



**CONVENTION ON
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DIVERSITY**

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CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL
DIVERSITY

Sixth meeting

The Hague, 7-19 April 2002

Item 8 of the provisional agenda*

REPORTS OF REGIONAL MEETINGS

Report of the Latin American and Caribbean regional preparatory meeting for the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity

Note by the Executive Secretary

1. The Executive Secretary is circulating herewith, for the information of participants in the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, the report of the African regional preparatory meeting for the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, which was convened by the Executive Secretary in Kingston, Jamaica, from 18 to 20 March 2002.
2. The report is being circulated without formal editing.

* UNEP/CBD/COP/6/1 and Rev.1/Corr.1.

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REPORT OF THE LATIN AMERICAN AND CARIBBEAN REGIONAL PREPARATORY MEETING TO THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

INTRODUCTION

1. The Conference of the Parties, in paragraph 33 of decision V/20, adopted at its fifth meeting, recognizing that activities at the sub-regional and regional levels have an important role to play in preparing for Convention meetings and enhancing the implementation of the Convention, called upon Parties to participate actively in suitable sub-regional and regional activities, as well as on the Executive Secretary, subject to necessary voluntary contributions, to facilitate the involvement in such sub-regional and regional activities of developing country Parties, in particular the least developed and small island developing States, and other Parties with economies in transition. In addition, the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention convened in Montreal from 19 to 21 November 2001 pursuant to paragraph 38 of decision V/20, acknowledged the important role that regional and sub-regional mechanisms and networks play in promoting the implementation of the Convention and providing forums for the preparation of regional inputs to meetings of the Convention and for translating decisions of the Conference of the Parties into regional actions. Accordingly, the Executive Secretary convened a regional preparatory meeting for the sixth meeting of the Conference of the Parties for the Latin American and the Caribbean Region in Kingston, Jamaica, from 18-20 March 2002.

PARTICIPATION

2. The Governments of Latin America and the Caribbean, Parties to the Convention on Biological Diversity, from Antigua and Barbuda, Argentina, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haïti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru, Saint Lucia, Trinidad and Tobago, Uruguay and Venezuela, the UNEP regional office for Latin America and the Caribbean, UNEP CAR/RCO and non-governmental organizations participated in the meeting. The list of participants appears as Annex I to the present Report.

AGENDA ITEM 1: OPENING OF THE MEETING

3. The meeting began at 10:00 a.m. on Monday, 18 March 2002, with remarks by Mrs. Jacqueline Dacosta, Permanent Secretary of the Ministry of Land and Environment of Jamaica, on behalf of the Honorable Horace Dalley, Minister of Land and Environment of Jamaica. Mr. Arthur Nogueira addressed the meeting on behalf of the Executive Secretary of the Convention on Biological Diversity and Ms Rossana Silva Repetto make some introductory remarks, as the representative of the UNEP Regional Office for Latin America and the Caribbean.

AGENDA ITEM 2: ORGANIZATION OF THE MEETING

4. The Government of Jamaica was elected by the participants to serve as President of the meeting, while the Government of Mexico served as Rapporteur.

5. The meeting adopted the Provisional Agenda as proposed by the Secretariat.

AGENDA ITEM 3: ISSUES FOR IN-DEPTH CONSIDERATION
AT THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES

6. At its fourth meeting, the Conference of the Parties, by its decision IV/16, adopted a programme of work for the period from the fourth meeting of the Conference of the Parties until the seventh meeting of the Conference of the Parties, as contained in annex II to the decision. In accordance with the decision, the sixth meeting of the Conference of the Parties will focus on the following as issues for in-depth consideration: forest biological diversity; alien species; and benefit sharing. In addition, the Conference of the Parties will consider the report and recommendations of the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and the Implementation of the Convention as one of the key issues. The regional preparatory meeting may wish to further review the respective recommendations contained on these issues in documents prepared for the sixth meeting of the Conference of the Parties.

