

**CONVENTION ON
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**CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY**

Seventh meeting

Kuala Lumpur, 9-20 and 27 February 2004

Item 8 of the provisional agenda*

REPORTS OF REGIONAL MEETINGS***Report of the Latin American and Caribbean regional preparatory meeting for the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity****Note by the Executive Secretary*

1. The Conference of the Parties, in paragraph 3 of decision VI/27, adopted at its sixth meeting, encourages Parties to develop regional, subregional or bioregional mechanisms and networks to support implementation of the Convention. In addition, in paragraph 11 of decision VI/27 B, the Conference of the Parties acknowledges the important role that regional and sub regional mechanisms and networks play in promoting the implementation of the Convention, by, *inter alia*, providing forums for the preparation of regional inputs to meetings of the Convention. Accordingly, at the request of the Government of Argentina, the Executive Secretary organized a regional preparatory meeting for the seventh meeting of the Conference of the Parties for the Latin American and the Caribbean Region in Buenos Aires, from 22 to 23 January 2004.
2. The Executive Secretary is circulating herewith, for the information of participants in the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity, the report of the Latin America and Caribbean regional preparatory meeting for the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity.
3. The report is being circulated in the form and language in which it was received by the Secretariat of the Convention on Biological Diversity.

* UNEP/CBD/COP/7/1 and Corr.1.

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REPORT

LATIN AMERICAN AND CARIBBEAN REGIONAL PREPARATORY MEETING

TO THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES

TO THE CONVENTION ON BIOLOGICAL DIVERSITY

INTRODUCTION

2. The Conference of the Parties, in paragraph 3 of Decision VI/27, adopted at its sixth meeting, encourages Parties to develop regional, sub regional or bioregional mechanisms and networks to support implementation of the Convention. In addition, in paragraph 11 of Decision VI/27 B, the Conference of the Parties acknowledges the important role that regional and sub regional mechanisms and networks play in promoting the implementation of the Convention, by, *inter alia*, providing forums for the preparation of regional inputs to meetings of the Convention. Accordingly, at the request of the Government of Argentina, the Executive Secretary organized a regional preparatory meeting for the seventh meeting of the Conference of the Parties for the Latin American and the Caribbean Region in Buenos Aires, Argentina, from 22 to 23 January 2004.

PARTICIPATION

3. The Governments of Latin America and the Caribbean, Parties to the Convention on Biological Diversity, from Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Paraguay, Peru, Saint Kitts and Nevis, Trinidad and Tobago, Uruguay and Venezuela, the UNEP regional office for Latin America and the Caribbean, the UNDP regional office, the FAO regional office, the Andean Community, one non-Party, the United States of America, and non-governmental organizations participated in the meeting. The complete list of participants appears as Annex I to the present Report.

AGENDA ITEM 1: OPENING OF THE MEETING

4. The meeting began at 10 a.m. on Thursday, 22 January 2004, with remarks by Mr. Jorge Taiana, Secretary of State of Foreign Relations of Argentina, and Mr. Atilio Savino, Secretary of State of Environment and Sustainable Use of Argentina. Mr. Taiana welcomed participants to the regional meeting and identified the main areas of concern that, in his view, should concentrate the attention of the meeting: sustainable use, protected areas, transfer of technology, access and benefit sharing, operations of the Convention, with special emphasis on implementation and not only on the adoption of further programmes of work. Mr. Taiana also referred to the MOP of the Cartagena Protocol, to be held back to back to COP VII. In this respect, he said that Parties should address this first meeting of the MOP with a sense of responsibility, precaution and respect for existing international law.

5. Mr. Savino underlined two conflicting aspects of the Latin America and Caribbean region, its megabiodiversity and its poverty and environmental degradation. To address the second and preserve the first, new and additional funds are required and conservation must be made an integral part of any development plans for the region. He also emphasized the special attention with which the Government of Argentina will follow the discussions on access and benefit sharing. Finally, he expressed his wish that synergies among the Rio Conventions could be found and further developed.

