Shivendu K. Srivastava: Commercial Use of Biodiversity: Resolving the Access and Benefit Sharing Issues

Sage, 2016, 320 pp

A. K. Ghosh¹

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‘Biological Diversity’ received global attention in the U.N. Conference on Environment and Development (UNCED) held at Rio de Janeiro in June 1992. A Convention on Biological Diversity (CBD) was adopted and later ratified. It made, for the first time, a clear declaration that all countries’ bio-resources are their sovereign rights. It also stated that “Prior Informed Consent” (PIC) would be essential to ‘Access and Transfer’ bio-resource from one country to the other on the basis of ‘Benefit Sharing’ on Mutually Agreed Term (MAT). It called for ‘Maternal Transfer Agreement’ and protection of ‘Traditional Knowledge’ (TK).

Since CBD became operative, member countries started working within their domain to implement the basic tenets. India had played a major role as leader of group of 77 countries. India has enacted its own ‘Biological Diversity Act’ in 2002 and framed Rules in 2004. It envisaged a three tier system of governance involving Central Government, State Government and Local Community through setting up National Biodiversity Authority (NBA), State Biodiversity Board (SBB) and local Biodiversity Management Committee (BMC).

The trickiest issue in the subject area is Access and Benefit Sharing. The ABS mechanism in Global context and case studies analyzing trend of Benefit Sharing has now come up in a recent publication authored by Shivendu K. Srivastava who served as Additional Principal Chief Conservator of Forests in Madhya Pradesh (Commercial use of Biodiversity, Sage Publications, 2016, 320 pp).

The author has dealt the subject in nine different chapters focussing on Trade of components of Biodiversity, Traditional Knowledge and Intellectual Property Rights, WTO and North–South Divide, Global Scenario in Access and Benefit Sharing Issues, case studies on Commercial Uses, Bio-prospecting, Bargaining Power of Resource Provider Countries and finally, the way ahead. He has rightly pointed out to the continuing conflicts between provisions of TRIPs and CBD, and stressed on the need for tough negotiations. Finally, he has given three recommendations involving Bio-prospecting Agreement. His attempt to elucidate a complex subject is commendable.

However, he has sometimes missed some vital point specially Trade in Historical Time when at least five European Countries started trading with India—mostly for its rich bio-resources. At least four of these five countries set up East India Companies (British, French, Dutch and Danes). He has also overlooked the current trend of trade (export data) for India which is available at the Library of Commercial Intelligence and Statistics. There is no mention of two major reports one that of Institute of Economic Growth New Delhi is Net Present Value of Indian Forest and the other—a series called Green Accounting of India; in both of these, valuation of bio-prospecting has been calculated. In the Index part ‘Aichi Biodiversity Targets’ and ‘Nagoya Protocol’ are missing. In his extensive references he has missed the briefing paper on CBD and TRIPs published in 2003.

Barring some missing information the Book can be highly recommended for all readers interested in the subject of Biodiversity and issue of Access and Benefit Sharing.

✉ A. K. Ghosh
cedkolkata@yahoo.com

¹ Kolkata, India