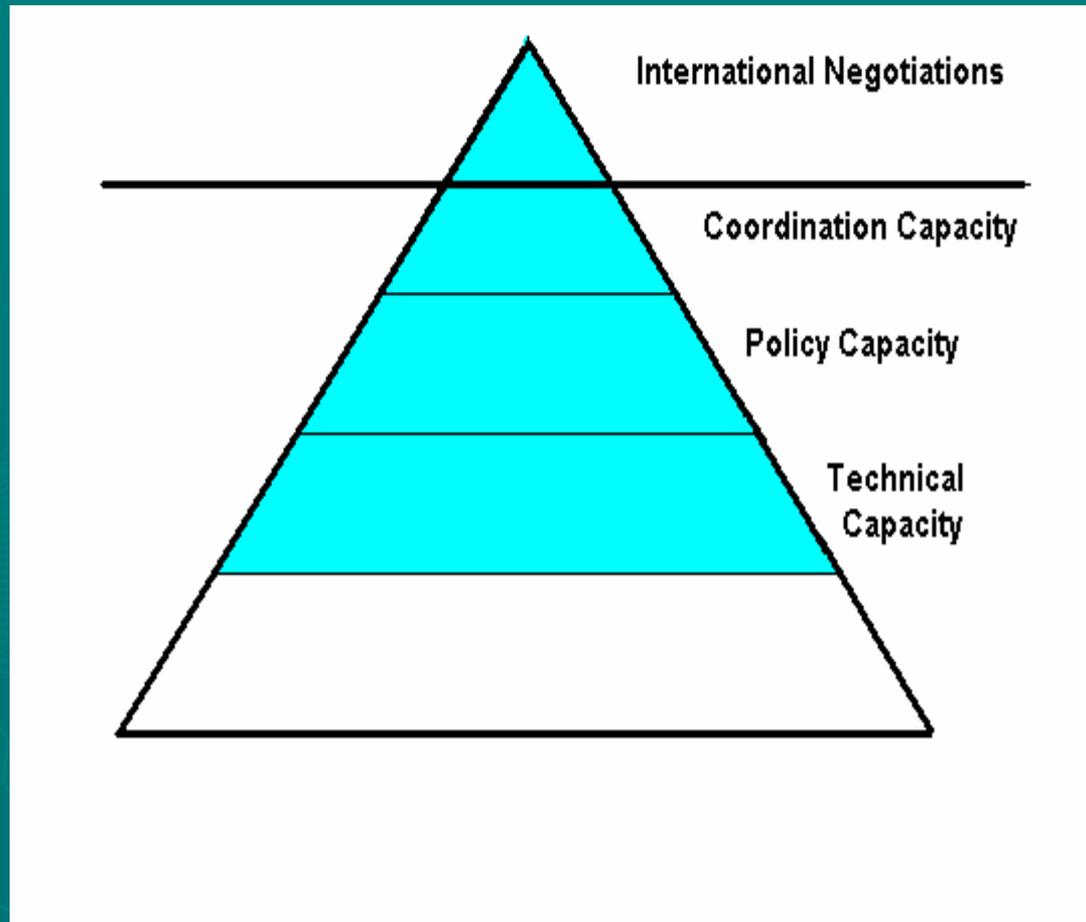
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