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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 11 of the provisional agenda*

REPORT OF THE OPEN-ENDED INTER-SESSIONAL MEETING ON THE MULTI-YEAR PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES UP TO 2010

INTRODUCTION

A. *Background*

1. In its decision VI/28, on the multi-year programme of work of the Conference of the Parties up to 2010, the Conference of the Parties decided to hold an open-ended inter-sessional meeting to consider the multi-year programme of work for the Conference of the Parties up to 2010. In decision VI/21 (“Annex to The Hague Ministerial Declaration of the Conference of the Parties to the Convention on Biological Diversity”), the Conference of the Parties requested the President of the Conference of the Parties, in close cooperation with the Bureau and the Executive Secretary, to analyse the outcome of the World Summit on Sustainable Development (WSSD) as it relates to the Convention process and to report thereon to the Conference of the Parties at its seventh meeting. Given the Summit’s relevance to the programme of work of the Conference of the Parties, including a commitment to negotiate an international regime on access and benefit-sharing under the framework of the Convention, it was decided that this matter should also be addressed at the inter-sessional meeting.

2. In decision VI/28, the Conference of the Parties also decided that the inter-sessional meeting should be of two days’ duration, and should be held back-to-back with the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice. However, in light of the heavy agenda of the meeting, the Bureau decided that the duration of the inter-sessional meeting should be extended to four days and authorized the Executive Secretary to take appropriate measures to organize the meeting on that basis.

3. Pursuant to that decision, the Open-Ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010 took place at the headquarters of the International Civil Aviation Organization (ICAO) in Montreal, from 17 to 20 March 2003, immediately following the eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSSTA). Financial support for the participation of developing countries and countries with economies in transition was provided by Denmark, Germany, Ireland, Japan, New Zealand, Spain, Sweden and the United Kingdom.

* UNEP/CBD/COP/7/1.

B. Attendance

4. The meeting was attended by representatives of the following Parties and countries: Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, European Community, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Lao People's Democratic Republic, Lebanon, Liberia, Lithuania, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Niger, Norway, Pakistan, Palau, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Viet Nam, Zimbabwe.

5. Observers from the following United Nations bodies, specialized agencies and other bodies also attended: Food and Agriculture Organization of the United Nations (FAO), Global Environment Facility (GEF), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Environment Programme (UNEP), United Nations Forum on Forests (UNFF), United Nations University (UNU), World Bank.

6. The following were also represented by observers: AED-Togo, Africa Resources Trust, African Indigenous and Minority Peoples Organization, Alliance for Development, Arab Center for the Studies of Arid Zones and Drylands (ACSAD), Asamblea Nacional Indígena Plural por la Autonomía-Umbral Axochiatl, Asociación Ixacavaa De Desarrollo e Información Indígena, Aspafrique Internationale - Togo, Association Burundaise pour la Protection des Oiseaux, Association pour l'Epanouissement des Femmes Nomades, BirdLife International/Royal Society for the Protection of Birds, Canadian Indigenous Biodiversity Network, Center for International Sustainable Development Law, Center for Sustainable Development and Ecological Research, Centre for Biodiversity and Sustainable Development, Centre for Economic and Social Aspects of Genomics, Centre International d'Études Forestières et Environnementales (CIEFE), Communauté des Autochtones Rwandais, Concordia University, Congress of Aboriginal Peoples, Defenders of Wildlife, Dupont & International Chamber of Commerce, Ecological Tourism in Europe (ETE), Environment Liaison Centre International (ELCI), Environmental Law Foundation Nigeria, Environmental Policy Center, EscuEla para la Conservacion de la Fauna, Ethnic Minority Rights Organization of Africa, European Environment Agency, Forests for Ever (FEV), Friends of the Earth International, Fundacion Sociedades Sustentables, Greenpeace, Harvard Medical School, HATOF Foundation, Indigenous Peoples' Secretariat on the CBD (Canada), Institute for Biodiversity, International Center for Integrated Mountain Development, IUCN—The World Conservation Union, MBOSCUDA, McGill University, Millennium Ecosystem Assessment, Mined Association, Movimiento Indígena Nicareguense, National University of Colombia, Nepal Federation of Nationalities/Nepal Jana Jati Mahasangh, Nigerian Conservation Foundation, Observatoire de l'Écopolitique Internationale, Pan-African Youth Congress, Pastoralists' Survival Options, Premiere Fondation de la Nation, Programme d'integration et de developpement du Peuple Pygme, Projet de Conservation des Mangroves du Cameroun, Safari Club International Foundation, Smithsonian Institution, Solidarité - Canada - Sahel, Sustainable Multipurpose Livestock and Fisheries Farming Group, The International Ecotourism Society, The Nature Conservancy, Université du Québec à Montréal (UQAM), University of Massachusetts, Amherst, Winners Network, World Federation for Culture Collections, World Resources Institute (WRI), World Wide Fund for Nature (WWF).

ITEM 1. OPENING OF THE MEETING

7. The meeting was opened at 10 a.m. on Monday, 17 March 2003, by Mr. Hans Hoogeveen (Netherlands), President of the Conference of the Parties. In his opening statement, Mr. Hoogeveen welcomed participants and said that the Convention on Biological Diversity had become a leading convention in the framework of sustainable development. He reported that the World Summit on Sustainable Development had raised two new issues: an international regime for the fair and equitable sharing of benefits arising from the use of genetic resources, and support for hot spot areas for biodiversity and the need to promote national and regional ecological networks and corridors. He considered that the multi-year programme of work was intended to provide the agenda for facilitating the Strategic Plan adopted at the sixth meeting of the Conference of the Parties. In closing, he noted that the meeting was an opportunity to address not only what should be included in the agenda, but also when.

8. At the opening session, statements were also made by Mr. Hamdallah Zedan, Executive Secretary of the Convention on Biological Diversity, and Mr. Paul Chabeda, speaking on behalf of the Executive Director of the United Nations Environment Programme (UNEP).

9. Mr. Zedan welcomed participants and expressed his gratitude to the Governments of Denmark, Germany, Ireland, Japan, New Zealand, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland for their contributions to enable the participation of representatives from developing countries and countries with economies in transition. He said that the World Summit on Sustainable Development's recognition of the critical role played by biodiversity in overall sustainable development and poverty eradication, and of the Convention on Biological Diversity as the key instrument for the conservation and sustainable use of biodiversity and the equitable sharing of benefits arising from the use of genetic resources was both gratifying and a source of greater responsibilities. The current meeting was being asked to rise to the challenge of enhancing the effectiveness of the Convention process by giving it a long-term focus through a well-thought and consistent multi-year programme of work, identifying better ways to assess progress made, providing a solid basis for meeting the target of a significant reduction of biodiversity loss by 2010, and advancing cooperation by assessing relevant legal and socio-economic aspects of technology transfer.

10. The multi-year programme of work would ideally set the course for the future direction of the Convention by focusing on the goals set in the Strategic Plan and the priorities identified in the Plan of Implementation of the World Summit on Sustainable Development. It was necessary to look at how the goals of the Strategic Plan and the 2010 target could be achieved and by whom, which meant focusing on areas where cooperation needed to be strengthened. A strategic approach with clear milestones and the means for monitoring progress toward the 2010 target was required, as was a consideration of which issues proposed for in-depth consideration under the Convention would most advance the Strategic Plan and the Plan of Implementation of the World Summit. The Meeting's deliberations on technology transfer would focus on how to fully implement Article 16 and related articles of the Convention, and, in particular, on how technology transfer and cooperation could best contribute to achieving the three main objectives of the Convention.

11. With regard to the proposed international regime to promote and safeguard the fair and equitable sharing of the benefits arising out of the use of genetic resources, he said that the Bonn Guidelines had shown that the political will existed for progress, and the Convention clearly provided an effective framework for discussion and consensus-building on the issue. The current meeting had the task of considering a number of practical questions relating to the scope and nature of the international regime, its relationship to the Bonn Guidelines, the process required to establish the regime, and the timetable for its completion. Participants were invited to work constructively to produce clear recommendations to the seventh meeting of the Conference of the Parties, including a package of measures that would complement the Bonn Guidelines and address the specific needs of Parties and other stakeholders in the

implementation of access and benefit-sharing arrangements, so that the Convention could deliver on the commitments made at the World Summit.