AGENDA ITEM 2: ORGANIZATION OF THE MEETING

Organizational matters

6. The Government of Argentina served as President of the meeting. The group did not consider it necessary to appoint a Rapporteur.
7. The meeting adopted the provisional agenda as proposed by the President. The agenda is attached as annex 2 to this report.
8. The documents considered by the meeting were the same documents prepared by the Secretariat for COP VII. Information documents were not considered.
9. The President informed the meeting that, as agreed by consensus among the Heads of Delegation and in compliance with Rule 6 of the Rules of Procedure for the Conference of the Parties, the debates would be conducted in two formats: the opening and closing ceremonies and remarks would be conducted as a formal meeting, attended by all participants, including observers; the debates under items three to seven of the agenda would be conducted as an informal meeting among governmental delegates only. The President also indicated the organization of work for the duration of the meeting, which is contained in annex 3 of the present report.
10. The President made special reference to the Government of Switzerland, which, by the provision of financial resources, permitted the meeting to be convened. On behalf of the participants, he expressed his gratitude to the Swiss Government.

Opening remarks by observers

11. Observers were invited to take the floor.
12. The representative of the FAO introduced the *Red Latino-Americana de Areas Protegidas* (Latin American Network of Protected Areas) and a related document, prepared by the *Red*, which contained a number of strategic options for protected areas that he suggested could be taken into consideration during the debates on this issue at COP VII: (a) methodological tools for regional coordination on protected areas; (b) strengthening of governmental role in the conservation of protected areas; (c) adoption by all Parties of a minimum protected area system; (d) official endorsement of the IUCN system for the classification of protected areas; (e) implementation of regional centers for capacity building; (f) inclusion of protected areas as a priority in the guidance to the GEF; (g) endorsement of a regional and bio systemic approach to protected areas; (h) inclusion of the issue in any development plans; and (i) concrete and actual commitment by Parties with their respective protected areas in the framework of the NBSAPs, including through the provision of financial resources and personnel.
13. The IUCN representative and the non-governmental organization *Aves Argentines* (Birds from Argentina), the latter on behalf of a coalition of NGOs, also made an intervention on protected areas. In addition, IUCN reiterated its commitment to the results of the Durban meeting on protected areas and its special interest in the access and benefit sharing issue during COP VII.
14. The representative of the *Facultad de Derecho y Ciencias Sociales de la Universidad de Buenos Aires* (the Law and Social Sciences School of the University of Buenos Aires) highlighted issues related to Article 8(j) and invited COP VII to adopt common definitions related to indigenous matters, which would harmonize the way the issue is dealt within the region.

AGENDA ITEM 3: ORGANIZATIONAL MATTERS OF COP VII
(ITEMS 1 TO 7 OF THE PROVISIONAL AGENDA FOR COP VII)

Adoption of the agenda for COP VII

15. The President introduced items 1 through 7 of the provisional agenda for COP VII. Under item 3 – Adoption of the Agenda, participants coincided that agenda item 19.5 – Sustainable Use (Article 10), and agenda item 19.11 – Access and Benefit Sharing as Related to Genetic Resources (Article 15), are central objectives of the Convention as contained in its Article 1, and not simple cross-cutting issues. They must, therefore, be addressed as Article 1 objectives, lest a wrong message is sent as regards their real meaning and relevance. A consensual position was reached as follows:

- The GRULAC accepts the agenda with the incorporation of Sustainable Use as a separate issue;
- The GRULAC will propose to the Plenary that item 19.11 – Access and Benefit Sharing as Related to Genetic Resources (Article 15) be set as a priority issue.

16. In addition, participants agreed that the list of Convention articles mentioned under agenda item 25 – Transfer of Technology and Technology Cooperation is incomplete, as it refers only to Articles 16 and 18 of the Convention. It was noted that, by insistence of the GRULAC, previous meetings under the Convention had already made progress towards the inclusion of additional articles whenever these issues were addressed. A consensual position was reached as follows:

- The GRULAC must ask that all articles related to technology transfer and technology cooperation, i.e. Articles 16, 17, 18 and 19 of the Convention, be included under item 25 of the agenda for COP VII.

Pending issues

17. The group was not informed of new developments under item 6 of the provisional agenda for COP VII.

18. Finally, as one delegation pointed out, schedules adopted by common agreement at COP VII for the venues and times of the various meetings should be strictly adhered to, which unfortunately was not the case at COP VI. Unscheduled meetings seem to have taken place to the detriment of smaller delegations.

