

Breaking Global Trade Barriers to a Just Energy Transition A Waiver for Climate Tech Access

Equitable access to clean energy technologies is an essential pillar of the global climate response, yet it remains obstructed by international intellectual property (IP) rules. The Waiver for Climate Tech Access is a civil society proposal to allow World Trade Organization (WTO) Members to suspend specific obligations under the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement that constrain access to climate technologies—for a renewable, time-bound term initially set at 5-years, aligned with [Paris Agreement implementation cycles](#) and subject to review and extension. The waiver would enable Global South countries to scale renewable energy production and pursue industrial development in climate-aligned sectors, building domestic industries, supporting value-added production, and reducing dependency on concentrated supply chains. By removing IP barriers to clean energy production and use, the waiver provides a vital, legally grounded, and feasible entry point to dismantle structural inequities and fulfill climate commitments without fear of legal retaliation.

The Problem: Corporate Control Is Undermining Climate Equity

As the climate crisis intensifies and the Paris Agreement's implementation window narrows, equitable access to climate technologies remains an unfulfilled pillar of the global response. **Many Global South countries remain unable to access or scale the clean technologies necessary to transition away from fossil fuels.** This is not due to technical incapacity or lack of political will but because of legal and financial constraints embedded in global trade and IP systems.

Under the WTO's TRIPS Agreement, patents and other IP protections limit the production, adaptation, and diffusion of key clean energy technologies. While some technologies are in the public domain, **many of the most commercially viable innovations—particularly in battery storage, grid integration software, and next-generation solar and wind components—are protected by restrictive patents or trade secrets. These are concentrated among a limited number of U.S., European Union, and Chinese multinational corporations.**

This market concentration impedes resource-rich countries to move up the value chain. Global South nations are prevented from producing finished technologies powered by their own minerals. **They are at the bottom of value chains, locked into exporting raw minerals like lithium, cobalt, and nickel to maintain fiscal stability and generate public revenues.** This dynamic exacerbates trade imbalances and debt, constraints local innovation, delays access to affordable clean energy solutions, decarbonisation, and reinforces colonial-era economic hierarchies.

The Solution: A TRIPS Waiver for Climate Technologies

A **TRIPS waiver for climate technologies and renewable energy infrastructure** would dismantle these barriers, enabling all nations—not just the Global North—to access and produce the technologies necessary for a resilient, equitable, and sustainable global energy transition.

A TRIPS waiver would permit WTO Members to suspend the enforcement of select IP obligations under national law, enabling more flexible access to clean energy technologies without the threat of WTO dispute or TRIPS-inconsistent legal challenges.

The WTO has authority, under [Article IX.3](#), to waive specific obligations under the TRIPS Agreement in exceptional circumstances. In 2022, WTO Members adopted a narrow TRIPS waiver to address global COVID-19 vaccine access. Although the waiver adopted fell short of the original proposal by India and South Africa and did not meet the [expectations of many Global South countries](#), it nonetheless marked the first global recognition that IP protections under the TRIPS Agreement can and should be suspended when global public welfare is at stake, setting a [critical precedent](#) for treating IP as a global public good.¹

A climate tech waiver builds on that precedent. **The climate crisis demands equal, if not greater, urgency.** Without immediate action, the Global South will be locked out of the clean energy economy and forced into continued dependence on fossil fuels and exploitative trade systems.

As such, a time-bound, targeted waiver to permit WTO Members to suspend enforcement of specific TRIPS obligations that restrict access to climate mitigation and adaptation technologies is necessary. While patents are the primary focus, the waiver would also cover provisions related to licensing procedures and undisclosed information protections, which can obstruct knowledge transfer.

The waiver proposes:

- Suspension of obligations under TRIPS Articles 27–28 (patentability and rights), 31 (licensing procedures), and 39 (undisclosed information);
- A renewable 5-year term, aligned with Paris Agreement implementation cycles;
- Application to climate-relevant technologies identified by the IPCC, UNFCCC Technology Mechanism, or included in national climate plans;
- Implementation through domestic legislation, including use of compulsory licensing or public interest exceptions, consistent with WTO norms.