12. Mr. Chabeda said that the greatest challenge faced by the global community was poverty reduction. One of the practical ways of addressing the issue was to ensure that the benefits of conservation and sustainable use of biological diversity were tangible and visible in terms of human progress and well-being without destroying the environment or undermining the integrity of ecosystems. The current meeting would have to reflect on the possible consequences of human inaction in relation to the issues of access and benefit sharing and technology transfer and cooperation. It would also be called upon to provide the necessary guidance to the seventh meeting of the Conference of the Parties to enable Parties to respond to the call for action on fair and equitable sharing of benefits arising out of the utilization of genetic resources, set out in paragraph 44 (o) of the Plan of Implementation adopted by the World Summit.

13. At the invitation of the Chair, the Meeting then heard statements from the representatives of the World Conservation Monitoring Centre (WCMC), speaking on behalf of the United Nations Development Programme (UNDP) and UNEP, and the World Intellectual Property Organization (WIPO).

14. The representative of WCMC reported on the meeting held in London from 2 to 4 March 2003 on the importance of biodiversity in achieving the Millennium Development Goals. The clear message was that a strong case could be made for the importance and economic value of biodiversity and ecosystem services in achieving development and alleviating poverty, but that message was not reaching all sectors. More work needed to be done both to develop and to deliver it. The central role of the Convention on Biological Diversity was clear, and the Convention was acknowledged as the most appropriate mechanism for further elaboration of the priority actions required for the effective integration of biodiversity issues into the development agenda.

15. The representative of WIPO reported that the issues of access to genetic resources and benefit-sharing and the transfer of technologies had been raised at WIPO and its subsidiary bodies. He also noted that legal and operational considerations applied to both issues. In closing, he noted that WIPO had recently entered into a memorandum of understanding with the Secretariat of the Convention on Biological Diversity.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Election of officers

16. The Bureau of the Conference of the Parties served as the Bureau of the Meeting. Mr. Hans Hoogeveen (Netherlands), representative of the President of the Conference of the Parties to the Convention on Biological Diversity, acted as presiding officer for plenary sessions. Ms. Diann Black Layne (Antigua and Barbuda) served as Rapporteur.

2.2. Adoption of the agenda

17. At the 1st plenary session of the meeting, on 17 March 2003, the Meeting adopted the following agenda, on the basis of the provisional agenda that had been circulated as document UNEP/CBD/MYPOW/1 and Corr.1:

- 1, Opening of the meeting.
2. Organizational matters:
 - 2.1. Election of officers;

- 2.2. Adoption of the agenda;
- 2.3. Organization of work.
3. Analysis of the outcome of the World Summit on Sustainable Development as it relates to the Convention process.
4. Implementation of the Convention and the Strategic Plan: information for future evaluation of progress.
5. Multi-year programme of work for the Conference of the Parties up to 2010.
6. Legal and socio-economic aspects of technology transfer and cooperation.
7. International regime on access and benefit-sharing.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

2.3. *Organization of work*

18. Also at its 1st plenary session, the Inter-Sessional Meeting decided to establish two working groups: Working Group I, to be chaired by Mr. Desh Deepak Verma (India), to consider items 6 (Legal and socio-economic aspects of technology transfer and cooperation) and 7 (International regime on access and benefit-sharing) and Working Group II, to be chaired by Ms. Gordana Beltram (Slovenia), to consider items 3 (Assessment of the outcome of the World Summit on Sustainable Development as it relates to the Convention process), 4 (Implementation of the Convention and the Strategic Plan: information for future evaluation of progress), and 5 (Multi-year programme of work for the Conference of the Parties up to 2010). Item 3 would be introduced in plenary before being taken up by Working Group II.

19. It was also decided that the Inter-Sessional Meeting would hold a plenary session at the end of the working day on 18 and 19 March, in order to hear progress reports from the Chairs of the working groups. Accordingly, at its 3rd plenary session, on 18 March, and at its 4th plenary session, on 19 March, the Inter-Sessional Meeting heard progress reports from the Chair of Working Group I, Mr. Desh Deepak Verma (India), and the Chair of Working Group II, Ms. Gordana Beltram (Slovenia).

2.4. *Work of the working groups*

20. As decided by the Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work for the Conference of the Parties up to 2010 at the 1st plenary session of the meeting, on 17 March 2003, Working Group I met under the chairmanship of Mr. Desh Deepak Verma (India) to consider agenda items 6 (Legal and socio-economic aspects of technology transfer and cooperation) and 7 (International regime on access and benefit-sharing). In introducing the agenda items, the Chair highlighted the connection between them and noted that access and benefit-sharing was the mechanism for transferring the gains of biodiversity conservation to society, and technology transfer and cooperation was the tool to achieve that end.

21. At its 2nd meeting, on 18 March 2003, the Chair indicated that the Bureau had decided that the Working Group should also consider: (i) the contribution of the Convention on Biological Diversity to the Millennium Development Goals; and (ii) the contribution of the Convention on Biological Diversity to the Commission on Sustainable Development process.

22. The Working Group held five meetings, from 17 to 19 March, 2003. It adopted its report (UNEP/CBD/MYPOW/L.1/Add.1) at its 5th meeting, on 19 March 2003.

23. The report of the Working Group was taken up by the Inter-Sessional Meeting at its 5th plenary session, on 20 March 2003, and is incorporated into the present report under the relevant agenda items.

24. As decided by the Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010 at the 1st plenary session of the meeting, on 17 March 2003, Working Group II met under the chairmanship of Ms. Gordana Beltram (Slovenia) to consider agenda items 3 (Analysis of the outcome of the World Summit on Sustainable Development as it relates to the Convention process), 4 (Implementation of the Convention and the Strategic Plan: information for future evaluation of progress) and 5 (Multi-year programme of work for the Conference of the Parties up to 2010).

25. The Working Group held five meetings, from 17 to 19 March, 2003. It adopted its report (UNEP/CBD/MYPOW/L.1/Add.2) at its 5th meeting, on 19 March 2003.

26. The report of the Working Group was taken up by the Inter-Sessional Meeting at its 5th plenary session, on 20 March 2003, and is incorporated into the present report under the relevant agenda items.

ITEM 3: ANALYSIS OF THE OUTCOME OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT AS IT RELATES TO THE CONVENTION PROCESS

27. Agenda item 3 was taken up at the 1st plenary session of the meeting, on 17 March 2003. In considering the item, the Inter-Sessional Meeting had before it a note by the Executive Secretary on the assessment of the outcome of the World Summit on Sustainable Development as it relates to the Convention process (UNEP/CBD/MYPOW/2).

28. In accordance with decision VI/21, paragraph 6, of the Conference of the Parties, and the decision of the Bureau at its meeting on 23 September 2002, the Chair reported on the outcome of the World Summit. He noted that the World Summit had recognized that biodiversity was one of the key areas of the Secretary General's initiative on water, energy, health, agriculture and biodiversity (WEHAB) and that the Convention of Biological Diversity was a key instrument for conservation, sustainable use and the fair and equitable use of genetic resources. He noted, however, that the World Summit had gone beyond the work of the Convention in paragraphs 44 (g) and (o) of its Plan of Implementation, which concerned, respectively, hot spots, national and regional ecological networks and corridors and the negotiation of an international regime on the equitable sharing of benefits from the use of genetic resources. He invited the Meeting to make recommendations to the Conference of the Parties at its seventh meeting on how the work programme of the Convention and the Strategic Plan should be adjusted to take into account the results of the Summit. In closing, he stressed that the results of the World Summit had reinforced the work of the Conference of the Parties.

29. The Executive Secretary introduced his note prepared under this item (UNEP/CBD/MYPOW/2), which contained a brief overview of the Summit and its results. It also provided an analysis of the content of the Plan of Implementation and reviewed the means of implementation and the implications for the Convention. The Executive Secretary noted that a table annexed to the note set out the relationship between the elements of the Plan of Implementation dealing with biological diversity and the decisions of the Conference of the Parties, including the Strategic Plan of the Convention.