AGENDA ITEM 4: REPORTS
(ITEMS 8 TO 16 OF THE PROVISIONAL AGENDA FOR COP VII)

19. The representative of the Secretariat introduced the reports, making short and specific references to the origins, mandate, content and relevant issues contained in each of them. During his introduction reference was made to the individual documents that Parties will consider when discussing these agenda items.

Report of eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

20. Discussions on this report, in particular in what regards the marine floor, referred to issues regarding conservation programmes beyond areas under national jurisdiction. Participants generally agreed that, of the three options contained in recommendation VIII/3/D, in Annex I of the SBSTTA 9 report, in relation to the protection of marine biodiversity beyond national jurisdiction, the second should be adopted.

Report of the Ad Hoc Open-ended Working Group on Access and Benefit Sharing

21. It was noted by participants that the issue of access and benefit sharing is currently dealt with by a number of international organizations and processes and that duplication of efforts should be avoided. The discussions also highlighted the fact that the international regime on ABS should be a priority, keeping in mind that it should not conflict with existing international law.

AGENDA ITEM 5: REVIEW OF IMPLEMENTATION OF THE PROGRAMMES OF WORK (ITEMS 17 TO 22 OF THE PROVISIONAL AGENDA FOR COP VII)

22. As requested by the President, the Secretariat individually introduced each topic under this agenda item, with references to the mandate, list of relevant documents for COP VII and recommendations relating to each one.

Thematic programmes of work

23. During the discussion of these agenda items, it was noted that each programme of work should be consistent with the Multi-Year Programme of Work (MYPOW) agreed for the Convention in March 2003. As they currently stand, a number of inconsistencies could be identified and should be corrected. In fact, current problems seem to stem from the very operations of the Convention, which has not managed to fully integrate and coordinate its various programmes of work. As a consequence, some countries experience increasing difficulty in following the development of the CBD.

24. The explosive increase in the number of work programmes was also a source of concern for the group and it was suggested that the MYPOW should serve as an instrument to discipline this matter. As an example of the above, it was suggested that the issues under item 18 of the provisional agenda for COP VII should only be addressed substantively at COP X. Suggestions on the frequency of COP meetings or changes in the financial cycle were briefly considered.

25. More specifically, the group addressed item 18.2 of the provisional agenda for COP VII, which contains references to a worldwide network of marine protected areas. It was the common view of the group that, whereas bilateral and regional networks make sense and should be supported, a worldwide network of protected areas is still not a clear concept, which in fact poses more problems than it solves (see paragraph 58 (b) below). In addition, concepts and terminology that refer to marine and terrestrial protected areas should be unified and homogenized.

26. Parties should keep in mind that the set of indicators for the purposes of the 2010 target is distinct from the usual set of indicators adopted for general purposes under the Convention. The first should not be used to evaluate performances by Parties in their efforts to implement the Convention. Moreover, it is important that the implementation of the Strategic Plan be achieved through the programmes of work of the Convention, which in turn are to be implemented by the Parties. In this way, Parties keep full control over policies and strategies of implementation of the Convention in their own territories. Indicators related to the target contained in the Strategic Plan cannot be applied outside the context of the programmes of work.

27. A consensual position was reached as follows:

- The COP must ensure that programmes of work are coordinated and consistent with the Multi-Year Programme of Work and are considered at the corresponding session;
- Multiplication of programmes of work should be avoided;
- The work plan on marine and coastal biodiversity in the section on marine protected areas must use the same concepts adopted in the work plan on protected areas and not include references to global networks.

Cross-cutting issues

28. As a general expression of concern in relation to these matters, the group noted that the implementation of programmes related to crosscutting issues requires significant amounts of financial resources, which are severely limited in the GRULAC region. In another vein, the group also underlined the need for further coordination and synergy among the Rio Conventions.