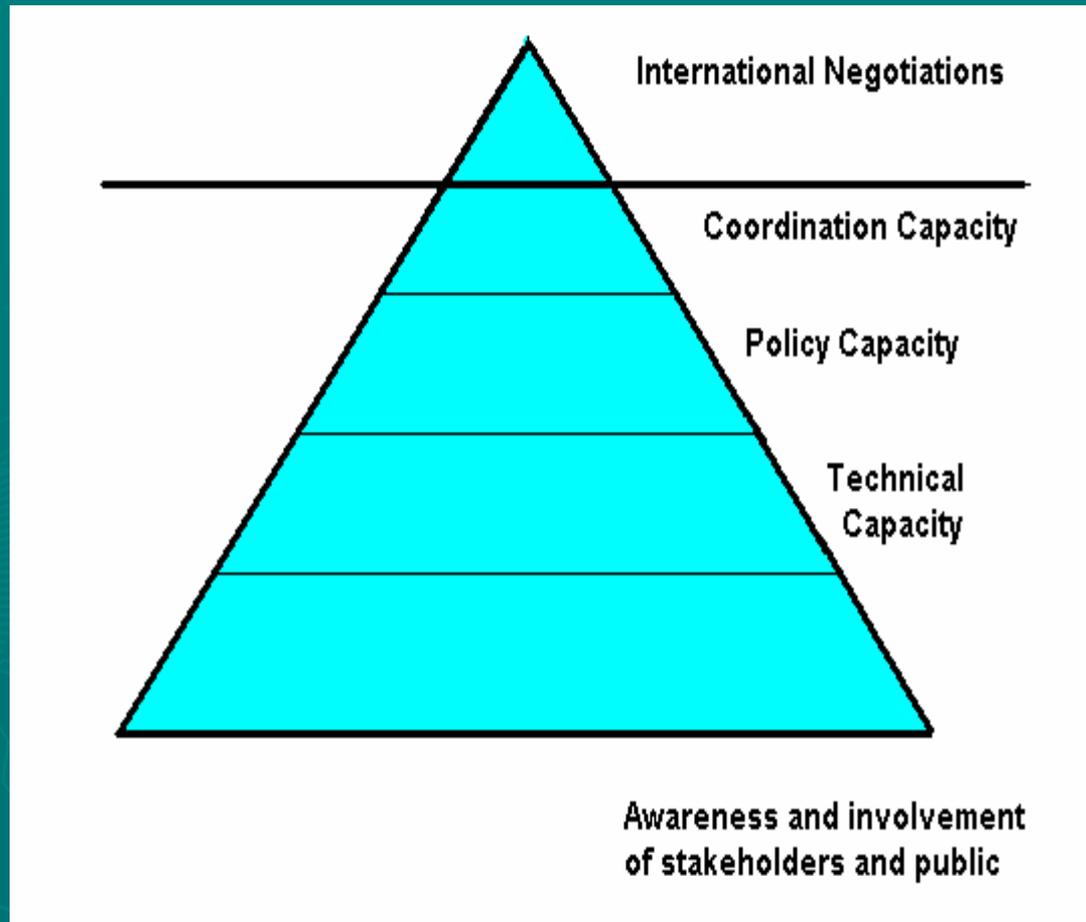
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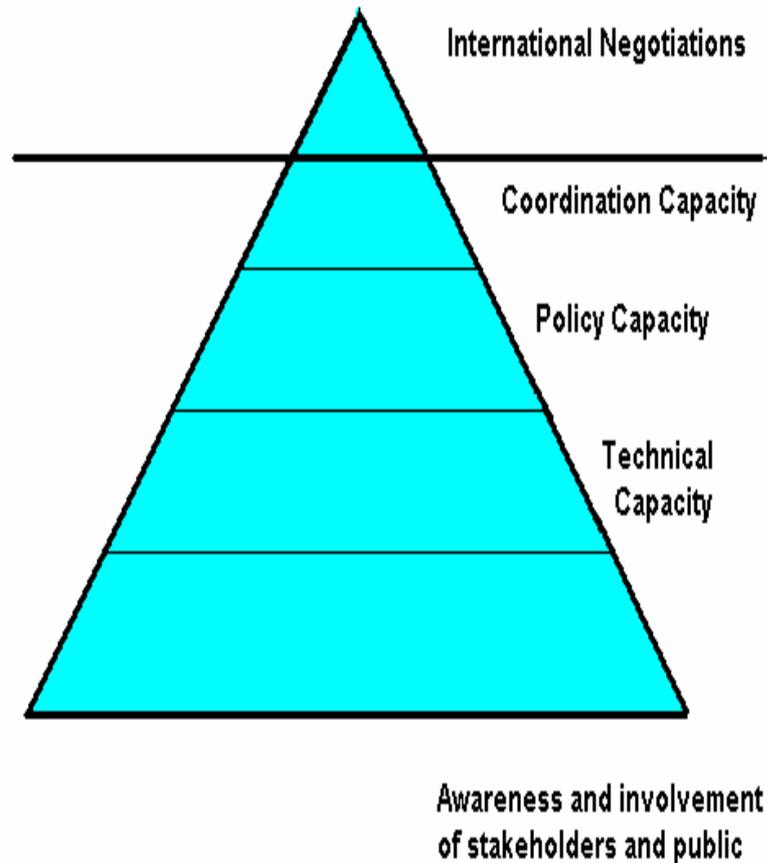