30. At the invitation of the Chair, statements were then made on behalf of regional and other groups.

31. The representative of Cameroon, speaking on behalf of the African Group, said that Africa had been the forum for several activities linked to sustainable development over the past year. The New Partnership for African Development (NEPAD) had taken an active part in related initiatives as the main mechanism for achieving sustainable development for Africa. The African Union had adopted a programme of work on access and benefit-sharing that included, in particular, the protection of medicinal plants and model legislation on *sui generis* property-rights arrangements. The target of substantially reducing the loss of biological diversity by 2010 was fully consistent with those initiatives by Africa, but would require significant technology transfer. Technology transfer was key to fostering sustainable development and reducing the loss of biological diversity. The representative stressed the importance of packaging such technology transfer with the required capacity to enable African countries to use it fully for both purposes.

32. The representative of Mexico, speaking on behalf of the Group of Like-Minded Megadiverse Countries, pointed to the sad paradox that those living in the most biologically diverse regions of the world also lived in conditions of unacceptable poverty. The World Summit on Sustainable Development's call for the development, within the framework of the Convention on Biological Diversity, of an international regime for the fair and equitable sharing of the benefits arising out of the use of genetic resources was a crucial step toward resolving that situation, as long as it resulted in the formulation of a legally binding instrument. The target of significantly reducing biodiversity loss by 2010 could be achieved only through greater cooperation and the mobilization of additional financial and technical resources through the Global Environment Facility and greater efforts on the part of developed countries. The loss of biological diversity could be reversed only if the developing countries, which were the countries of origin of biological diversity, and the indigenous and local communities that acted as the custodians of biodiversity resources were given a fair and equitable opportunity to benefit from the conservation and equitable use of biological diversity.

33. The representative of Greece, speaking on behalf of the European Community and its member States, reiterated the European Union's commitment to achieving the Plan of Implementation's goals and targets. The European Union had a number of suggestions to put forward on ways of achieving the target of significantly reducing the current rate of biodiversity loss by 2010, *inter alia*, the development of indicators to monitor the status and trends of biodiversity and policy performance, the use of independent teams of experts to make voluntary national performance reviews based on national reports, national biodiversity strategies and action plans and performance indicators, integrating sectoral and cross-sectoral plans, establishment of a global representative network of protected areas under the Convention, and implementation of the guiding principles on invasive alien species. He stressed that the Convention on Biological Diversity was a key instrument in achieving the conservation of biological diversity and sustainable use of its components, but more concrete action was needed to enable it to fulfil its leadership role. Such action might take the form of a global partnership on biological diversity, comprising the major international biodiversity-related bodies, with the Convention Secretariat facilitating the process. In addition, Parties should be encouraged to promote national, regional and international programmes to apply the ecosystem approach. With regard to the loss of biological diversity in forests, the European Union urged that the eighth meeting of the Conference of the Parties undertake an in-depth review of the forest programme. In relation to access and benefit-sharing, the European Union considered that the Bonn Guidelines should be complemented by the output from further work to be undertaken by the Ad Hoc Open-ended Working Group at its meeting to be held in December 2003, as well as the work being undertaken in other forums.

34. Following the regional statements, statements were made by the representatives of Argentina, Australia, Bahamas, Bangladesh, Barbados, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Czech Republic, Fiji (on behalf of the small island developing States of the Pacific), Haiti, Japan, Jordan, Kenya, Liberia, the Maldives, Myanmar, the Netherlands, Norway, the Philippines, Switzerland, Togo, Ukraine, and the United Republic of Tanzania.

35. At its 2nd plenary meeting, held on 17 March 2003, the Meeting heard statements from the representatives of Algeria, Antigua and Barbuda, Burkina Faso, El Salvador, Ethiopia, Jamaica, Mauritius, Mexico, New Zealand, and the Syrian Arab Republic.

36. Statements were made by representatives of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the United Nations University.

37. The Meeting also heard statements from representatives of BirdLife International, the Canadian Indigenous Biodiversity Network, and Friends of the Earth International.

38. The Secretariat was commended on the work it had undertaken on the subject and on the quality of the documentation produced for the current meeting.

39. Agenda item 3 was taken up by Working Group II at its 5th meeting, on 19 March 2003. The Working Group considered how the Convention on Biological Diversity should proceed with the paragraphs in the World Summit on Sustainable Development's Plan of Implementation dealing with encouraging effective synergies between the Convention and other multilateral environmental agreements, and with promoting and supporting hot spot areas and other areas essential for biological diversity, and the development of national and regional ecological networks and corridors. The points were contained in a note by the Executive Secretary assessing the outcome of the World Summit on Sustainable Development as it related to the Convention process (UNEP/CBD/MYPOW/2).

40. Working together with the Chair, the Working Group drafted on screen a recommendation on the relevant outcomes of the World Summit as they related to the Convention process.

41. During the discussion to formulate the recommendations, statements were made by the representatives of Antigua and Barbuda, Argentina, Brazil, Cameroon, Canada, Colombia, Czech Republic, the European Community, Greece (on behalf of the European Community and its member States), Hungary, Kenya, Mexico, New Zealand, the Russian Federation, Senegal, Slovakia, Switzerland and Ukraine.

42. Following the discussion, the draft recommendation on the outcome of the World Summit on Sustainable Development as it relates to the Convention process was approved for transmission to plenary as draft recommendation UNEP/CBD/MYPOW/L.8.

Contribution of the Convention on Biological Diversity to the Millennium Development Goals and to the Commission on Sustainable Development process

43. At the 3rd meeting of Working Group I, on 18 March 2003, the Chair explained that a number of issues had emerged during discussions at the plenary meeting and, in order to take them into account, the Bureau had decided to include the above two matters in the agenda of Working Group I as part of agenda item 3.

44. The representative of the Secretariat drew attention to the paper on the Millennium Development Goals, prepared by the United Nations Development Programme (UNDP), and a report prepared by several organizations on the meeting on "Biodiversity after Johannesburg: the Critical Role of Biodiversity & Ecosystem Services in Achieving the UN Millennium Development Goals", held in London from 2 to 4 March 2003.

45. Following the introduction, statements were made by the representatives of Argentina, Burkina Faso, Cameroon, Canada, Colombia, Denmark, Kenya, the Netherlands, and Norway.

46. At its 4th meeting on 19 March 2003, the Working Group continued its discussion of the above two agenda items.
47. Statements were made by the representatives of Bangladesh, Brazil, Greece (on behalf of the European Community and its member States), and Pakistan.
48. At its 5th meeting on 19 March 2003, the Working Group considered draft recommendations on the above two agenda items submitted by the Chair.
49. After a representative of the Secretariat had introduced the text, statements were made and amendments proposed by the representatives of Argentina, Australia, Burkina Faso, Canada, Colombia, Denmark, Egypt, Indonesia, Kenya, Mexico, and Norway.
50. The Chair proposed a contact group, composed of the representatives of Australia, Burkina Faso, Canada, Denmark, Kenya and Norway, to refine the text of the draft recommendations.
51. The representative of Australia subsequently introduced a consolidated text of the draft recommendations prepared by the contact group
52. After an exchange of views, the Working Group agreed to transmit the draft recommendation, as orally amended, to the plenary as draft recommendation UNEP/CBD/MYPOW/L.5.

Action by the Inter-Sessional Meeting

53. At its 5th plenary session, on 20 March 2003, the Inter-Sessional Meeting adopted draft recommendation UNEP/CBD/MYPOW/L.8, as orally amended, as recommendation 1 A. The text of the recommendation, as adopted, is contained in the annex to the present report.
54. At the same session, the Inter-Sessional Meeting also adopted draft recommendation UNEP/CBD/MYPOW/L.5 as recommendation 1 B. The text of the recommendation is contained in the annex to the present report.
55. The representative of Canada noted that a number of recommendations proposed by the Meeting were not addressed to the Conference of the Parties, but instead to other subsidiary bodies and the Executive Secretary. He recognized the desirability of responding to the World Summit on Sustainable Development, and that the advice provided by the Inter-Sessional Meeting requested actions that were broadly consistent with mandates of other subsidiary bodies and of the Executive Secretary, which is why Canada had agreed to the exceptional recommendations.
56. The representative of Canada wished to have reflected in the record of the Meeting his understanding that advice from inter-sessional meetings like the present Meeting should appropriately go to the Conference of the Parties for consideration, and that nothing that had been done in the course of the previous week's Meeting set a precedent for proceeding otherwise in the future.