The Global Taxonomy Initiative and the Global Strategy for Plant Conservation

29. When addressing agenda items 19.2 – Global Taxonomy Initiative, and 19.3 – Global Strategy for Plant Conservation, the group was generally of the view that there was lack of transparency in relation to both these matters: experts are treating the GTI and the GSPC as private property and working sessions are not fully opened, as would be desirable. A consensual position was reached as follows:

- COP should ensure full transparency in the Global Taxonomy Initiative and the Global Strategy for Plant Conservation.

Alien Species that Threaten Ecosystems, Habitats or Species (Article 8(h))

30. Parties attending the meeting agreed at the outset that the main issue under this item would be the procedure followed for the adoption of Decision VI/23 at COP VI, although the provisional agenda for COP VII does not foresee discussions on this topic. Various possibilities were raised to allow the complete and definitive closure of this matter, chiefly among them the adoption of an entirely new and generally agreed text that would supersede the current decision. As an alternative, the debate could be limited to three specific points, namely the precautionary approach, the burden of proof and the socio-economic and cultural aspects of risk analysis, which would be submitted to the plenary for final approval. In any event, the group stressed the need for a clear consensus before any decision could be adopted by the Conference of the Parties in the future, lest the anomalous events of The Hague repeat themselves and put in jeopardy the whole Convention and possibly the interests of one or another of the countries attending the preparatory meeting.

31. In relation to the substance of Decision VI/23, it was noted that its contents are unbalanced and unfavourable to developing countries, in particular small islands developing States. The latter have no means to implement the decision in an environment where most species are alien. Moreover, the adopted text may have serious impact on trade issues.

32. A consensual position was reached as follows:

- This topic must be addressed at COP VII;
- COP must respect the necessary conditions to reach consensus;
- At COP solutions must be found that allow for a consensus to be reached on the Guiding Principles in a way that they can be effectively implemented by all Parties.

Article 8(j) and Related Provisions

33. In relation to item 19.8 of the provisional agenda, Article 8(j) and Related Provisions, participants stressed that the respect for, and recognition of, traditional knowledge should not imply additional costs for the users of genetic resources. In addition, regarding Point F.10 from Recommendation 3/6 of the Ad-Hoc-Open Ended Intersessional Working Group on Art. 8(j) concerns were expressed as to the possibility of local and indigenous communities being allowed to apply for funds actually made available for representatives of indigenous and local communities from developing

countries to participate in the meetings of Convention. Should this decision be adopted as currently formulated, it would aggravate the already serious shortage of funds for that purpose.

34. A consensual position was reached as follows:

- Funds for the participation of delegates of indigenous and local communities should be destined to delegates from developing countries exclusively.

Access and Benefit Sharing as Related to Genetic Resources (Article 15)

35. As indicated in paragraph 20 above, the general principle governing future developments in this area should be the priority that must be given to the negotiations of an international regime on access and benefit sharing (ABS). COP should establish terms of reference to this purpose for the Ad hoc Open-ended Group on ABS, and work should start without delay. Issues such as the voluntary nature of the Bonn Guidelines, natural secondary metabolic products (as opposed to by-products), the unfair and simplistic distinction between users and providers, the relationship with other organizations and processes such as WIPO, FAO, TRIPs and Article 8(j) of the Convention, and the overall urgency of this matter must be addressed within the framework of the Ad hoc Open-ended Group on ABS.

36. The debate also touched on a number of other aspects of the future international regime on ABS: (a) duplication of work being undertaken under other international processes should be avoided; (b) as an increasing volume of genetic resources leaves the region daily, the matter requires immediate attention; (c) an international certificate of origin is desirable and urgent; (d) the legally binding nature of the international regime on ABS should not be addressed before the very nature and scope of such regime become clear; (e) national laws and mutually agreed terms must be respected; (f) mechanisms to ensure the actual and effective transfer of the benefits must be created and put in place; (g) ways and means must be found to afford for scientific research in biotechnology to take place without the hindrance of royalties and other financial burdens; and (h) the resulting international regime must encompass a balanced approach between access and benefit sharing.

37. A consensual position was reached as follows:

- To avoid normative duplication;
- This issue is urgent;
- The certificate of origin should be adopted without delay;
- Rights of countries of origin and source countries should be distinguished;
- Respect for national laws, mutually agreed terms and material transfer agreements should be guaranteed, as well as effective transference of benefits to countries of origin;
- A balanced approach between access and benefit sharing must be preserved.

