

CTE meeting 13-14 June 2002
MEA Information Session
Presentation by the CBD Secretariat

Mr. Chairman,
Distinguished delegates,

I wish to thank you for the invitation to attend this meeting on behalf of the Secretariat of the Convention on Biological Diversity.

The sixth meeting of the Conference of the Parties to the Biodiversity Convention, which was recently held in The Hague, achieved major advances in implementing the three objectives of the Convention. I would like to highlight the accomplishments of COP-6 that are most relevant for the work of WTO and its committees.

- COP-6 adopted the Bonn Guidelines on Access and Benefit Sharing, which represent a set of mutually agreed principles to assist countries in implementing national regimes governing access to genetic resources and sharing of the benefits of their utilization. In its decision, COP-6 underlined that the provisions of the Convention on access and benefit sharing and those of the TRIPS agreement are interrelated.
- The Conference of the Parties also adopted Guiding Principles on alien species that threaten ecosystems, habitats and species. These principles endorse the precautionary approach in regard to the unintentional or intentional introduction of species, and are of relevance for the work of the WTO, especially for the work of the SPS and TBT committees.
- In regard to the protection of traditional knowledge, several provisions of the corresponding decision refer to the role of intellectual property rights in protecting traditional knowledge and are therefore of relevance for the work of the WTO and its TRIPS Council.
- Finally, I would also like to remind that the Cartagena Protocol on Biosafety sets out procedures for notification and decision-making on import and export of living modified organisms, which include, inter alia, an advance informed agreement procedure, provisions on risk assessment and management, and requirements on safe handling, transport, packaging and identification of living modified organisms. These requirements are again of relevance for the work of the WTO and its SPS and TBT Committees.

Technical Assistance

Since the Convention and its Biosafety Protocol do not prescribe specific trade measures, the CBD Secretariat does not undertake technical assistance activities *that are directly trade-related*. However, both the Convention and the Protocol do contain a number of provisions that *may* require trade-related measures by Parties. A number of activities related to technical assistance and capacity building are carried out under the umbrella of those provisions. For instance, COP-6

requested the Secretariat to support the development and dissemination of technical tools and related information on the prevention, early detection, monitoring, eradication and control of invasive alien species.

Capacity building

Several mechanisms are in place to promote and facilitate implementation of the Convention.

- As explained in the document you have before you, the Global Environmental Facility (GEF), which serves as the financial mechanism of the Convention, has played an important role in addressing the needs of developing countries and providing incentives to Countries to join and implement the Convention.
- Furthermore, the Conference of the Parties has integrated capacity building considerations within the thematic and cross-cutting areas of the Convention. For instance, in its decision on access and benefit-sharing, the Conference of Parties envisages the development of an action plan for capacity building and identified several key capacity-building needs. They include, *inter alia*, the assessment and inventory of biological resources as well as information management, contract negotiations and legal drafting skills.
- An action plan was adopted by the Intergovernmental Committee for the Cartagena Protocol (ICCP) to develop the capacities of developing country Parties to effectively implement the Protocol and participate in its development.
- The GEF has implemented an Initial Strategy for Assisting Countries to Prepare for Entry into Force of the Protocol. This strategy includes, *inter alia*, the establishment of national biosafety frameworks in more than 100 countries.

HOW HAVE THESE INCENTIVES WORKED AND WHO HAS FUNDED THEM?

Some trends can be derived from the analysis of the national reports on the implementation of the Convention that have been submitted to the Secretariat so far.

- Reporting Parties give increasing importance to the implementation of the Convention, which they regard as an effective instrument to make progress towards sustainable development.
- A noteworthy trend is the increased exchange of and access to relevant information for biodiversity-related issues, at national, regional and global levels.
- The information provided by developed country Parties in their national reports indicates that the level of financial support provided bilaterally to developing country Parties is several times that provided through the GEF.

Information Exchange and cooperation

The first area of cooperation relates to systems of information sharing among Parties to the Convention and to the WTO. Mandatory information required under the Cartagena Protocol is to be made available by Parties through the Biosafety Clearing House. Discussions are now under way on designing operational systems and information-management policies. As the underlying logic and objectives of the information sharing systems under various WTO agreements and the Biosafety Protocol are broadly the same, the WTO could become more involved in this work of the Convention and its Protocol, in order to increase efficiency and share relevant expertise.

The second area involves the links between the Agreement on TRIPS and the provisions in the Convention related to access to genetic resources and benefit-sharing, as well as to traditional knowledge. The Conference of the Parties to the CBD has repeatedly underlined the relationship between the TRIPS Agreement and the CBD, and has also invited the WTO to further explore this interrelationship. The CBD Secretariat therefore welcomes the mandate given to the CTE in the Doha declaration, to give particular attention to the relevant provisions of the TRIPS agreement in pursuing the work on its agenda items.

The third area relates to the sharing of technical knowledge and expertise. The Conference of the Parties to CBD has repeatedly emphasized the need for analytical work to further explore the intricate linkages between biodiversity loss and its underlying causes. Staff and funding constraints call for enhanced cooperation in this regard, in order to fully make use of the comparative advantages of organizations in terms of technical knowledge and expertise. In this respect, the side event organized by WTO during the sixth meeting of the Conference of the Parties of the Convention was very welcome. The CBD Secretariat stands ready to provide any information, data or expertise within its mandate to the WTO.

The fourth area is capacity-building to develop awareness of the subject-matter of the MEAs and WTO agreements, their interrelationships and their implications for the countries concerned. The regional capacity-building exercises that have involved UNEP, UNCTAD, the WTO and various MEA secretariats are very useful. The commitment by the WTO to continue this exercise is therefore very welcome.

Finally, I would like to recall that the CBD Secretariat recently renewed its request for observer status both in the TRIPS Council and in the Committee on Agriculture. I would also like to point to the Secretariat's recent application for observer status in the SPS Committee and the TBT Committee, which was submitted in light of the relevance of the Biosafety Protocol to the work of these committees. A request for observer status was also submitted for the Special Session of the Committee on Trade and Environment. We believe a positive consideration of these requests would contribute to strengthening cooperation and understanding between the two regimes, thus providing a better basis for further enhancing the mutually supportive role between trade and environment agreements.

Thank you for your attention.