**ITEM 4. IMPLEMENTATION OF THE CONVENTION AND THE STRATEGIC PLAN:
INFORMATION FOR FUTURE EVALUATION OF PROGRESS**

57. Agenda item 4 was taken up by Working Group II at its 1st meeting, on 17 March 2003. In considering the item, the Working Group had before it a note by the Executive Secretary on the implementation of the Convention and the Strategic Plan: information for future evaluation of progress (UNEP/CBD/MYPOW/3).

58. Introducing the item, the representative of the Secretariat gave the background to the note from the Executive Secretary, saying that it had been prepared in response to paragraph 4 of decision VI/26 and paragraph 13 of decision VI/27 of the Conference of the Parties, requesting that the Executive Secretary provide appropriate information to Parties at an inter-sessional meeting for consideration of the future evaluation of progress in the implementation of the Convention and the Strategic Plan. Parties had been invited to submit proposals for the evaluation of progress, and the three submissions received as of November 2002 had been incorporated into the document. The note was divided into four sections: an introduction, a review of the scope of challenges inherent in the implementation of the Convention and the Strategic Plan, a set of options for the future evaluation of progress in implementation, and recommendations with respect to the further review and follow-up of the proposed evaluation options.

59. The representative of the Secretariat said that achieving the 2010 target set by the Parties in the adoption of the Strategic Plan, and established in the Plan of Implementation of the World Summit on Sustainable Development might require adjustments to existing procedures in order to overcome identified obstacles to the implementation process. There was in particular, a need for additional financial resources and the strengthening of ongoing implementation measures complemented by innovative evaluation tools to ensure that progress toward the 2010 target was on course. Increased collaboration with key partners, including the Rio conventions and other biodiversity-related conventions was also necessary.

60. Following the introduction, statements were made by the representatives of Albania, Argentina, Australia, Bangladesh, Brazil, Canada, China, Colombia, Haiti, Japan, Greece (on behalf of the European Community and its member States), the Islamic Republic of Iran, the Maldives, Mali, Mauritania, Mexico, New Zealand, Niger, Norway, the Philippines, Poland, Senegal, Switzerland and Ukraine.

61. A statement was also made by the representative of BirdLife International.

62. Following the statements, the Chair undertook to prepare, in consultation with the Secretariat, revised draft recommendations incorporating the proposals made.

63. At its 3rd meeting, on 18 March 2003, the Working Group considered the paper, prepared by the Chair, on implementation of the Convention and the Strategic Plan: information for future evaluation of progress. Introducing the paper, the Secretariat explained that it contained a summary of the proposals and recommendations made during the discussion of the item. The Chair noted that the paper also took into account paragraph 54 of the note by the Executive Secretary on the item (UNEP/CBD/MYPOW/3).

64. Statements were made by the representatives of Canada, Jamaica, the Maldives, Norway, the Russian Federation and Ukraine.

65. At its 4th meeting, on 19 March 2003, the Working Group continued its consideration of the paper prepared by the Chair on implementation of the Convention and the Strategic Plan: information for future evaluation and progress.

66. Statements were made by the representatives of Argentina, Brazil, China, Colombia, Greece (on behalf of the European Community and its member States), Haiti, Ghana, Japan, Mexico, New Zealand and Ukraine.

67. Following the discussion, the Chair convened a drafting group, with a core membership of Australia, Brazil, Ghana, Greece and New Zealand, to incorporate all of the suggestions raised into a consolidated paper to be presented to the Working Group at its next meeting.

68. At its 5th meeting, on 19 March 2003, the Working Group considered a draft recommendation, submitted by the Chair, on implementation of the Convention and the Strategic Plan: information for

future evaluation of progress. Introducing the text, the Chair expressed gratitude to all those who had participated in the work of the drafting group.

69. During the consideration of the draft, statements were made by the representatives of Argentina, Cameroon, Canada, Colombia, Czech Republic, European Community, Japan, the Maldives and New Zealand.

70. Following the discussion, the draft recommendation on implementation of the Convention and the Strategic Plan: information for future evaluation of progress was approved for transmission to plenary as document UNEP/CBD/MYPOW/L.7.

Action by the Inter-Sessional Meeting

71. At its 5th plenary session, on 20 March 2003, the Inter-Sessional Meeting adopted draft recommendation UNEP/CBD/MYPOW/L.7, as orally amended, as recommendation 2. The text of the recommendation, as adopted, is contained in the annex to the present report.

ITEM 5. MULTI-YEAR PROGRAMME OF WORK FOR THE CONFERENCE OF THE PARTIES UP TO 2010

72. Agenda item 5 was taken up by Working Group II at its 2nd meeting, on 18 March 2003. In considering the item, the Working Group had before it a note by the Executive Secretary on the multi-year programme of work for the Conference of the Parties up to 2010 (UNEP/CBD/MYPOW/4 and Add.1). The note by the Executive Secretary reviewed the developments that led to the draft programme of work, included in the document as an annex. The addendum to the note by the Executive Secretary (UNEP/CBD/MYPOW/4/Add.1) contained the recommendations made by SBSTTA at its eighth meeting on the multi-year programme of work of the Conference of the Parties up to 2010. The draft programme of work was based on the views of SBSTTA, and fully took into consideration the Strategic Plan, the Plan of Implementation of the World Summit on Sustainable Development, the Millennium Development Goals, and submissions received from Parties.

73. Introducing the item, the representative of the Secretariat presented the documents and highlighted some of the recommendations made by SBSTTA at its eighth meeting. Those recommendations included the recommendation that the Strategic Plan and the 2010 target guide the implementation of the multi-year programme of work; that new items not be added to the programme of work, with the exception of island biodiversity; that only priority key issues affecting implementation of the Convention be considered for inclusion; that implementation strategies should focus on ways of overcoming obstacles and on practical action, as well as on building national capacity through technology transfer and scientific research; and that each meeting of the Conference of the Parties should assess, as an explicit agenda item, the state of progress in achieving the goals of the Strategic Plan and progress toward achieving its 2010 target.

74. The representative of the Secretariat invited participants to consider all of the above points in light of the issues raised during the first day of the Inter-Sessional Meeting, and with the target of reducing biological diversity loss by 2010 in mind. He then outlined the Working Group's task of preparing recommendations for the seventh meeting of the Conference of the Parties on which items proposed for in-depth review should be given priority, which of those should be addressed at which Conference of the Parties, and how pending substantive issues could be combined with items already in the draft programme of work.

75. Following the introduction, statements were made by the representatives of Antigua and Barbuda, Argentina, Australia, Bangladesh, Brazil, Canada, Chile, China, the Czech Republic, Ethiopia, Fiji, Germany, Ghana, Greece (on behalf of the European Community and its member States), Hungary,

Indonesia, the Islamic Republic of Iran, Japan, Kenya, Mexico, Mozambique, New Zealand, Norway, the Russian Federation, Senegal, Seychelles, Switzerland, Turkey and Ukraine.

76. A statement was also made by the representative of the Canadian Indigenous Biodiversity Network.

77. The Chair undertook to prepare, in collaboration with the Secretariat, a consolidated paper, based on the available documentation and the comments and proposals made in the discussion.

78. At its 3rd meeting, on 18 March 2003, the Working Group considered the consolidated paper prepared by the Chair in collaboration with the Secretariat. Following a discussion on how to proceed, the Chair convened an open-ended informal group of friends of the Chair, with a core membership of Argentina, Australia, Brazil, Canada, Colombia, Ethiopia, Ghana, Greece, New Zealand and Ukraine, to produce a revised paper incorporating the comments made.

79. At its 4th meeting, on 19 March 2003, the Working Group considered a conference room paper submitted by the Chair, containing draft recommendations on the multi-year programme of work for the Conference of the Parties up to 2010, which was based on the Chair's consolidated paper, as revised by the open-ended informal group of friends of the Chair.

80. Following an exchange of views, the draft recommendation on the multi-year programme of work for the Conference of the Parties up to 2010, as orally amended, was approved for transmission to plenary as draft recommendation UNEP/CBD/MYPOW/L.3.

81. The representative of New Zealand wished the report to reflect that she saw no strong reason for any consistency in the way that in-depth reviews of cross-cutting issues were undertaken, given that they differed in their history of development, characteristics and focus. She would not like the recommendation to be interpreted to imply any standardization of approach.

