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CONFERENCE OF THE PARTIES
TO THE CONVENTION ON
BIOLOGICAL DIVERSITY
First meeting
Nassau, 28 November - 9 December 1994

CONCLUSIONS AND RECOMMENDATIONS OF THE REGIONAL WORKSHOP ON THE PRACTICAL IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY IN LATIN AMERICA

Note by the Interim Secretariat. The first meeting of the Conference of the Parties has before it document UNEP/CBD/COP/1/Inf.1, Note on regional workshops on biological diversity and the Convention on Biological Diversity Paragraphs 17 and 18 of that document refer to the regional workshop on the practical implementation of the Convention on Biological Diversity in Latin America, held in Lima, Peru from 7 to 8 November 1994.

In accordance with the request of the Government of Peru, the Interim Secretariat is pleased to make available to the first meeting of the Conference of the Parties, for information, the conclusions and recommendations of the workshop, which are reproduced in the annex to the present document.

Annex

LATIN AMERICAN CONFERENCE ON BIOLOGICAL DIVERSITY

Lima, Peru, 7 - 8 November 1994

Conclusions and recommendations

1. The countries of Latin America and the Caribbean that took part in the Latin American Conference on Biological Diversity, henceforth known as "the countries", consider that the Convention on Biological Diversity is an appropriate framework for promoting regional and international cooperation in the field of biological diversity.
2. The Convention includes a set of rights and obligations that should not be interpreted in such a way as to modify their content and scope. In this respect the countries wish to state their concern over the existence of bilateral and multilateral understandings dealing particularly with access to genetic resources that are not compatible with the contents of the Convention.
3. Moreover, the countries consider that there is a need for each country to develop norms to regulate access to its genetic resources.
4. The countries stress the importance of the topics broached at the second meeting of the Intergovernmental Committee held in Nairobi, particularly those dealing with the aspects of conservation of biological diversity and its sustainable use related to biosecurity, access to genetic resources and the development and/or transfer of technology, including biotechnology.
5. The countries hereby state their determination and willingness to resolve pending issues on which agreement is pending and that call for the adoption of decisions during the first meeting of the Conference of the Parties (COP).
6. The countries consider that the informal consultations to resolve pending issues on the rules of procedure of the Conference of the Parties are highly pertinent. The countries wish to submit the following considerations in that regard:
 - (a) Concerning the scheduling of COP meetings, the complexity of the issues to be resolved and the number of tasks to be accomplished are such that this body should meet on an annual basis in order to expedite the adoption of the measures needed for the effective and efficient application of the Convention;
 - (b) With regard to rule 21 on the composition of the Bureau, the countries urge the countries participating in the first COP to reach a rapid solution in order to begin deliberations on the substantive topics on the agenda;
 - (c) As concerns rule 40, the decision-making system should be consistent for all matters dealing with the application of the Convention. The two-thirds majority rule should be applied in this respect in accordance with the practices established in Conventions such as the Montreal Protocol and CITES.

7. The mechanism for extending funds to the developing countries that are Parties to the Convention on Biological Diversity shall operate in accordance with article 21(1) "under the authority and guidance, and be accountable to, the Conference of the Parties for purposes of this Convention" Similarly, "for purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources".

8. With respect to the financial mechanism of the Convention, the countries consider that the first COP should adopt the Global Environment Facility (GEF) as an interim institutional structure, in accordance with the contents of article 21 of the Convention To that end, the first COP should define and adopt a temporary agreement to regulate regulations between the COP and the GEF, which should include the policy, strategy, programme priorities and criteria governing access to funds and their use It is also recommended that the COP explore other alternatives for managing the financial mechanism for the Convention on a permanent basis.

9. In relation to the eligibility criteria for the countries Parties regarding access to funds and their use, article 20(2) stipulates that "the developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions". The countries therefore consider it unnecessary to draw up lists of eligible countries. Projects financed through the Convention's financial mechanisms should support and be compatible with national development priorities. As concerns programme priorities, any unresolved aspects should be defined by the Intergovernmental Committee during its second session.

10. The Subsidiary Body should be governed in accordance with Article 25 of the Convention Its role as the COP's scientific and technical advisory body should be exercised fully in accordance with the guidelines of the Convention In that regard, its composition should be open to membership by all Parties and should be multidisciplinary The countries are not in agreement with proposals to create a small executive body that could meet more frequently than the Subsidiary Body as a whole, or the establishment of a two-tier body, using the argument that the Subsidiary Body would thus be more efficient Implementing such proposals would distort clearly established provisions of the Convention and could result in an additional budgetary burden for said body Practice will indicate how the Subsidiary Body's effectiveness can be increased without resorting to a priori arrangements that could prove inadequate for attaining the aims of the Subsidiary Body in the Convention.

11. The topic of biosecurity is of high priority for the countries, so the first Conference of the Parties should decide on the interim work methods with a view to considering the needs and details of a protocol on the matter during the second COP.

12. The countries reiterate the importance of having access to technology in order to achieve the objectives of the Convention In particular, they stress the indivisible relationship between human-resources training and education and technology transfers They also reaffirm the need for access to and transfer of technology to be carried out under fair conditions, in an appropriate and secure manner and under the most favourable terms possible, in accordance with article 16 of the Convention.

13. The Executive Secretary was requested to prepare a study detailing the sources of biotechnological information, including those in the public domain (patents, access catalogues to ex situ collections and others).

14. With regard to the exchange mechanism for technical and scientific cooperation, the countries are of the opinion that this mechanism should facilitate information of a technical and scientific nature to developing countries, rather than providing information on access to genetic resources and traditional knowledge.

15. Bearing in mind that regional meetings have been held as part of the preparatory process for the Conference of the Parties, the countries emphasize the need to exchange information on the results of such meetings, so as to facilitate discussions during the first COP, to which end they request the support of the Secretariat.

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