While the waiver alone will not restructure global supply chains, it removes a critical legal constraint that currently impedes developing countries from building manufacturing capacity, accessing key components, and fulfilling their climate commitments.

What it Would Achieve

A TRIPS waiver for climate technologies would empower countries to scale renewable energy generation, expand access to clean power, and lay the foundation for local industries

that underpin a just energy transition. By lifting intellectual property barriers on technologies identified by the IPCC and UNFCCC—such as solar panels, wind turbines, and grid infrastructure—the **waiver would enable countries to move beyond extractive export models of raw material toward local innovation, value retention, and domestic clean energy production.** This supports not only access, but also the development of inclusive and resilient value chains, fostering innovation, creating decent work, and ensuring more value remains in producing countries. The waiver does not seek to compete in sensitive or strategic technology sectors, rather to operationalise climate equity by promoting shared resilience, economic inclusion, and energy autonomy in line with the Paris Agreement. This would:

1. Accelerate clean energy adoption: Developing nations would be able to scale renewable energy by manufacturing, importing, and deploying solar, wind, and battery storage systems without reliance on corporate licensing or monopolised supply chains. This would reduce costs, allow for localised adaptation, and expand access to green infrastructure for communities currently priced out of the transition.

2. Empower resource-rich Global South countries: Instead of exporting raw materials to wealthier nations, resource-rich countries—particularly in Asia, Africa, and Latin America—could process, refine, and use their own critical minerals. This shift would drive economic diversification, support local clean energy industries, and ensure these nations benefit from the global energy transition rather than remain trapped in extractive economies.

3. End dependence on fossil fuels: Affordable renewable energy technologies would accelerate the phase-out of fossil fuels in two critical ways. For energy-importing countries in the Global South, access to clean energy production and distribution technologies would expand affordable energy access, combat energy poverty, and reduce dependence on imported fossil fuels. For fossil fuel-exporting economies, access to technologies for mineral processing, clean energy manufacturing, and industrial upgrading would support economic diversification beyond oil and gas. Together, these shifts would enable countries to meet climate commitments, foster cleaner industries, and drive equitable decarbonisation while strengthening both energy and economic security

4. Break corporate monopolies: The TRIPS waiver would reduce the global reliance on a few corporate giants primarily the U.S., European Union, and China (e.g. Siemens GA, General Electric Co, Samsung Group, and State Grid Corporation of China) that currently dominate/control the most profitable segments of the clean energy market, such as grid infrastructure, turbine manufacturing, and battery technology. By lifting legal barriers to production and innovation, the waiver would enable diverse global participation in clean energy supply chains, support the development of regional manufacturing hubs for clean energy production, and reduce the vulnerabilities created by concentrated control. This shift would help diversify production, ease supply chain bottlenecks, and lessen the geopolitical risks associated with an energy transition dependent on just a handful of powerful firms.

5. Ensure climate resilience for all: Open access to clean technologies would ensure that all citizens—regardless of income or geography—benefit from the energy transition. Removing IP barriers would allow resource-rich nations to move beyond extraction by enabling cleaner

industrialisation and value addition, developing renewable energy manufacturing and local mineral processing. This would strengthen energy security, reduce dependence on volatile markets, and empower producer regions to shape their industrial policies. Clean technology access is a matter of survival for climate-vulnerable communities. Open access to renewable energy is essential for affordable, reliable power for all, especially the underserved and vulnerable regions.

Momentum

In line with the COVID19 waiver, our proposal reflects long standing calls by the Global South to align trade rules with sustainable development and industrial policy autonomy.