82. The representative of Argentina wished the report to reflect that he did not support the use of the term "in a coherent manner" with reference to the way in which the in-depth reviews of cross-cutting issues were undertaken.

83. The representative of New Zealand further wished the report to reflect that her country had proposed recommending to the seventh meeting of the Conference of the Parties that it provide advance notice of the focus for each of the agenda items for the eighth and ninth meetings of the Conference of the Parties, to allow preparatory work to be well targeted. That was considered by delegates to be similar to decision VI/28. However, New Zealand wished to reinforce the need to give far better guidance on the particular focus for each item, and would be seeking a discussion on that at the seventh meeting of the Conference of the Parties.

84. The representative of Hungary wished the report to reflect that he stressed the importance of the issue of economic valuation. In addition, he wished to have included in the agenda of the eighth meeting of the Conference of the Parties, under the strategic issues for evaluating progress or supporting implementation, the issues of monitoring and indicators of the trends of biodiversity.

Action by the Inter-Sessional Meeting

85. At its 5th plenary session, on 20 March 2003, the Inter-Sessional Meeting adopted draft recommendation UNEP/CBD/MYPOW/L.3 as recommendation 3. The text of the recommendation, as adopted, is contained in the annex to the present report.

86. At the same session, the Inter-Sessional Meeting, on the proposal of the President of the Bureau, welcomed the initiative of the Executive Secretary, and the support provided by the UNEP World

Conservation Monitoring Centre, to organize a meeting from 21 to 23 May 2003, on the occasion of International Biodiversity Day, on “2010 – the Biodiversity Challenge” in collaboration with other partners to identify ways and means, including priority measures, for:

- (a) Achieving the target of significantly reducing the rate of biodiversity loss by 2010;
- (b) Measuring achievements; and
- (c) Reporting on progress.

87. Parties and other Governments and biodiversity-related conventions, as well as relevant organizations were invited to participate in, and contribute to, this initiative and the Executive Secretary was requested to report on the outcome of this initiative at the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice so as to enable the Subsidiary Body to provide the Conference of the Parties at its seventh meeting with advice on follow-up activities. Parties, other Governments and organizations were urged to contribute to the achievement of the 2010 target and to report thereon, through the Secretariat, at other meetings organized in the framework of the Convention on Biological Diversity prior to the seventh meeting of the Conference of the Parties and, thereafter, to the Conference of the Parties at each of its meetings.

ITEM 6. LEGAL AND SOCIO-ECONOMIC ASPECTS OF TECHNOLOGY TRANSFER AND COOPERATION

88. Working Group I took up agenda item 6 at its 2nd meeting, on 18 March 2003. In considering the item, the Working Group had before it a note by the Executive Secretary on the legal and socio-economic aspects of technology transfer and cooperation (UNEP/CBD/MYPOW/5).

89. In introducing the note by the Executive Secretary, the Secretariat gave an overview of the provisions relating to technology transfer (section II), and the definitions and conceptual distinctions commonly used in the discussion of technology transfer (section III). He explained that the rest of the document had been structured around the identification of transfer opportunities (section IV), arrangements for the actual transfer of technology (section V), and the adaptation of transferred technology to local needs and circumstances. He invited the meeting to consider those issues when making their recommendations to the Conference of the Parties.

90. Following the introduction, statements were made by the representatives of Canada, Colombia, Greece (on behalf of the European Community and its member States), Jordan, Liberia (on behalf of the African Group), and Norway.

91. At its 3rd meeting on 18 March 2003, the Working Group continued discussion of item 6 and statements were made by the representatives of Burkina Faso, Cameroon, China, Egypt, Greece, Guinea, India, the Islamic Republic of Iran, Kenya, Mexico, New Zealand, Spain, Switzerland, Turkey, the United Republic of Tanzania, and the United States.

92. A statement was also made by a representative of the World Intellectual Property Organization (WIPO).

93. The representative of the United States wished to express her country's disagreement with the interpretation of Article 16, paragraph 2, of the Convention set out in paragraph 9 of the note by the Executive Secretary. As the United States had made clear during the negotiations on the Article and on other occasions, the Convention did not require any particular terms but required that the Parties to the transaction should voluntarily agree to what the terms should be.

94. The representative of Kenya formally requested that the assistance envisaged in paragraph 47 (i) of the note by the Executive Secretary be made available to her country.
95. At its 4th meeting on 19 March 2003, the Working Group considered a draft recommendation submitted by the Chair on the legal and socio-economic aspects of technology transfer and cooperation.
96. After a representative of the Secretariat had introduced the text, statements were made and amendments proposed by the representatives of the European Community, the Islamic Republic of Iran, Liberia, and New Zealand.
97. At its 5th meeting on 19 March 2003, the Working Group continued its consideration of the draft recommendation. Statements were made and amendments proposed by the representatives of Argentina and Canada.
98. Amendments were also proposed by representatives of the Canadian Indigenous Biodiversity Network and the NGO Caucus in consultation with members of the Indigenous People's Caucus.
99. The Chair then prepared a revised text of the draft recommendation, taking into account the amendments proposed.
100. The Working Group subsequently considered the draft recommendation. After an exchange of views, it agreed to transmit the draft recommendation, as orally amended, to the plenary as draft recommendation UNEP/CBD/MYPOW/L.4.

Action by the Inter-Sessional Meeting

101. At its 5th plenary session, on 20 March 2003, the Inter-Sessional Meeting adopted draft recommendation UNEP/CBD/MYPOW/L.4, as orally amended, as recommendation 4. The text of the recommendation, as adopted, is contained in the annex to the present report.

ITEM 7. INTERNATIONAL REGIME ON ACCESS AND BENEFIT-SHARING

102. Agenda item 7 was taken up by Working Group I took up at its 1st meeting, on 17 March 2003. In considering the item, the Working Group had before it a note by the Executive Secretary containing proposals for an international regime on access and benefit-sharing (UNEP/CBD/MYPOW/6).
103. Introducing the item, the Secretariat said that the note by the Executive Secretary provided a brief overview of the Convention process as it related to access and benefit-sharing, reviewed the outcome of the World Summit on Sustainable Development as it related to access and benefit-sharing, and suggested approaches which could be followed under the Convention process for the negotiation of an international regime on access and benefit-sharing. She noted that the scope and nature of such a regime, as well as the elements to be covered by it, and whether it should be legally binding, had to be considered. Those elements could form the basis of recommendations to the Conference of the Parties. The Working Group might wish to consider the impact of the recommendations of the Meeting on the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing.
104. Following the introduction, statements were made by the representatives of Algeria, Argentina, Brazil, Cameroon, Canada, China, Colombia, Cuba, Egypt, Fiji, Greece (on behalf of the European Community and its member States), Jamaica, Japan, Jordan, Kenya, Liberia, Mexico (on behalf of the Like-Minded Megadiverse Countries), Norway, Sudan, Switzerland, Togo, and the United Republic of Tanzania.

105. At its 2nd meeting, on 18 March 2003, statements were made by Australia, Bangladesh, Bulgaria, Burkina Faso, Cameroon (on behalf of the African Group), Denmark, Djibouti, El Salvador, Ethiopia, France, Germany, Guinea, India, the Islamic Republic of Iran, Italy, Malawi, Malaysia, Mauritius, Mexico, the Netherlands, New Zealand, Pakistan, Spain, Turkey, the United Kingdom, and the United States.

106. Statements were also made by representatives of the Food and Agriculture Organization of the United Nations (FAO), and the United Nations University (UNU).

107. A statement was also made by a representative of the Task Force on Access and Benefit-Sharing of the International Chamber of Commerce.

108. At the conclusion of the 2nd meeting, the Chair held informal consultations to assist him in consolidating ideas arising out of the debate.

109. At its 4th meeting on 19 March 2003, the Working Group considered a draft recommendation on an international regime on access and benefit-sharing, submitted by the Chair.

110. Statements were made and amendments proposed by the representatives of Algeria, Australia, Bolivia, Brazil, Bulgaria, Burkina Faso, Cameroon (on behalf of the African Group), Canada, Colombia, Ecuador, El Salvador, Ethiopia, the European Community, Guatemala (on behalf of Central American countries), the Islamic Republic of Iran, Jordan, Kenya, Liberia, Mexico (on behalf of the Like-Minded Megadiverse Countries), New Zealand, Norway, Peru, Sudan, Switzerland, Togo, and Venezuela.