Sub-item 3.1: Forest Biological Diversity

7. Under this agenda item, the participants considered documents UNEP/CBD/COP/6/4, UNEP/CBD/COP/6/17, UNEP/CBD/COP/6/17/Add.1, UNEP/CBD/COP/6/17/Add.2, UNEP/CBD/COP/6/17/Add.3.

8. As regards financial resources, it was agreed that such resources were required and that priority areas for funding need to be set. Several options to ensure adequate funding were suggested, including:

- a) The creation of a special programme within the Global Environmental Facility (GEF)
- b) The creation of an integrated financing strategy, such as a consortium, particularly between the Collaborative Partnership on Forests and GEF.

It was also requested that funding for activities on forest biological diversity be considered in the discussions on the proposed budget at COP VI.

9. When considering the objectives of the programme, it was noted that many forests in the region are inhabited, and therefore, the objectives need to be balanced in order to address not only conservation but also sustainable use and benefit sharing.

10. The overall strategy of the programme of work should incorporate components to ensure the participation of local and indigenous communities in the conservation and sustainable use of forests.

11. A need to prioritise and reduce the number of activities in the draft expanded programme of work was identified by the Parties.

12. Participants also stressed that the issue of capacity building needs to be emphasized in the programme of work.

13. In order to avoid duplication of work, it was underlined that harmonization should be sought on those issues of the work programme which are also addressed in other international fora, e.g. UNFF, such as forest fires and certification.

14. The need for further work to increase synergies among relevant international forums and their respective processes was stressed, including collaboration with the RAMSAR Convention, UNFCCC, the UNFF, the Desertification Convention and the World Trade Organization and the need to involve other relevant organisations dealing with issues related to poverty eradication was highlighted. It was also stressed that joint actions among relevant organizations should be promoted, including the development of common definitions.

15. Delegations generally agreed that definitions relevant to the issue of forest biological diversity adopted in other forums should not hinder the implementation of the work programme.

16. Finally, it was recognized by participants that the work programme should not be limited to primary forests. The need to give particular consideration to island forestry was also stressed. Some delegates suggested that priority should be given to the conservation and sustainable use of native forests.

Sub-item 3.2: Alien Species

17. Under this agenda item, the participants considered documents UNEP/CBD/COP/6/3, UNEP/CBD/COP/6/18 and UNEP/CBD/COP/6/Add.1.

18. Participants agreed that several of the “Guiding principles [Guidelines] for the prevention, introduction, and mitigation of impacts of alien species that threaten ecosystems, habitats or species” are unfeasible and costly to implement in their present format. Moreover, the strategy would impose additional financial requirements for implementation, an issue that would need to be addressed.

19. Most countries stated that the precautionary approach should be included. Some delegations considered that the definition of precautionary approach in Principle 15 of the Rio Declaration would be the most appropriate.

20. When considering Guiding principle 4, a number of countries commented on the need to limit State responsibility clauses within the guiding principles, particularly with regard to involuntary introductions.

21. Considering Guiding principle 7 and recognizing the transboundary nature of the issue, participants noted the need for a monitoring and control mechanism at the regional level.

22. It was generally recognised that there is an urgent need to implement strategies of education and increased public awareness to prevent and control the adverse impacts of alien invasive species.

Sub-item 3.3: Access and Benefit Sharing

23. Under this agenda item, the participants considered documents UNEP/CBD/COP/6/6, UNEP/CBD/COP/6/19 and UNEP/CBD/COP/6/19/Add.1.

24. In considering the draft Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of their Benefits, delegates recognised that they constitute a first step in assisting countries in a very long and complex process. However, they noted that the guidelines require further work on aspects that are either not covered in the current draft or where consensus has not been reached

among the Parties. Participants identified a need to determine what additional actions may be necessary to implement the provision of the Convention related to access to genetic resources and benefit-sharing.

