



CBD

**CONVENTION ON
BIOLOGICAL DIVERSITY**

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STATEMENT BY

**HAMDALLAH ZEDAN
EXECUTIVE SECRETARY**

CONVENTION ON BIOLOGICAL DIVERSITY

TO

**THE CTE SPECIAL SESSION ON INFORMATION EXCHANGE AND
OBSERVER STATUS**

Geneva, Switzerland, 12 November 2002

Mr. Chairman,
Distinguished delegates,

I wish to thank you for the invitation to attend this MEA information session on the issues of information exchange and observer status.

Biodiversity generates and helps to maintain the supply of a myriad of goods and services that are essential for human well-being, security and economic development. Without biological diversity, agriculture, for example, would simply not be possible. Many of the goods generated through biodiversity are the subject of international trade, either as commodities or in manufactured goods. In addition, given the role of biodiversity in poverty alleviation and, hence, wealth creation, it is evident that the maintenance of biodiversity and the promotion of trade are interdependent. There is therefore a clear interest in ensuring that both the international trading system and the CBD process are mutually supportive.

Biodiversity is under attack by a number of powerful external forces. These include—it has to be admitted—inappropriate government policies related to trade, agriculture and incentives, lack of sectoral coordination, and a poorly articulated role for biodiversity in defining national and international development policies. Perhaps, however, the most dangerous force is simple neglect, an under-estimation of the value of biodiversity, an ignorance of its essential role in maintaining the foundations for growth. There are, however, hopeful signs that attitudes are changing. The prominence given to biodiversity at the World Summit on Sustainable Development was a case in point. I am optimistic that this meeting here today will advance the process of mainstreaming biodiversity and ensuring that biodiversity concerns are more widely understood and incorporated into the trade agenda for the benefit of all.

Mr. Chairman,

During the last meeting of the Conference of the Parties to the Convention on Biological Diversity, held last April in The Hague, ministers responsible for the implementation of the Convention conveyed a policy message to the World Summit on Sustainable Development that is highly relevant for our meeting today. They called upon the World Summit to promote synergy and mutual supportiveness between the Convention on Biological Diversity and international trade-related agreements, in particular the WTO, and, most notably, to promote the proper recognition and status of the Convention on Biological Diversity with the relevant WTO bodies.

This message of the Hague Ministerial Declaration is all the more important since no less than 125 ministers and vice-ministers were in attendance. Moreover, the Convention on Biological Diversity has now 186 Parties, thus approaching universal membership.

The World Summit on Sustainable Development has further endorsed the principle of mutual supportiveness between the multilateral trading system and the Convention on Biological Diversity. The Plan of Implementation agreed by Governments at the World Summit calls for the promotion of the discussions with regard to the relationships between the Convention and agreements related to international trade and intellectual property rights, as outlined in the Doha Ministerial Declaration.

The message of these policy statements is clear. The time is ripe to move from policy statements to concrete action. The Conference of the Parties to the Convention and the World Summit itself both reaffirmed the importance of cooperation and the need to design and implement mutually supportive activities with other conventions, international organizations and initiatives. The CBD has already initiated close international partnerships with a number of such institutions, based on memoranda of cooperation and joint programmes of work.

The Conference of the Parties has also noted the Doha Ministerial Declaration, which encouraged efforts to promote cooperation between WTO and relevant international environmental and developmental organizations, and has reaffirmed the need to promote increased mutual supportiveness of trade and environment agreements. The dynamic developments under both the biodiversity and the international trade regimes require continued efforts to ensure that these regimes remain coherent and to further enhance their mutual supportiveness. The topics we are discussing today – information exchange and observer status – are key elements of the necessary action to meet these requirements.

There are numerous benefits in enhancing the exchange of information between the WTO and CBD, benefits that would accrue to both organizations. Let me enumerate a few of them.

- The objectives and many of the provisions and work programmes of the Convention on Biological Diversity and its Cartagena Protocol on Biosafety have important linkages with the WTO framework. Improved information exchange can ensure that the discussions regarding these linkages and activities benefit from authoritative information on recent developments under both the WTO and the Convention.
- Conversely, enhanced information exchange can also ensure that WTO Committees dealing with biodiversity-related trade and environment issues are well informed on relevant developments under the CBD and its Protocol.
- Hence, improved information exchange would enable both CBD Parties and WTO Members to avoid potential tensions between their regimes, with regard to both current and future negotiations and the implementation of existing agreements.

- Last but not least, improved information exchange at the international level would serve as an important complement to facilitate more effective communication between trade and environmental officials in national capitals.

Under the partnership arrangements between CBD and several international organizations and conventions, the regular, timely and comprehensive exchange of information is an important element for the development and implementation of joint programmes of work. I look forward to further strengthen the collaborative relationship between CBD and WTO in a similar manner.

Important steps to improve the information flow between our bodies have already been undertaken by the WTO. One welcome development has been the recent easing of de-restriction procedures for a number of WTO document types, including country position papers for the special session of the CTE.