Financial Resources and Mechanism (Articles 20 and 21)

38. A number of issues were raised under this agenda item, in particular the limited and disappointing volume of financial resources made available by developed countries through the Global Environment Facility (GEF). In relation to the operational procedures of the GEF, the group expressed concerns on the lack of coincidence between guidance emanating from the COP and funding decisions taken by the GEF Council. Another major topic raised by various participants addressed the issue of the implementing agencies, their adequacy and efficiency. As a result of problems arising with the implementing agencies, access to funds is unnecessarily complicated and delayed.

39. A consensual position was reached as follows:

- The cycle of approval of proposals and disposal of funds should be streamlined. Likewise, the functions and efficiency of the implementing agencies must be examined;
- The implementing agencies should facilitate projects on a sub regional level;
- The three objectives of the Convention deserve equal consideration and it is necessary to increase the flow of funds for sustainable use projects;
- The host country to the financial mechanism must ensure full access to the financial mechanism bodies by the members of the Council.

Scientific and Technical Cooperation and the Clearing-house Mechanism (Article 18, paragraph 3)

40. Participants agreed that phase two of the Clearing-house Mechanism (CHM) of the Convention – in which the CHM becomes an effective mechanism for the transfer of technology – should start immediately. This development should also be reflected in the draft rules of procedure for the Informal Advisory Committee to the CHM.

41. A consensual position was reached as follows:

- The CHM must give priority to technology transfer (cf. recommendation IX/5 on Transfer of Technology and Technology Cooperation, item e (i)) on the rules of procedure for the Informal Advisory Committee).

Communication, Education and Public Awareness (Article 13)

42. There was general consensus on the necessity to increase the emphasis on formal education, and not concentrate so much on communication. Proper funding is not in place yet and existing educational material is not adequate. A consensual position was reached as follows:

- The issue of education should receive more emphasis in the program of work on CEPA.

National Reporting

43. Parties generally agreed that national reports must be the source of two kinds of information: (a) the way countries are implementing their obligations under the Convention; and (b) what impact such implementation has on the environment.

44. Criticism of the existing format for national reporting included it being too long and questions being too general, although significant progress was recognized in the new format for national reports. To partially overcome such limitations, national reports should: (a) include indicators that reflect the current state of the environment at the global level; (b) reflect Parties' NBSAPs to the extent possible; and (c) reflect the Millennium Development Goals. The ongoing harmonization efforts with the reporting processes of the other Rio Conventions were recalled and it was agreed that discussions on this issue at COP VII should reflect this fact.

45. It was recognized that many developing countries have no means to assess their own environment and, therefore, of fulfilling their obligation to report. National reports require extensive coordination among various national agencies and stakeholders, for which adequate funding and capacity are still lacking.

46. A consensual position was reached as follows:

- National reports should provide information not only on how countries are implementing the Convention, but also on what is the concrete impact of that implementation on biodiversity;
- National reports should be linked to monitoring mechanisms and indicators, as well as to NBSAPs;
- Ongoing harmonization efforts among the reporting processes of the Conventions on Climate Change, Desertification and Biodiversity should be taken into account when discussing this topic at COP VII.

Budget for the Programme of Work for the Biennium 2005-2006

47. Three main issues were addressed separately under this agenda item: the square brackets contained in paragraph 4 of the financial rules, sanctions for countries in arrears and assessed contributions.

48. Options for eliminating the brackets in paragraph 4 of the Financial Rules were considered, such as the establishment of a ceiling for the contributions of developing countries, expressed as a percentage of the smallest contribution by a developed country. Another possibility would be the establishment of layers of contribution and place Parties in the relevant layers according to their individual condition.

49. The issue of contributions in arrears was addressed next and the group agreed that lack of payment by a Party should not be interpreted as lack of interest in, or commitment to, the Convention, but simply as the consequence of temporary financial difficulties and the establishment of priorities in response thereto. The current punishing rule contained in paragraph 13 of Decision VI/29 was considered generally unacceptable and particularly discriminatory, as it will never apply either to developed countries or to least developed countries. An additional consequence of the current sanction system was to further deteriorate the international standing of the Party in arrears.

