

III. Background: International Legal Framework for Climate Change

A. Green Technology Innovation and Diffusion under International Law

1. Declaration of the UN Conference on the Human Environment (1972)

In 1972, the international community discussed global environmental issues for the first time at the UN Conference on the Human Environment.⁴¹ This conference concluded with the Declaration of the UN Conference on the Human Environment, which contains numerous principles on the preservation and enhancement of the human environment. Among these, Principle 20 states that “environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.”⁴²

2. Agenda 21 (1992)

Agenda 21, adopted at the UN Conference on Environment and Development (also known as the Rio Summit) in 1992, affirmed the aforementioned principle. It recognizes a “need for favourable access to and transfer of environmentally sound technologies, in particular to developing countries.”⁴³ In addition, the role of patent protection and IP rights must be considered together with their “impact on the access to and transfer of environmentally sound technology” in order to develop “effective responses to the needs of developing countries in this area.”⁴⁴

3. Convention on Biological Diversity (1993)

The access to and transfer of technology commitment under the Convention on Biological Diversity (CBD)⁴⁵ provides guidance for climate change negotiations.

41 Declaration of the U.N. Conference on the Human Environment, Stockholm, June 16, 1972, U.N. Doc. A/CONF.48/14/Rev. 1 (1972) [hereinafter Stockholm Declaration].

42 *Id.*

43 *Supra* note 13 at Chapter 34.4.

44 *Id.* at Chapter 34.10.

45 Convention on Biological Diversity, *open for signature* June 5, 1992, 1760 U.N.T.S. 143, 31 I.L.M. 818 (1972) [hereinafter CBD].