This proposal builds on previous research and calls over the past years for a climate waiver, notably from organisations like the [Centre for International Governance Innovation](#), the [Columbia Center on Sustainable Investment](#), and the [Third World Network](#), but also by countries like the [Least Developed Countries \(LDCs\)](#) group at the United Nations (UN). The intersection between trade and climate is increasingly recognised in the trade sphere itself, including by UN agencies such as [UNCTAD](#) and key stakeholders such as the WTO's Director-General [Ngozi Okonjo-Iweala](#).

These initiatives need stronger support from civil society at the local, regional and global levels. It requires bringing together organisations working for climate, social, trade and economic justice, but also trade unions as central players for clean energy. This also demands confronting the structural tensions between Northern labour protections and Southern industrialisation needs. A just transition must advance global labour solidarity through technology transfer, decent work guarantees, and shared prosperity. It requires supporting the countries that desperately need access to these technologies, and advocating for more countries to rally that call. Brazil, the host of COP30 in November 2025, is championing a just transition, and the summit offers a timely opportunity to reinforce that momentum and solidify South-South leadership.

This proposal also complements existing, key UNFCCC processes, including the Global Stocktake, the Just Transition Work Programme, and the Technology Mechanism. It provides the legal foundation for ensuring that clean energy technologies can reach all regions and communities.

Beyond the Waiver: A Holistic Approach to Green Technology Access

A TRIPS waiver is an essential entry point, but it must be part of a broader strategy to align global trade, investment, and finance systems with climate equity. Specifically:

1. Reclaiming Policy Space: Global South countries remain constrained in their ability to implement climate-friendly industrial policies—such as local content requirements, public procurement preferences, and export restrictions on critical minerals—because these tools are often subject to challenge under WTO rules. These constraints are compounded by investor-state dispute settlement (ISDS) provisions in trade and investment agreements, which allow foreign corporations to sue governments over public-interest policies that may

affect their expected profits. ISDS is increasingly used to attack environmental protections and industrial planning measures, and as intellectual property rights are increasingly treated as covered “investments,” countries invoking the TRIPS waiver could still face costly arbitration. Without reforming WTO rules to safeguard climate-related industrial policy and abolishing ISDS altogether, Global South countries will remain vulnerable to legal retaliation—even when pursuing legitimate, democratically enacted climate strategies. True climate justice requires restoring the policy space for countries to act in the public interest without fear of triggering trade disputes or investor lawsuits.

2. Financial reform to expand fiscal space for the transition: The promise of technology access will remain hollow without the financial means to deploy it. Clean energy systems and low-carbon industrial infrastructure all require sustained financing. Fiscal constraints remain a major barrier to the energy transition in resource-rich countries. Without fair international tax and debt rules, promises of clean energy and technology access are meaningless. Global South governments lose billions to profit shifting and tax avoidance, as multinational corporations exploit outdated rules and opaque incentives. At the same time, many spend more servicing debt than investing in resilience. Reclaiming fiscal space demands urgent reforms: a UN Tax Convention to end OECD dominance and ensure source-based taxation, and a UN-led debt mechanism that halts payments in crises, includes all creditors, and aligns relief with development and climate goals. Public international finance must also be redirected—from fossil fuel exports and raw mineral corridors to renewable baseload power, clean tech manufacturing, and local value chains. Without fiscal justice—rooted in transparency, fair taxation, and accountable public finance—the energy transition will reproduce dependency, not deliver resilience.

Let's Act Now!

A TRIPS waiver is a matter of collective survival. It is a necessary step towards systemic change, dismantling barriers hoarding green tech within a few powerful entities.

This is the first globally coordinated civil society proposal to address IP barriers in the climate context. It draws lessons from the access-to-medicines movement and past calls for a climate waiver, and adapts them to the urgency and complexity of the energy transition. By naming the legal tools, political venues, and implementation pathways, it offers not just critique, but a pathway forward. It reclaims technology as a global public good and lays the foundation for a rights-based, democratic climate technology regime.

Climate action cannot be patented – the time for decisive action is now! This is a critical moment to **prioritise climate justice over corporate interests.**