50. In recognition of the need to stimulate countries to fulfill their financial obligations towards the Convention, participants suggested a number of possible principles that may mitigate the current situation, such as: (a) delegates from countries with contributions in arrears cannot be elected to official positions within the Convention; (b) meetings will not be held in the territory of those Parties with contributions in arrears; and (c) payments in kind should be contemplated. Besides, a practical solution should be found to overcome the existing impasse and further accumulation of debt. One possible alternative consists in the restructuring of each Party's arrears and the spreading of payments over a number of years. Participants concurred that the advancement of these proposals during COP VII would require close coordination with the other regional groups.

51. Finally, as regards the budget itself and the assessed contributions, Parties were generally of the view that the next budget should have a zero nominal increase. At the request of the President, the Secretariat explained that the issue has its complexities, and that a zero nominal increase in the next budget as compared with the one currently in force would still imply an increase in contributions by the Parties. The reason is the exhaustion of the financial reserves that have offset the increase in expense during the past years. As a result, zero nominal growth of the budget is not the same as zero increase in contributions by Parties (zero increase in contributions would actually imply a sharp reduction in the budget). Moreover, in response to recommendations adopted during the current intersessional period, programmes and activities are bound to increase in 2005 and 2006, unless otherwise decided at COP VII. Therefore, besides the automatic increase in contributions to compensate for the termination of the reserves, a real increase in expenses is also foreseen in response to the additional activities being recommended by the Parties.

52. The issue of the new and additional expenditures related to the Protocol of Cartagena was addressed next, but, given the uncertainties still surrounding this matter, it was not possible to reach a common conclusion on the topic. In any event, excluding the budgetary consequences of the entry into force of the Protocol, one thing seemed clear to all participants: there are too many activities currently being undertaken and serious efforts must be made to curtail their proliferation. Priorities must be established for future activities under the Convention, one of which is the Ad-hoc Open-Ended Working Group on Access and Benefit Sharing. The operation of expert groups, their justification, rationale, composition and costs was also mentioned and it seemed to all participants that more attention should be given to this matter in the future. Finally, one way to streamline the budget would be to strengthen the role of the CHM as a communication tool to convey the results and progress of the various programmes of work.

53. Participants also recalled the lack of commitment by a number of developed countries translated in their minimal contributions, or complete absence thereof, to the voluntary funds, and the fact that even among developing countries there are significant disparities, as some developing Parties are burdened with heavy contributions, while others have rather modest financial obligations. The possibility of creating new lists of countries, as the one contained in Decision I/2, for developing countries and countries with economies in transition was also ventilated.

54. To make sure that GRULAC's interests as expressed in the previous paragraphs are protected and duly taken into account by the Conference of the Parties, the group agreed that at least one representative of one of its members should attend the Contact Group on Budget at all times, possibly on a rotation basis to be agreed in Kuala Lumpur. In addition, it was agreed that the decisions adopted by Contact Group on Budget up to 20 February must not be reopened during MOP 1, nor shall the Contact Group meet during that week.

55. A consensual position on budgetary issues was reached as follows:

- The GRULAC will not accept the renewal of the clause that excludes Parties from receiving financial assistance to attend meetings (items 7 and 8 of the Recommendation contained in document UNEP/CBD/COP/7/2), and will seek support from other regional groups;
- The GRULAC will propose that the Executive Secretary be instructed to prepare a delayed payment plan of up to ten years for countries with contributions in arrears, with the knowledge of the Bureau;
- The GRULAC will request more transparency in the Contact Group on Budget and will ensure its permanent attendance in the Contact Group;
- The Contact Group on Budget should not meet during the first meeting of the Parties to the Cartagena Protocol (COP/MOP 1). Agreements reached by this Contact Group until 20 February should not be modified during COP/MOP 1;
- The budget of the Convention should not increase (zero nominal growth of the budget);
- To reach the above:
 - Priorities should be established for the intersessional activities, in particular the establishment of expert groups. One of the priorities should be the negotiation of an international regime on access and benefit sharing that requires more than one meeting of the negotiating group during the next intersessional period;
 - The CHM should be used more intensively for the exchange of information on the developments in the working groups.