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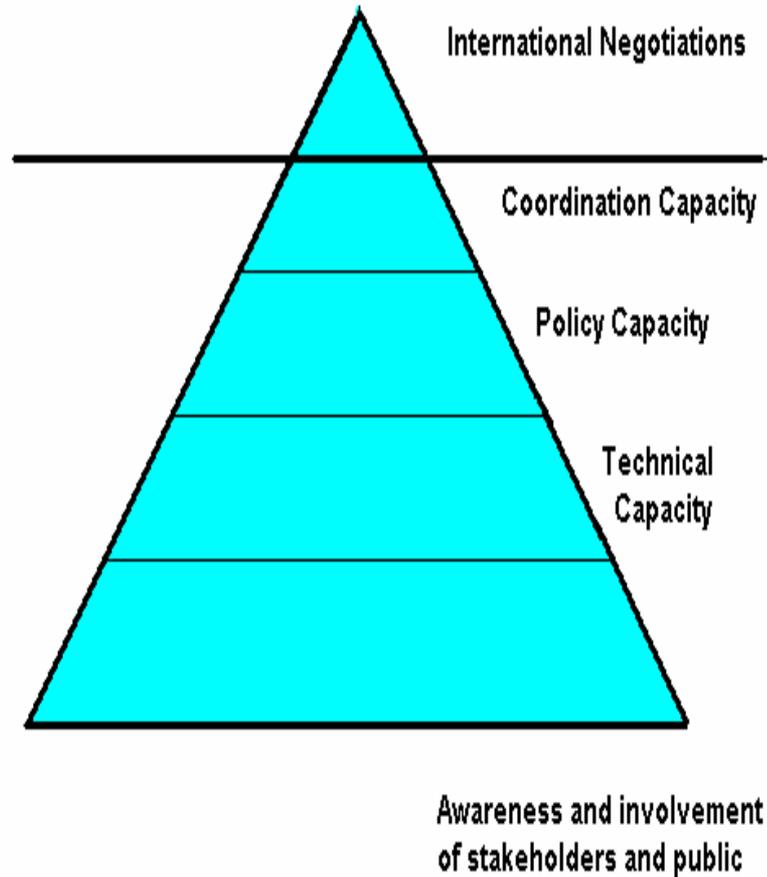