25. A number of concerns were expressed by delegates such as the need for further clarification and work in the guidelines, particularly regarding:

- a) Use of terms;
- b) Responsibility of users should be mandatory and not voluntary;
- c) Conflict resolution provisions in contractual arrangements on access and benefit-sharing and the need for measures to ensure an equitable access to justice to all parts in an access and benefit-sharing contract;
- d) Mechanisms for follow-up regarding the application of the guidelines, including monitoring, verification and certification.

26. In addition, it was stressed that prior to the adoption of the guidelines, agreement should be reached on outstanding issues such as the use of terms, scope of guidelines and stakeholders. A number of delegates suggested that the scope of the guidelines should include products and derivatives.

27. It was agreed that the COP at its sixth meeting should take note of the guidelines and that further work be carried out by the Ad Hoc Open-ended Working Group on Access and Benefit-sharing in order to finalise the guidelines.

28. With respect to other approaches, it was reiterated that capacity building was essential in order to implement the provisions of the Convention on access to genetic resources and benefit-sharing, in order *inter alia* to ensure parity between users and providers of genetic resources.

29. The organisation of a workshop on capacity building for access and benefit-sharing was supported. However, certain delegates stressed that the workshop should address the various needs and priorities of countries and should not focus on capacity-building activities for the implementation of the guidelines. It was also suggested that the action plan for capacity-building on access and benefit-sharing should include reference to financial resources for its implementation.

30. In addition, participants also stressed that further consideration should be given to other approaches such as model clauses for contractual agreements on ABS.

31. With respect to the issue of intellectual property rights, most countries highlighted that the recommendation of the Working Group regarding the role of intellectual property rights in access and benefit-sharing arrangements should be adopted by COP VI.

32. Several delegates recommended that work be done in developing mechanisms to ensure the legal provenance of genetic materials as noted in decision 1(h) of the Cancun Declaration.

33. The GRULAC took note of the “Cancun Declaration” as final declaration of the “Ministerial Meeting of Like-minded Megadiverse Countries Building a Common Agenda for Conservation and Sustainable Use of Biological Diversity”, held in Cancun, Mexico in February 2002.

34. With respect to the relationship with the World Intellectual Property Organisation, delegations stressed the need to strengthen the relationship between WIPO and the CBD. Some delegates indicated

that the CBD is the appropriate forum for, and should take the lead in the discussion on intellectual property rights related to access and benefit-sharing and traditional knowledge.

35. It was also considered that the precise taxonomic coverage of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture and the Convention should be further clarified.

36. In preparation for COP VI, it was requested that recommendations dealing with access and benefit-sharing in documents UNEP/CBD/COP/6/6, UNEP/CBD/6/19 and UNEP/CBD/COP/5/19/Add.1 be compiled in one document.

Sub-item 3.4: Strategic Plan, National Reporting
and Implementation of the Convention

37. Under this agenda item, the participants considered documents UNEP/CBD/COP/6/5 and UNEP/CBD/COP/6/5/Add.2

Strategic Plan

38. Delegates considered that the Strategic Plan, in its current format, is too long and over ambitious and expressed concern over the fact that significant portions of the text are still in brackets in crucial elements of the plan such as the vision and the mission.

39. Concern was raised that current targets within the Strategic Plan are unfeasible within the timeframe considered and that more realistic goals should be set.

40. Some countries were of the opinion that the document does not incorporate adequately all relevant components needed to be considered as a strategic plan, including: timing, actors, financial needs, outputs.

41. Delegations also noted that the Strategic plan does not reflect the three objectives of the Convention, and that more emphasis should be given to sustainable use and equitable benefit sharing.

42. With regard to the mission, countries agreed that sustainable development should be part of the mission and that brackets should therefore be removed.

43. Several countries emphasized the need to include a financing component within the Strategic Plan and noted that without adequate funding the Strategy is unlikely to be implemented.