AGENDA ITEM 6: PRIORITY ISSUES
(ITEMS 23 TO 26 OF THE PROVISIONAL AGENDA FOR COP VII)

Protected Areas

56. Protected areas are a special theme within the Convention and serve all three objectives of the CBD. They not only allow for the conservation of biodiversity, but are also an important tool for the implementation of programmes on sustainable use, in particular for the protection of issues related to Article 8(j).

57. On this item, the delegations of Chile and Ecuador circulated a document with concrete proposals and requested that they be discussed at the first GRULAC meeting in Kuala Lumpur.

58. The group agreed that the programme of work on protected areas should be adopted at COP VII, although the number of square brackets contained in the draft text did not augur an easy negotiation. It was noted, however, that a significant number of brackets in this case resulted not from disagreement among Parties, but mostly from lack of time for discussion of the document during SBSTTA 9. For this reason, participants agreed that it would be necessary to establish a contact group on protected areas from the very beginning of COP VII and start working on this agenda item intensively and without delay.

59. Participants discussed some additions and amendments they would like to see introduced into the document: (a) more emphasis on marine protected areas and the creation of such areas beyond national jurisdictions; (b) deletion of references to a global network of marine protected areas (see paragraph 24 above); (c) new and additional financial resources and appropriate guidance to the GEF; (d) a consistent and efficient mechanism to follow up the programme of work on protected areas, although the establishment of an expert group and a new Open-ended Working Group should be avoided; (e) strengthening of the references to Article 8(j) in the text.

60. A consensual position on protected areas was reached as follows:

- The proposals tabled by Chile and Ecuador during the regional preparatory meeting shall be discussed at the first meeting of the GRULAC in Kuala Lumpur;
- The various aspects of the programme should be more balanced;
- The contact group on protected areas should be established from the very beginning of COP VII;
- Eliminate references to global networks and accept the references to regional and sub regional networks;
- Strengthen the issue of new and additional financial resources (Article 20.4 of the Convention);
- Protected areas must be an instrument for the implementation of the three objectives of the Convention.

Transfer of Technology and Technology Cooperation (Articles 16, 17, 18 and 19)

61. Participants underlined that a clear distinction must be established between technology cooperation – resulting from bilateral agreements and contracts, voluntary in nature – and technology transfer, an obligation under the Convention. It was also recalled that the concept of “capacity for absorbing technology” as contained in the relevant document must be avoided for it could provide justification for delays in technology cooperation.

62. The various flows of cooperation – North/South, South/South and South/North – were discussed, and the group was of the view that the first one is what Article 18 of the Convention refers to and should be emphasized in the draft decision on this issue. GRULAC countries must remain attentive to avoid that concepts such as “South/North cooperation” – through the transfer of traditional knowledge to developed countries – be adopted by the COP. Finally, it was recalled that South/South cooperation

requires funding and that developed countries should be involved in the financing of such activities, the so-called “triangular cooperation”.

63. As regards the transfer of technology, it was clear to the group that it should involve no only those technologies in the public domain, but also proprietary technology.

64. Finally, it was agreed that the GEF should receive further guidance in this domain, stressing transfer of technology and technology cooperation as a priority issue.

65. A consensual position was reached as follows:

- Cooperation flows, in particular in relation to Article 8(j), must receive careful attention at COP VII;
- Appropriate mechanisms for involving developed countries in the financing of horizontal (South-South) cooperation must be put in place;
- COP VII must include transfer of technology as a priority issue in its guidance to the Global Environment Facility.

Follow up to the World Summit on Sustainable Development

66. Discussions among participants led to the general conclusions that the targets adopted in connection to the WSSD were too ambitious and unrealistic, and could not be implemented. Two special cases were raised: (a) targets for inland water eco-systems do not apply to the GRULAC region and cannot possibly be implemented; and (b) targets are not properly linked to the existing programmes of work, which are the appropriate mechanisms through which the Convention is implemented.

67. A consensual position was reached as follows:

- The goals contained in the document are too ambitious;
- Goals must be related to the work programmes.