111. A statement was made by a representative of the United Nations University (UNU) suggesting an amendment to the text.

112. Amendments were also suggested by a representative of the Canadian Indigenous Biodiversity Network.

113. At the close of the 4th meeting, the Chair said that he would revise the text in the light of the comments made.

114. At its 5th meeting on 19 March 2003 the Working Group took up the revised draft recommendation on an international regime on access and benefit sharing.

115. Statements were made and amendments proposed by the representatives of Algeria, Australia, Bangladesh, Brazil, Cameroon (on behalf of the African Group), El Salvador, Ethiopia, the European Community, Guinea, Jamaica, Mexico (on behalf of the Like-Minded Megadiverse Countries), Switzerland, and Togo.

116. A statement was also made by the representative of the Canadian Indigenous Biodiversity Network, who encouraged the Parties to provide voluntary funding to ensure participation at the Ad Hoc Working Groups on Access and Benefit-Sharing and Article 8(j), most specifically a mechanism that would facilitate indigenous peoples' views on the process, nature, scope, elements and modalities of an international regime.

117. The Working Group agreed to transmit the draft recommendation, as orally amended, to the plenary as draft recommendation UNEP/CBD/MYPOW/L.6.

Action by the Inter-Sessional Meeting

118. At its 5th plenary session, on 20 March 2003, the Inter-Sessional Meeting adopted draft recommendation UNEP/CBD/MYPOW/L.6 as recommendation 5. The text of the recommendation, as adopted, is contained in the annex to the present report.

ITEM 8. OTHER MATTERS

119. The representative of Malaysia said that that the issue of protected areas would feature prominently on the agendas of both the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and the IUCN World Parks Congress. He also noted that these would be important preparations for the discussion of protected areas at the seventh meeting of the Conference of the Parties. He stressed that a discussion of protected areas was also important to a broad and integral vision on future policy towards all areas with high biodiversity values. To further those discussions, the Governments of Malaysia and the Netherlands would jointly organize a high-level strategic discussion on the role of protected and non-protected areas in ecological networks. Therefore, a round-table meeting would be held either at the end of May or the beginning of June 2003. The report of that round table meeting would then be presented at the Ad Hoc Technical Experts Group on protected areas in preparation for the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

ITEM 9. ADOPTION OF THE REPORT

120. The present report was adopted at the 5th plenary session of the meeting, on 20 March 2003, on the basis of the draft report prepared by the Rapporteur (UNEP/CBD/MYPOW/L.1) and the reports of the working groups (UNEP/CBD/MYPOW/L.1/Add.1 and Add.2).

ITEM 10. CLOSURE OF THE MEETING

121. The representative of Mexico, speaking of behalf of the Like-Minded Megadiverse Countries, said that he wished the report to reflect his particular thanks to the Chair of Working Group I, Mr. Desh Deepak Verma of India, for this leadership during the meetings of the Working Group.

122. After the customary exchange of courtesies, the Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010 was closed at 12:15 p.m. on Thursday, 20 March 2003.

Annex

**RECOMMENDATIONS ADOPTED BY THE OPEN-ENDED INTER-SESSIONAL MEETING
ON THE MULTI-YEAR PROGRAMME OF WORK FOR THE CONFERENCE OF THE
PARTIES UP TO 2010**

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1. *Analysis of the outcome of the World Summit on Sustainable Development as it relates to the Convention process*

A. *Analysis of the outcome of the World Summit on Sustainable Development*

The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010

1. *Recommends* that the Ad Hoc Technical Expert Group on Protected Areas, the Subsidiary Body on Scientific, Technical and Technological Advice at its ninth meeting and the Conference of the Parties at its Seventh meeting consider the outcome of the World Summit on Sustainable Development relating to hotspots, ecological networks and corridors and other areas essential for biodiversity in the context of the work on protected areas, taking into account other relevant thematic programmes and cross-cutting issues, in the context of national strategies and action plans, and focusing on biodiversity loss;

2. *Recommends* that, at its seventh meeting, the Conference of the Parties request the Executive Secretary to develop a global partnership on biodiversity comprising the major international biodiversity related organizations, with the Secretariat of the Convention on Biological Diversity facilitating the process in order to enhance synergies, avoid duplication of efforts and improve implementation of biodiversity-related agreements.

B. *Contribution of the Convention on Biological Diversity to the achievement of the Millennium Development Goals and to the Commission on Sustainable Development process*

The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010,

Recognizing that the Convention on Biological Diversity is the key instrument for the integration of biodiversity-related issues into the millennium development agenda,

Recognizing the importance of close cooperation with the United Nations Commission on Sustainable Development to ensure mutual supportiveness within the respective work programmes so that the work of the Convention contributes fully to the efforts of the international community to achieve sustainable development and poverty eradication,

Welcoming the WEHAB (“water, energy, health, agriculture, biodiversity”) initiative of the Secretary General of the United Nations, which highlighted biodiversity as one of the five priority areas for sustainable development,

1. *Requests* the Executive Secretary to strengthen the cooperation with the Commission on Sustainable Development and to report on progress made in the implementation of the Convention, with a particular focus on the contribution of the objectives of the Convention to poverty eradication;

2. *Requests* the Executive Secretary to inform the Commission on Sustainable Development at its next session of the recommendations of the Inter-Sessional Meeting regarding the integration of the outcome of relevant elements of implementation in the multi-year programme of work of the Conference of the Parties up to 2010;

3. *Requests* that, in preparation for the seventh meeting of the Conference of the Parties, the Executive Secretary, in consultation with the Bureau:

(a) Prepares a report on the relevance of the Millennium Development Goals for the programmes of work under the Convention and to explore and articulate in each programme of work of the Convention the links between biodiversity and the Millennium Development Goals in order to

identify and highlight ways that biodiversity conservation and sustainable use can facilitate their achievement;

(b) Identifies modalities to ensure that the achievement of Millennium Development Goals is consistent with the objectives of the Convention.

2. *Implementation of the Convention and the Strategic Plan: information for the future evaluation of progress*

The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010,

Recalling decision VI/26 adopted at the sixth meeting of the Conference of the Parties, on the Strategic Plan for the Convention on Biological Biodiversity, in which the Executive Secretary was requested to provide appropriate information to the Parties at an inter-sessional meeting for consideration of the future evaluation of progress in the implementation of the Convention and the Strategic Plan, in accordance with the relevant provisions of the Convention,

Recommends that the Conference of the Parties of the Convention on Biological Diversity at its seventh meeting:

1. National reporting processes:

(a) *Requests* the Executive Secretary to revise the existing national reporting formats to make them more concise and better targeted to reduce the reporting burden placed on Parties, and to better contribute to the assessment of progress towards achieving the mission of the Strategic Plan and the identification of obstacles to implementation. The revision of the reporting formats should address the matters in decision VI/25, paragraph 3, and:

- (i) The need to include reporting on all the four goals of the Strategic Plan;
- (ii) The need to allow Parties to incorporate the results of indicators (where available) to enable parties to provide a substantive assessment of progress;
- (iii) The need to include available factual data on the outcomes and impacts of measures taken to achieve the objectives of the Convention (including status and trends of biodiversity);

(b) *Invites* Parties to promote wide stakeholder involvement, as well as indigenous and local communities, in the preparation of national reports, or in related processes that will inform national-report preparation, to ensure a more accurate and comprehensive reflection of the views and priorities of national stakeholders;

(c) *Invites* developed country Parties to continue to provide support in the form of technical capacity development and financial resources (including links to the Global Environment Facility) to developing country Parties, Parties with economies in transition and small island developing States, as appropriate, to facilitate these Parties to meet their reporting obligations;

(d) *Encourages* the Executive Secretary to participate in the ongoing efforts to harmonize and streamline the national reporting processes of Convention with those of other biodiversity-related conventions and processes and to strengthen the inter-sessional efforts to promote the submission of national reports;

(e) *Decides* to further reduce the reporting burden on Parties by, wherever possible, using other means to gather information to allow evaluation of implementation of the Convention and the Strategic Plan;

2. National implementation and national biodiversity strategies and action plans:

(a) *Requests* the Executive Secretary to continue to explore ways to expand active support for developing country Parties and Parties with economies in transition, where appropriate, in the development, revision and implementation of national biodiversity strategies and action plans. This

process should include the commitment and resources of civil society in the development and implementation of national biodiversity strategies and action plans;