44. Given that the Guidelines on Access and Benefit Sharing are still in a draft format, mention to them should not be made in the Strategic Plan.

45. Participants agreed that no new issues should be added to the work plan of the Convention, expressing concern over the large number of issues that are still unresolved or unimplemented. This situation is exceeding the capacity of Parties to manage the agenda and fulfil their obligations under the Convention. Countries recommended that emphasis be placed on reaching concrete results on existing items in the agenda before new ones be added.

46. Some countries felt that the Strategic plan should include a monitoring mechanism and consideration of issues of cross-sectoral implementation.

47. Colombia informed of work in progress towards the integration of a Regional Strategy on Biodiversity for the Andean Community.

48. With regard to the bracketed text in item 14.2.4 of document UNEP/CBD/COP/6/5 countries noted that the establishment of a global ecological network was not feasible nor desirable.

National reporting

49. Nicaragua, in its capacity as *pro tempore* Chair of the Central American Commission on Environment and Development, informed that all its member States have sent their national reports and that they are in the process of compiling a regional report to be presented at a side event during COP VI.

50. Some delegations noted that delay in submitting national reports is due to difficulty in accessing GEF funding.

Implementation of the Convention

51. Countries considered that the situation concerning implementation of the Convention is critical: lack of time, technology as well as human, physical and financial resources and cooperation are major obstacles for the effective implementation of commitments within CBD. The fact that so few countries have reported is a sign of the severity of the situation. Concern was raised about the Convention becoming a “paper” convention

52. Delegates stressed that the review of the status of implementation of all its decisions should be carried out by a process directly controlled by the Parties and not by an expert group.

AGENDA ITEM 4: SELECTED CROSSCUTTING AND IMPLEMENTATION ISSUES

53. The Conference of the Parties will also be considering a number of crosscutting and implementation issues. Most of these issues have been discussed in inter-sessional meetings held under the Convention. Specific recommendations have been made by such meetings for the consideration of the Conference of the Parties. The Executive Secretary has also proposed several recommendations regarding the way forward on these agenda items for the consideration of the Conference of the Parties. Crosscutting and implementation issues of specific interest to the Latin American and Caribbean region on the agenda of the Conference include: Article 8(j) and Related Provisions of the Convention; Financial Resources and Mechanism; Biological Diversity and Tourism; and Education and Public Awareness. Under this agenda item, the meeting considered various proposals regarding these agenda items as contained in the documents prepared for the sixth meeting of the Conference of the Parties.

Sub-item 4.1: Article 8(j) and related provisions of the Convention

54. Under this agenda item, the participants considered document UNEP/CBD/COP/6/7.

55. The recommendations of the Second Meeting of the Ad Hoc Working Group on Article 8(j) and related provisions of the Convention were considered weak and it was stressed that more concrete actions should be undertaken for the protection of traditional knowledge.

56. Nicaragua, in its capacity as *pro-tempore* chair of the Central American Commission on Environment and Development and Mexico informed participants of the main issues raised at their sub-regional meeting held the previous week in Managua, which included:

- a) the need to elaborate *sui generis* systems for the protection of traditional knowledge;
- b) the need to develop and implement the concept of “legal origin/provenance” for the protection of traditional knowledge.

57. Nicaragua also informed the meeting that Central America has already adopted the Central American Protocol on Access to Genetic and Biochemical Resources and on their Associated Traditional Knowledge.

58. Concern was expressed about the creation of national and international databases on traditional knowledge and the need to ensure adequate protection of such knowledge.

59. The text in brackets in paragraph 16 dealing with the inclusion of provisions regarding free, prior informed consent of indigenous and local communities, included in the Draft recommendations for the conduct of cultural, environmental and social impact assessments (UNEP/CBD/COP/6/7), were a source of concern for members of the GRULAC.

60. Parties stressed that in the implementation of the current work programme, priority should be given to the development of *sui generis* systems for the protection of traditional knowledge and include the participation and consultation of indigenous and local communities in this process.