Operations of the Convention: the establishment of expert groups

68. It was noted by participants that the establishment of expert groups was currently done in a haphazardly manner, to the detriment of the interests of developing countries. Unbalance in participation occurred at different levels: (a) between government-nominated and non-governmental experts; (b) between experts and observers. Delegates reported that, in some cases, observers are allowed to contribute to the debate and, when over represented, their active participation breaks the equilibrium of the expert group. Although not entirely clear to all, it seemed that regional balance among experts was roughly observed. A consensual position was reached as follows:

- Besides regional balance, a balance between government-nominated and non-governmental experts should guide the establishment of expert groups. The same principle should be observed between experts and observers. Moreover, a decision to establish an expert group should clearly indicate its terms of reference and expected results.

AGENDA ITEM 7: CONSIDERATION OF COP/MOP 1 ISSUES

69. Discussions on this agenda item followed the structure of the annotated agenda for MOP 1 and its various items and sub-items were reviewed by the group. Particular importance was attached to the following: (a) the decision making process; (b) capacity building; (c) compliance; (d) liability and

redress; (e) Article 18(2) of the Cartagena Protocol; (f) the long term work programme. Special attention was required for the Biosafety Clearing-House (BCH) as the mechanism through which risk analysis and risk management would be conducted.

70. It was generally accepted that the implementation of the Protocol would depend on a four-layer approach: the BCH; national coordination of various agencies and stakeholders; development of national legislation on living modified organisms; and capacity building. For the proper operation of these mechanisms, adequate funding will be required and the GEF must be properly instructed to comply with such priorities.

71. On the specific issue of compliance mechanisms to the Protocol, Parties were unanimous that the proposed trade and economic sanctions were inadequate and unacceptable.

72. A consensual position was reached as follows:

- The adoption of trade measures as sanctions in the framework of the compliance mechanism should be avoided.

AGENDA ITEM 8: CLOSURE OF THE MEETING

73. One additional topic was addressed briefly during the meeting, on the margins of the provisional agenda for COP VII: (a) the Ministerial Declaration to be adopted at COP VII: six topics in the Declaration are not yet endorsed by all concerned. They require a complex internal decision making process as various agencies and stakeholders must be consulted before a national position is reached.

74. As the meeting resumed its formal nature and observers were invited to join national delegates for its closing ceremonies, attending non-governmental organizations expressed their disappointment for not having participated at the discussions, despite the original invitation to do so. *Fundación Vida Silvestre Argentina* and IUCN, in particular, expressed such concerns, and IUCN also reiterated its desire and decision to continue to support CBD as an open forum where governmental and non-governmental representatives shared participation and responsibility.

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

76. The Meeting was officially closed at 6:30 p.m., on 23 January 2004.

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. Organizational matters of COP VII (Items 1 to 7 of the agenda for COP VII)
4. Reports (Items 8 to 16 of the agenda for COP VII)
5. Review of implementation of the programmes of work (Items 17 to 22 of the agenda for COP VII)

6. Priority Issues (Items 23 to 26 of the agenda for COP VII)
7. Consideration of COP/MOP 1 issues
8. Closure of the meeting

Annex III

ORGANIZATION OF WORK

Thursday January 22

- | | |
|-------|---|
| 08.30 | Registration |
| 10.00 | Opening of the meeting

Welcome remarks by Secretary of State of Foreign Relations M. Jorge Taiana, and Secretary of the Environment M. Atilio Savino |
| 10.15 | General Statements. Adoption of the Agenda. Organization of work. |
| 10.45 | Organizational matters of COP VII. (Items 1 to 7 of the Kuala Lumpur Agenda UNEP/CBD/COP/7/1) |
| 11.30 | Reports (Items 8 to 16) |
| 12.00 | Review of implementation of the programme of work (Items 17 to 22). |

/...

- 13.00 Lunch
- 15.00 Review of implementation of the programme of work (Items 17 to 22) cont.
- 18.00 Side Event "Marine Protected Areas: Promoting and Financing MPAs"
- 20.00 Dinner offered by the Government of Argentina

Friday, January 23

- 10.00 Priority Issues (Items 23 to 26).
- 13.0 Lunch
- 15.00 Consideration of COP/MOP 1 Issues.
- 18.00 Closure of the meeting.