(b) *Emphasizes* that national biodiversity strategies and action plans, as the primary mechanisms for the implementation of the Convention and the Strategic Plan, should incorporate relevant aspects of the four goals of the Strategic Plan wherever it is not already the case, to enable greater contribution to the achievement of the 2010 target;

(c) *Invites* developed country Parties continue to provide the support to developing country Parties, Parties with economies in transition and small island developing States, as appropriate, to develop national-level indicators;

(d) *Requests* the Executive Secretary to report to Conference of the Parties, as a matter of urgency, the work required by decision V/20, paragraph 41, to allow further work to be undertaken to identify ways to support the review by Parties of national implementation;

3. *Review and evaluation:*

(a) *Requests* the Executive Secretary, in consultation with Parties and relevant bodies and processes, to develop a framework for evaluation, including indicators, of the implementation of the Strategic Plan and, in particular, its mission, and, in doing so ensure that the framework will make use, wherever possible, of existing information sources;

(b) *Decides* to establish a schedule for evaluating and reviewing the Strategic Plan 2002-2010 and to allocate sufficient time in subsequent meetings of the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice and inter-sessional meetings to consider progress in the implementation of the Convention and the Strategic Plan and achievements leading up to the 2010 target in line with the multi-year programme of work for the Conference of the Parties;

(c) *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to evaluate changes in trends and status of biodiversity, particularly the current rate of biodiversity loss at the global level, and *requests* the Executive Secretary, in supporting this work, to make full use of other global assessments and reporting processes such the Global Environment Outlook, Global Biodiversity Outlook and the Millennium Ecosystem Assessment as well as those of regional mechanisms, possibly by convening a liaison group to facilitate coordination with those processes for the purposes of the Convention on Biological Diversity;

(d) *Decides* to establish additional (intermediate) specific targets and timeframes leading up to 2010 to enhance better evaluation of achievements and progress towards the 2010 target. These targets should be measurable directly by international agencies without adding any additional cost to the Parties;

(e) *Requests* the Executive Secretary to participate in processes arising from the twenty-second session of the Governing Council of the United Nations Environment Programme relating to consideration of the development and establishment of an intergovernmental strategic plan for implementation support, linked to the outcome of the international environmental governance process, to ensure that it will contribute to the implementation of the Convention;

(f) *Decides* to address explicitly the need to provide focused support and improve existing support mechanisms where obstacles to implementation of national biodiversity strategies and action plans have been identified, particularly when considering the results of the evaluation of progress in achievement the goals and mission of the Strategic Plan;

(g) *Decides* to develop mechanisms to review the impacts and effectiveness of existing processes under the Convention, such as meetings of the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice, national focal points and the Secretariat, as part of the overall process for improving the operations of the Convention and implementation of the Strategic Plan;

(h) *Recognizing* in the development of better methods to evaluate progress in the implementation of the Convention consideration could be given to making full use of the experiences of other multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, *requests* the Executive Secretary to initiate action as a follow-up to decision V/20, paragraph 41, to provide an overview of existing mechanisms and processes for review of national implementation for consideration at the seventh meeting of the Conference of the Parties.

3. *Multi-year programme of work of the Conference of the Parties up to 2010*

The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010,

Noting recommendation VIII/7 of the Subsidiary Body on Scientific, Technical and Technological Advice, on the multi-year programme of work of the Conference of the Parties up to 2010, guided by the Strategic Plan and the Plan of Implementation of the World Summit on Sustainable Development, and the Millennium Development Goals,

1. *Recommends* that when undertaking in-depth reviews of the existing thematic areas and cross-cutting issues, items identified as priorities by the World Summit on Sustainable Development, such as poverty alleviation, human health, sustainable communities and livelihoods, and hotspots, ecological networks and corridors, should be considered in relation to the existing programmes of work;*

2. *Recommends* that the Conference of the Parties identifies, for each upcoming meeting, appropriate ways to address, including within the Ministerial Segment, issues of overarching importance, particularly the relevant socio-economic issues identified by the World Summit on Sustainable Development;

3. *Requests* the Executive Secretary to seek the views of Parties, other Governments and relevant bodies and to present to the Conference of the Parties at its seventh meeting the recommendations on other ways and means to use the work programme of the Convention on Biological Diversity to collaborate with the Secretary General's WEHAB ("water, energy, health, agriculture, and biodiversity") initiative, as well as in supporting the achievement of the Millennium Development Goals and other relevant objectives identified by the World Summit on Sustainable Development;

4. *Recommends* that, at each of its meetings until 2010, the Conference of the Parties, possibly including its Ministerial Segment, should assess, as an explicit agenda item, the state of progress, including obstacles, in achieving the goals of the Strategic Plan and progress towards the achievement of the Convention's 2010 targets and the Millennium Development Goals;

5. *Recommends* that when considering progress in achievement, the Conference of the Parties also reviews the effectiveness of the Convention processes in facilitating this achievement;

6. *Recommends* that, to the extent feasible, a maximum of six items for in-depth review should be considered at any meeting of the Conference of the Parties and that cross-cutting issues are dealt with in coherent manner taking into account the different requirements and characteristics of the issues;

7. *Recommends* that some flexibility in the multi-year programme of work should be retained in order to accommodate urgent emerging issues;

8. *Recommends* that the Conference of the Parties at its seventh meeting adopt the multi-year programme of work annexed to the present recommendation.

* The term "programme of work" includes work on thematic and cross-cutting issues.

*Annex***PROPOSED MULTI-YEAR PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES UNTIL 2010**

	New issues for in-depth consideration	In-depth review of ongoing work under the thematic areas and cross-cutting issues	Strategic issues for evaluating progress or supporting implementation**
COP 8	1. Island biodiversity	1. Dry and sub-humid lands biodiversity 2. Global Taxonomy Initiative 3. Access and benefit sharing (pending decision at COP 7) 4. Education and public awareness 5. Article 8(j) and related provisions	1. Progress in implementation of the Strategic Plan and follow-up on progress towards target 2010 and Millennium Development Goals (global targets and related measures, such as monitoring and indicators and trends of biodiversity) 2. Refining mechanisms to support implementation (e.g. financial mechanism, clearing-house mechanism, technology transfer, capacity-building)
COP 9		1. Agricultural biodiversity 2. Global Strategy for Plant Conservation 3. Invasive alien species 4. Forest biodiversity 5. Incentives 6. Ecosystem approach	1. Progress in implementation of the Strategic Plan and follow-up on progress towards target 2010 and Millennium Development Goals (global targets and related measures, such as monitoring and indicators and trends of biodiversity) 2. Refining mechanisms to support implementation (e.g. financial mechanism, clearing-house mechanism, technology transfer, capacity-building)
COP 10		1. Inland waters biodiversity 2. Marine and coastal biodiversity 3. Sustainable use 4. Protected areas 5. Mountain biodiversity 6. Climate change (dependent on the outcome of COP 7)	1. Progress in implementation of the Strategic Plan and follow-up on progress towards target 2010 and Millennium Development Goals (global targets and related measures, such as monitoring and indicators and trends of biodiversity) 2. Refining mechanisms to support implementation (e.g. financial mechanism, clearing-house mechanism, technology transfer, capacity-building)

** The Conference of the Parties will consider selected relevant items at each of its meetings.

4. *Legal and socio-economic aspects of technology transfer and cooperation*

The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010,

Recalling the provisions for Contracting Parties as set out in Articles 16 and 19 of the Convention,

Recalling paragraphs 105 and 106 of the Plan of Implementation of the World Summit, which call upon States to promote, facilitate and finance, as appropriate, access to and the development, transfer and diffusion of environmental sound technologies and corresponding know-how, in particular to developing countries and countries with economies in transition on favourable terms, including on concessional and preferential terms, as mutually agreed,

Recognizing the vital role of indigenous and local communities, in particular the role of women, and the value of traditional knowledge related to the conservation and sustainable use of biological diversity,

Noting that technology transfer and cooperation are essential elements for the implementation of the three objectives of the Convention,

1. *Requests* the Executive Secretary to analyse the information contained in the thematic reports on technology transfer submitted by Parties in accordance with paragraph 4 of decision VI/25 and identify possible gaps pertaining to, *inter alia*:

(a) The transfer of technologies in the public domain that are of importance to the thematic and relevant cross-cutting programmes of work;

(b) The transfer of technologies arising from the use of knowledge, innovations and practices of indigenous and local communities;

(c) Information on identified national needs in relation to technologies, including capacity-building needs;

(d) The transfer of technologies of relevance under relevant provisions of the Convention and the impact of intellectual property rights on thereon;

(e) Case-studies, best practices and related information on the use of incentive measures, and on legislative, financial and policy measures for the transfer of technologies of relevance under the provisions of the Convention, from the perspective of recipient countries and providers, and on South-South cooperation in technology transfer;

and provide a report thereon to the Conference of the Parties at its seventh meeting;

2. *Recommends* that the Conference of the Parties at its seventh meeting:

(a) *Taking into account* the report of the Executive Secretary referred to in paragraph 1 of the present recommendation, *requests* the Executive Secretary to gather additional information in response to the possible information gaps identified in that report, including through regional workshops and other meetings such as the Trondheim Conference on Technology Transfer and Capacity Building in June 2003;

(b) *Requests* the Executive Secretary, in cooperation with the World Intellectual Property Organization, the United Nations Conference on Trade and Development and other relevant international organizations, to develop or improve systems, as appropriate, of international information exchange and their inter-operability, relying, *inter alia*, on the clearing-house mechanism, with regard to available technologies for the conservation and sustainable use of biodiversity, and with regard to technology that makes use of genetic resources, and to use the clearing-house mechanism as a gateway to existing databases, including patent databases, and other information resources;

(c) *Requests* the Executive Secretary, as part of a comprehensive implementation support strategy for the Convention on Biological Diversity consistent with the multi-year programme of work and the Strategic Plan of the Convention, and drawing upon experiences from other international conventions and processes, to develop proposals on options for mechanisms to facilitate access to technologies in the public domain and to proprietary technologies by developing countries and countries with economies in transition, and report thereon to the Conference of the Parties at its eighth meeting;

(d) *Requests* the Executive Secretary to collaborate with relevant international organizations and processes such as the ad hoc working group on technology transfer and cooperation of the Commission on Sustainable Development, with a view to developing and making available, through the clearing-house mechanism, a compendium of relevant technologies and their ownership status, including options for best practices, as well as relevant technologies arising from the use of knowledge, innovations and practices of indigenous and local communities, which are cross-referenced to relevant problems in the context of the Convention on Biological Diversity, taking into account the information contained in the thematic reports on technology transfer submitted by Parties in accordance with paragraph 4 of decision VI/25;

(e) *Invites* the World Intellectual Property Organization to further explore and analyse the role of intellectual property rights in technology transfer in the context of the Convention on Biological Diversity;

(f) *Invites* Parties and Governments to exchange information on and to cooperate in scientific research with research institutions in developing countries and countries with economies in transition, as well as to foster innovative partnerships, including counterpart partnerships, with private-sector entities and local and indigenous communities;

(g) *Invites* Parties and Governments to promote the transfer and use of relevant technologies arising from the use of knowledge, innovations and practices of indigenous and local communities with the full and effective participation, approval and involvement of these communities;

(h) *Invites* developed country Parties and Governments to take legislative, financial and policy measures that would provide financial and non-financial incentives to private-sector actors, as well as public research institutions, to implement technology transfer-programmes or joint ventures in developing countries;

(i) *Invites* Parties and Governments to encourage joint patents and joint research programmes as mechanisms to facilitate transfer of technologies that make use of genetic resources;

(j) *Invites* Parties and Governments to promote technology transfer in the context of the Convention on Biological Diversity through type 2 partnerships, in accordance with the outcome of the World Summit on Sustainable Development;

(k) *Invites* developing country Parties to create an enabling legal, administrative and policy environment that would provide incentives for and facilitate foreign investment and the diffusion of relevant technologies and that would promote South-South cooperation;

(1) *Invites* international, regional and national donors, as appropriate, to provide support to developing country Parties and countries with economies in transition, based on needs and priorities identified by these countries, with regard to:

- (i) Building policy, legal, judicial and administrative capacity;
- (ii) Facilitating access to relevant proprietary technologies;
- (iii) Providing other financial and non-financial incentives for the diffusion of relevant technologies;
- (iv) Supporting, if feasible and appropriate, the design and implementation of additional supportive policy measures to the introduction or strengthening of national intellectual-property-rights regimes, in order to mitigate any negative side-effects and to maximize benefits;
- (v) Providing support to improve the capacity of national systems of information gathering and dissemination with regard to needs and opportunities for technology transfer;
- (vi) Building capacities of, and empowering, indigenous and local communities with respect to access to and use of relevant technologies as well as providing opportunities for promoting the use of technologies arising from the use of their knowledge, innovations and practices and benefiting from their transfer, including community-to-community transfers;
- (vii) Providing support to improve the capacity of national research institutions for the adaptation and further development of imported technologies;
- (viii) Supporting the development and operation of regional or international initiatives to assist technology transfer as well as scientific and technical cooperation, particularly those initiatives designed to facilitate South-South cooperation and South-South joint development of new technologies;

3. *Recommends also* that the Conference of the Parties consider the need for further guidance to the financial mechanism on this issue.

5. *International regime on access and benefit-sharing*

The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010,

Recalling paragraph 44 (o) of the Plan of Implementation of the World Summit on Sustainable Development, which calls for action to “negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”,

Further recalling resolution 57/260 of 20 December 2002, adopted by the United Nations General Assembly at its fifty-seventh session, inviting the Conference of the Parties to take appropriate steps with regard to the commitment made at the World Summit on Sustainable Development to negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources,

Bearing in mind the United Nations Millennium Declaration and its call for the full implementation of the Convention on Biological Diversity,

Recognizing the Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, adopted at the sixth meeting of the Conference of the Parties, as a useful first step in an evolutionary process in the implementation of relevant provisions of the Convention related to access to genetic resources and benefit-sharing,

Recalling also paragraph 44 (n) of the Plan of Implementation of the World Summit on Sustainable Development which calls for action to promote “the wide implementation of and continued work by the Parties to the Convention on the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits arising out of their Utilization, as an input to assist the Parties when developing and drafting legislative, administrative or policy measures on access and benefit-sharing as well as contract and other arrangements under mutually agreed terms for access and benefit-sharing”,

Recognizing the need to incorporate this decision of the World Summit on Sustainable Development into the Convention process,

Recognizing that the international regime should respond to the different needs and priorities of Parties to the Convention and should address both access to genetic resources and benefit-sharing,

Reiterating the importance of capacity-building to assist Parties with the implementation of the access and benefit-sharing provisions under the Convention,

Noting the work being carried out under the framework of the Convention by the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and the Working Group on Article 8 (j) as related provisions,

Mindful of the work related to access to genetic resources and benefit-sharing being carried out in other international forums such as the Food and Agriculture Organization of the United Nations, the World Intellectual Property Organization, the World Trade Organization, and regional organizations and the need for mutual supportiveness,

Noting that the Ad Hoc Open-ended Working Group on Access and Benefit-sharing has been mandated by paragraph 8 of decision VI/24 A to advise the Conference of the Parties on outstanding issues, including other approaches,

Noting further that the report of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing will provide useful input into the analysis of potential elements to be included in an international regime on access and benefit-sharing,

1. *Invites* Parties to provide information to the Executive Secretary on experience gained in the use of the Bonn Guidelines, taking into consideration information to be provided by Parties pursuant to decision VI/24 A;

2. *Invites* Parties, other Governments, indigenous and local communities and relevant organizations to submit to the Executive Secretary their views on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing prior to the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing;

3. *Requests* the Executive Secretary to compile information regarding the views of Parties, other Governments, indigenous and local communities and relevant organizations on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing for the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing;

4. *Recommends* that the Ad Hoc Open-ended Working Group on Access and Benefit-sharing should, in its consideration of other approaches, in accordance with its mandate as specified in decision VI/24 A, consider the process, nature, scope, elements and modalities of an international regime and provide advice to the Conference of the Parties at its seventh meeting on how it may wish to address this issue;

5. *Recommends* that the Conference of the Parties further consider at its seventh meeting how it may wish to address this issue.