61. There seems to be no link between the participation of local and indigenous communities at the local level and at the international level and countries noted that consideration should also be given to ensure that participatory processes at the local level are connected to and adequately reflected in those at the international level.

62. The need for mechanisms to track and enforce the legal origin of traditional knowledge was emphasized and countries noted that this should be a mandatory requirement.

63. It was also noted that the composite report under recommendation 2/3 seems over ambitious, mainly when addressing issues of: identification of the different communities; obligation to produce detailed national reports; the definition of traditional knowledge; the concept of “regionally balanced”; and the recognition of “sacred sites”.

64. Participants added that existing national legislation must be observed and the recommendations should be voluntary if guidelines are to be developed;

65. A number of elements in recommendation 2/4 on the conduct of cultural, environmental and social impact assessments seem to be outside the scope of the Convention.

Sub-item 4.2: Financial Resources and Mechanism

66. Under this agenda item, the participants considered documents UNEP/CBD/COP/6/14, UNEP/CBD/COP/6/INF/3, UNEP/CBD/COP/6/INF/4, UNEP/CBD/COP/13/Add.1.

67. Countries emphasized that current funding under GEF is insufficient for the adequate implementation of Parties' obligations within the CBD. There is a need to increase the level of funding, not only by increasing funds available through the GEF but also by seeking other sources, including private funding.
68. Several countries noted the difficulties to access funds from GEF and considered that current procedures and criteria should be more transparent and that the role of implementing agencies should be clarified.
69. In particular, it was noted that small island developing states face additional difficulties to match current practices and criteria to access GEF funding.
70. When reviewing the GEF mechanisms, countries noted that the role and performance of implementing agencies should also be reviewed.
71. Some countries expressed that the criteria applied around the concept of incremental costs should be unified and noted that an excessive emphasis on the concept does not allow for sufficient flexibility.
72. Concern was also expressed regarding the current co-financing requirements. Some countries considered that they needed to be more transparent.
73. Several delegations considered that the number of priority issues for GEF funding are too many, rendering the prioritization meaningless.
74. Countries suggested that GEF funding periods should allow for some longer term activities to enable the consolidation of results from funded projects.
75. Mention was made that actions included in paragraph 10 of the progress report on the mechanisms for implementation (UNEP/CBD/COP/6/13) would not be feasible given that discussions on the needs for the third replenishment cycle of the GEF would be over before an assessment could be made on the amount of funds necessary to assist developing countries in fulfilling their commitments under the Convention.

Sub-item 4.3: Biological Diversity and Tourism

76. Under this agenda item, participants considered documents UNEP/CBD/COP/6/12 and UNEP/CBD/COP/6/12/Add.2. The Draft guidelines on sustainable tourism (UNEP/CBD/WS-Tourism/4), not being a COP document, were not available for consideration by participants.
77. The Secretariat provided some clarification regarding the way this issue would be considered at COP VI, noting that the draft guidelines on sustainable tourism are to be considered at COP VII and that COP VI would only take note of progress made on the subject as part of the report on implementation of cross-cutting issues.
78. The Secretariat noted, upon request from the countries, that the guidelines will be presented as a non-official draft document at the Meeting of the World Summit on Ecotourism to be held in Quebec City in May 2002.

79. Countries took the opportunity to note that work on tourism, while responding to decision V/25, does not exhaust the outstanding work on sustainable use under decision V/24.

Sub-item 4.4: Education and Public Awareness

80. Under this agenda item, the participants considered documents UNEP/CBD/COP/6/13 and UNEP/CBD/COP/6/13/Add.2.

81. The central objectives of these efforts should be to change attitudes and to create new commitments in society. Adequate indicators for these objectives should be developed to monitor effectiveness of the programme of work.

82. Parties noted that emphasis should be placed on strengthening national strategies and existing mechanisms on ensuring that activities are undertaken at the local level. While implementation of the convention is a national responsibility, the relationship with biodiversity is at the local level.