# Developing countries in multilateral IP negotiations



- ▶ Awareness-raising
- ▶ Building technical capacity in negotiators
- ▶ Promoting strategic thinking and building of alliances. Increasingly coordination among different multilateral negotiations

# Developing countries in multilateral IP negotiations



## Challenges:

### Coordination and policy capacity

- National policy formulation (from identification of issues to coordination to implementation)
- Policy structures (policy assessment, research, and analysis)

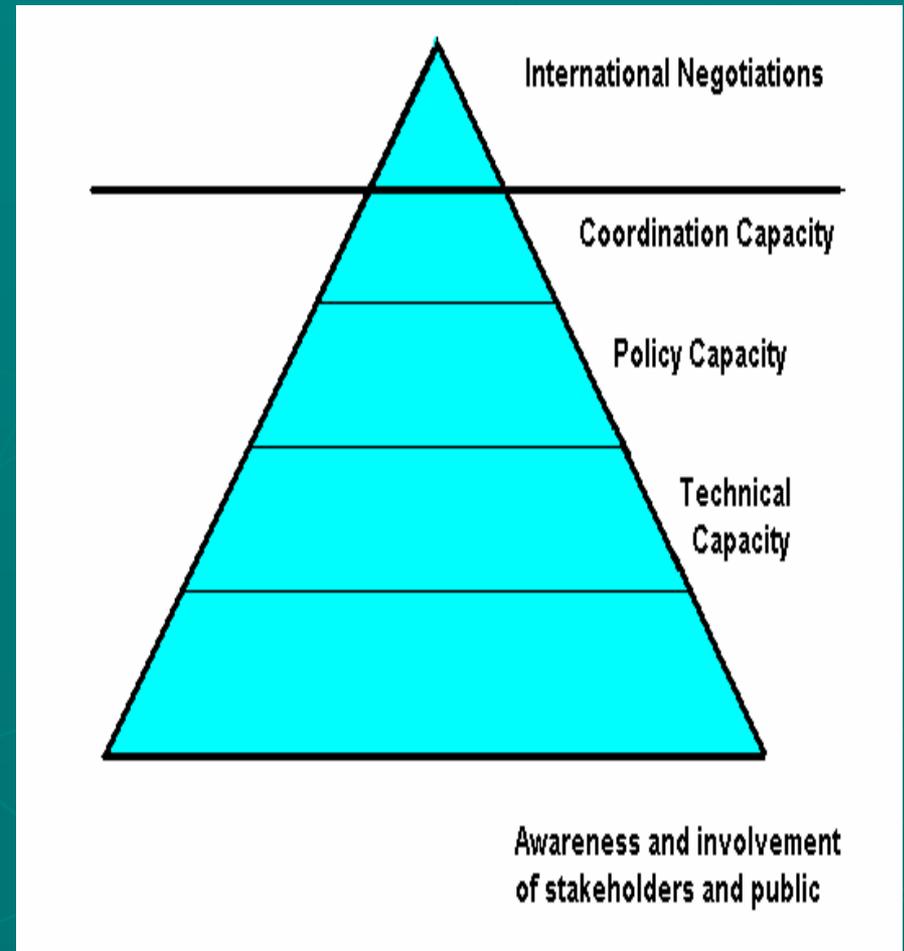
# The different world of bilateral IP negotiations

- ▶ Decision to negotiate
- ▶ Manner in which negotiation takes place (more limited opportunities for South-South cooperation; less strength for political and moral arguments?, lack of transparency and opportunities for public participation).
- ▶ Implementation



# Bilateral IP negotiations: Is effective participation possible?

- ▶ What problems are being addressed?
- ▶ What have proved the best strategies to address them?
- ▶ What are the main gaps and needs looking into the future?
- ▶ These elements vary from country to country and region to region.



# Raising awareness: From information to knowledge to participation

- Involving more stakeholders.
  - ▶ More dissemination of information about meetings to stakeholders and broader public.
  - ▶ Preparation of national position in consultation with stakeholders.
  - ▶ Inclusion in national delegations of experts from variety of backgrounds.
  - ▶ Implementation and accountability mechanisms.
- Role of private sector.

# Technical capacity: Filling substantive and strategic gaps

- How could substantive knowledge better affect the outcome? Alternative proposals? Specific language?
- Understanding, anticipation, and influencing processes and discussions in United States.
- Implementation

# Policy and coordination: Key elements for balanced and sustainable agreements

- Long term strategy and vision:
  - ▶ Negotiations as one element of broader development strategy – explicit link important for coherence, coordination mechanisms and formulation of policy objectives.
  - ▶ Link with negotiation – make sure to be asking exactly for what you want.
  - ▶ Need to move debate to highest political level – importance of regional structures
- Public participation and engagement:
  - ▶ Reframe issues – create space for debate and promote positive demands.
  - ▶ Involvement of different sectors within and outside government.
  - ▶ Networks – importance of transparency.

# Concluding thoughts

- ▶ Effective participation in negotiations requires not only technical capacity, but also public awareness and engagement and a coherency policy at national level.
- ▶ Importance of broad stakeholder involvement and coalitions.