Moreover, the WTO Secretariat has taken several welcome initiatives, such as the hosting of a side event at the last meeting of the Conference of the Parties to the Convention. Only a week ago, I had the opportunity to listen to a very useful briefing by a representative of the WTO secretariat at the CBD Secretariat in Montreal. These recent steps taken by the WTO Secretariat should be further encouraged.

On several occasions, the CBD Secretariat has submitted a number of practical proposals to further improve cooperation and information exchange between the WTO and CBD and the Cartagena Protocol. Most recently, such proposals were presented during the last MEA Information Session of the CTE, in June 2002. The representative of UNEP **will present/has presented** a number of proposals that were elaborated in consultation with the CBD and other MEA secretariats. I shall therefore not reiterate them.

Even though some progress has been achieved in improving cooperation and information exchange between our institutions, an important challenge remains. As you know, the Conference of the Parties to the CBD has extended an open invitation to the WTO secretariat to participate as an observer in all meetings held under the Convention on Biological Diversity and its Cartagena Protocol on Biosafety. On the instructions of the Conference of the Parties, the CBD Secretariat has submitted requests for observer status in a number of relevant WTO bodies, namely the TRIPs Council, the Committee on Sanitary and Phytosanitary Measures (SPS), the Committee on Technical Barriers to Trade (TBT) as well as the Committee on Agriculture. It has also requested that its observer status in the CTE be extended to the CTE special session. I am convinced that the granting of observer status on a reciprocal basis is essential in ensuring a comprehensive flow of information, which is synchronized with the real time of negotiations and discussions in the respective organizations. Such an arrangement would be to the mutual advantage of both CBD and the WTO. It is therefore a matter of concern that the applications for observer status submitted by the CBD Secretariat are still pending.

- As you know, the Doha Declaration instructed the TRIPs Council to examine the relationship between the TRIPs Agreement, the Convention on Biological Diversity and the protection of traditional knowledge and folklore. The proposed examination has implications for the CBD in regard to the protection of biodiversity-related traditional knowledge, the access to genetic resources and the fair and equitable sharing of benefits arising out of their utilization, and the patentability of life forms. In this respect, the Conference of the Parties to the Convention has recognized the role of intellectual property rights in encouraging access to genetic resources and the sharing of benefits from the use of those resources. They can also contribute to the protection of traditional knowledge. The presence of the Convention would undoubtedly enrich the related discussions at the TRIPs Council.
- The requests for observer status for the CBD Secretariat at the SPS and TBT committees are also pending. The Biosafety Protocol is based on the precautionary approach and establishes a set of procedures relating to import and export of living modified organisms to ensure that Parties can make informed decisions. In view of potential trade implications of the Protocol, in particular the relevance to the ongoing work under the SPS and TBT Committees on the issue of LMOs, there is an urgent need to increase dialogue and collaboration between the CBD and these two committees to safeguard mutual supportiveness of the two regimes as recognized by the Protocol. The Doha Declaration further mandated the negotiations in the special session of the Committee on Agriculture, on substantial reductions in tariffs, in export subsidies and in trade-distorting domestic support. This mandate has important linkages with CBD's programme of work on incentive measures and its focus on positive incentives for the conservation of biodiversity and its sustainable use, as well as on the removal or mitigation of perverse incentives. Furthermore, the Conference of the Parties to the Convention has requested the CBD Secretariat to study the impact of trade liberalization on agricultural biodiversity. The presence of the Convention in the Committee on Agriculture and its Special Session could ensure that the recent discussions and developments in these bodies are reflected in CBD's activities in a timely and comprehensive manner.
- Moreover, the issue of observer status in the special session of the CTE has as yet not been resolved. In the Doha Ministerial Declaration, Members of the WTO agreed to negotiate on the relationship between existing WTO rules and specific trade obligations set out in MEAs. This important issue has been so far addressed in the absence of MEAs. The participation of MEA secretariats in the special session would contribute to better understandings of the objectives and the contexts of MEAs and thus facilitate the discussion on the issue of the relationship between WTO and MEAs.

The mandate given to the CTE in the Doha Ministerial Declaration, to negotiate criteria for the granting of observer status, is very welcome. However, even though the horizontal nature of the issue has to be acknowledged, these negotiations do not preclude

pragmatic solutions to pending requests. Nor do they preclude the granting of observer status in the CTE special session to those secretariats of multilateral environment agreements that, like the CBD Secretariat, hold observer status at its regular sessions.

Granting observer status to the CBD Secretariat is an important element of action to improve cooperation and information exchange. Early progress on the issue of observer status would be well in line with the recent advances of the WTO in other areas pertaining to information exchange, as well as with the recent international calls for an intensified cooperation between the multilateral institutions working on trade and on the environment, in order to better serve their common objective of sustainable development.

Distinguished delegates,

I look forward to working together with you and other Committees of the WTO in serving this common objective.

Thank you for your attention.