83. It is felt that the current proposal is top-down while a more bottom-up (“grassroots”) approach is needed.

84. The main tool proposed, namely information technology, seems inadequate given that most of the intended audience is beyond its reach. Instead, other tools such as video, documentaries, radio, TV, story books and theatre plays should be included since they are considered more relevant and effective.

85. It was considered that, as a first step, emphasis should be placed on creating human capital, i.e. the “training of the trainers”, rather than on building infrastructure and diverting funds away from the people actually in charge of teaching and training at the local level.

86. Appropriate cultural methods of communication and the use of traditional knowledge, with the prior informed consent of the communities, where it exhibits sustainable use should be developed and implemented by parties in their programmes of education and public.

87. Countries recognized the importance of formal education as part of the strategy, but noted the need to identify the most relevant stage at which biodiversity education and awareness activities should be incorporated.

88. The programme of work, in its present format, was considered too broad and therefore, it was recommended that the activities therein should be prioritised.

89. There seems to be a lack of coherence in the amounts of financing being considered for each of the activities of the proposed programme of work.

90. Some countries mentioned that the existing Clearinghouse Mechanism should be considered in the design and implementation of the program to promote synergies and avoid duplication of work.

AGENDA ITEM 5: ISSUES OF SPECIAL CONCERN TO THE REGION

91. Under this agenda item, participants discussed the appointment of representatives for the Bureau of COP VI. It was suggested that a vice-chair should be appointed for the GRULAC. It was

further suggested that the list of vice-chairs appointed by the Thirteenth Forum of Ministers of the Environment of Latin America and the Caribbean be used as a reference for such appointment. The current vice chairs are: Bolivia, Dominican Republic, Honduras, Panama, Suriname, Uruguay and Venezuela.

92. Concern was expressed on the development of the issue of sustainable use in the program of work of the Convention. Delegates agreed on the importance of having a meeting of experts to consider the results of the Workshops on Sustainable Use that took place in Maputo, Mozambique, Hanoi, Viet Nam and Salinas, Ecuador and submit the results to the next meeting of SBSTTA.

AGENDA ITEM 6: PRESENTATION ON THE SPAW PROTOCOL

93. Due to time constraints, the intended presentation on the SPAW Protocol by UNEP CAR/RCU could not take place.

94. Participants requested the Secretariat to convey their gratitude and appreciation to UNEP CAR/RCU staff for their efforts and availability at the meeting.

AGENDA ITEM 7: OTHER MATTERS

95. The GRULAC members present at the meeting expressed concern over the issue of participation of developing countries in the meetings of the Conference of the Parties. Delegates strongly suggested that the issue be addressed at the Sixth Meeting of the Conference of the Parties with a view to considering financing the participation of two delegates per developing country.

AGENDA ITEM 8: ADOPTION OF THE REPORT

96. The President of the meeting presented the draft final report for consideration. It was approved by the participants, subject to agreed modifications to be made.

AGENDA ITEM 9: CLOSURE OF THE MEETING

97. The participants expressed their gratitude to the Government and people of Jamaica for their hospitality and efforts, which contributed to the success of the meeting.

98. The Meeting was officially closed at 6 p.m., on 20 March 2002.

Annex I

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Annex II

AGENDA

1. Opening of the meeting.
2. Organizational matters:
 - 2.1 Officers;
 - 2.2 Adoption of the agenda;
 - 2.3 Organization of work.
3. Issues for In-depth Consideration at COP 6:
(Forest Biological Diversity; Alien Species; Benefit-sharing; Strategic Plan, National Reporting & Operations of the Convention).
4. Selected Cross-cutting and Implementation Issues:
(Article 8j & Related Provisions of the Convention; Financial Resources & Mechanism; Biological Diversity & Tourism; Education & Public Awareness.)
5. Issues of Special Concern to the Region.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.