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Unraveling the Nagoya Protocol Why the Nagoya Protocol to the CBD Matters to Science and Industry in Canada and the United States Global Governance of Genetic Resources The Nagoya Protocol on Access and Benefit-Sharing in the Light of the Convention on Biodiversity Common Pools of Genetic Resources The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization An Explanatory Guide to the Nagoya Protocol on Access and Benefit-sharing The Interface Between the Convention on Biological Diversity (CBD), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) & the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Utilisation of Benefits Resulting from Their Utilisation Research and Development on Genetic Resources Implementing the Nagoya Protocol Nature in Common The 2010 Nagoya Protocol on Access and Benefit-sharing in Perspective Genetic Resources as Natural Information The Nagoya Protocol The Convention on Biological Diversity and the Nagoya Protocol: Intellectual Property Implications Biodiversity, Access and Benefit-Sharing Biodiversity Conservation Through Access and Benefit Sharing (ABS) Impact study of the adoption and implementation of the Nagoya protocol on the brazilian industry Movement Forward on ABS for the Convention on Biological Diversity

Incorporating Indigenous Rights in the International Regime on Biodiversity Protection Marine Genetic Resources, Access and Benefit Sharing **Access and Benefit Sharing of Genetic Resources, Information and Traditional Knowledge** **Global Transformations in the Use of Biodiversity for Research and Development** **Biocultural Rights, Indigenous Peoples and Local Communities** *Genetic Resources and Traditional Knowledge* Benefit Sharing *Genetic Resources, Equity and International Law* **GEF Investments in Support of Access and Benefit Sharing** *ABS Elements* **International Liability Regime for Biodiversity Damage** Community Protocols for Environmental Sustainability *The Protection of Traditional Knowledge on Genetic Resources* *Governing Digitally Integrated Genetic Resources, Data, and Literature* **Financing the Achievement of the Aichi Targets** **Access to Genetic Resources and Sustainable Innovation in the Health Industry and Health Research: A Colombian Legal Perspective** *Concepts and Values in Biodiversity* Biodiversity **Regulating Genetic Resources** **Protecting Traditional Knowledge** **Key Questions on Patent Disclosure Requirements for Genetic Resources and Traditional Knowledge, 2nd Edition**

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Conservation of biodiversity is a fundamental concern towards securing a sustainable future. This volume argues that despite various domestic and international policies and legal frameworks on biodiversity conservation — be it forest, wildlife, marine, coastal, etc. — their implementation suffers from many deficiencies. It explores the factors that hinder effective implementation of these policies and frameworks. It also analyses existing laws, both international and domestic, to identify inherent problems in the existing legal system. The book maintains that careful adherence to established procedures and protocols, public awareness, filling the lacuna in legal framework, and a strong

political will are sine qua non for effective conservation of biodiversity and sustainable development. The volume defends the protection of traditional knowledge and participation of indigenous communities along with reinforcements of intellectual property in this regard. It also commends the role played by the Indian judiciary, especially the Supreme Court of India and India's National Green Tribunal for the preservation and enhancement of natural resources by applying established as also evolving principles of environmental law. This book will be useful to scholars and researchers of environmental studies, development studies, policy studies and law related to biodiversity and conservation. Genetic resources are not only component of nature that need be protected but also has economic, social, cultural values for development. Approaching genetic resources under those two aspects of "conservation" and "development" one of three objectives of Convention on Biological Diversity (CBD) and the goal of the Nagoya Protocol is "Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising from Their Utilization. The Nagoya Protocol adopted in October 2010 by the 10th Conference of the parties to the CBD, is a landmark for the international governance of biodiversity and a milestone in the development of the international regime governing biodiversity. However, the Protocol has been criticized as "imperfect" and "incomplete" because of ambiguities, gaps and generalities. Each country that becomes a Party to the Protocol will need to develop national legislation to meet its obligations under the Protocol, filling in gaps with national legislation in accordance with its particular situation. The integration of the Protocol into national law is important in both meanings of the first process and the bridge of putting the legal provisions of the Protocol into practice. However, there are many problems that need defined and analyzed as the bases to find solutions. The first part of this thesis analysis of problems of the Protocol in the international context, relations with the others relevant international treaties and all the contents, intrinsic problems of the

Protocol in both legal and technical, scientific aspects. The part 2 of the thesis clarifies all related legal problems of integration into national law such as weakness of international law, legal points of views : dualism and monism, non-self executive treaties, the principles, methods, measures and other factors. Then, it provides case studies of national laws of Brazil, South Africa, France and takes a closer look in to practice of national legislation of Vietnam. Colombia is one of the most biodiverse countries in the world and consequently has sought to employ genetic resources to further both its economic development and technological and scientific advancement. Colombia's implementation of the international regime on access to genetic resources and benefit sharing responds to the interests of the country in employing genetic resources for health research and also for the health industry. However, the relevant Colombian law leaves aside practices and knowledge that emanate from local, indigenous, and Afro-Colombian communities in adding value to biodiversity. Through an interdisciplinary analysis, this book adds a novel country case study to existing international socio-legal literature on the International Regime on Access to Genetic Resources and Benefit Sharing, showing its deficiencies when considered at national and local levels. Further, drawing on a Capability Approach, the book aims to suggest an alternative approach for Colombia, making the normative claim that such an approach would create a more inclusive model of innovation in the use of biodiversity. Access to genetic resources and Benefit Sharing (ABS) has been promoted under the Convention on Biological Diversity, with the aim of combining biodiversity conservation goals with economic development. However, as this book shows, since its inception in 1992, implementation has encountered multiple challenges and obstacles. This is particularly so in the marine environment, where interest in genetic resources for pharmaceuticals and nutrients has increased. This is partly because of the lack of clarity of terminology, but also because of the terms of the comprehensive law of the sea (UNCLOS) and

transboundary issues of delineating ownership of marine resources. The author explains and compares relevant provisions and concepts under ABS and the law of the sea taking access, benefit sharing, monitoring, compliance, and dispute settlement into consideration. He also provides an overview of the implementation status of ABS-relevant measures in user states and identifies successful ABS transactions. A key unique feature of the book is to illustrate how biological databases can serve as the central scientific infrastructure to implement the global multilateral benefit sharing mechanism, proposed by the Nagoya Protocol. The research for this book was supported by both the Bremen International Graduate School for Marine Sciences (GLOMAR) and the International Research Training Group INTERCOAST – Integrated Coastal Zone and Shelf-Sea Research. Enough laws have been enacted since the adoption of the Nagoya Protocol on access and benefit-sharing to permit a study which is capable of accurately portraying the status quo of national implementation of the Protocol and the ensuing practice, emerging challenges and how countries are coping with them. This book, one of the first to present such a study, uniquely combines an examination of the new laws and practice and how they comply with the Nagoya Protocol; of issues not yet resolved by the Protocol and which solutions are being explored; and of how research and development is responding to the new situation. In addition, it proposes solutions to selected questions on ABS based on real-world and hypothetical cases, which could instigate litigation. Written by a team of expert academics and practitioners in the field, this book makes a valuable contribution to academic and policy debates and to academic literature on international environmental law, international biodiversity law, international property law, climate law and the law of indigenous populations. It also offers a reference guide for practicing lawyers in the area of ABS. Biodiversity may refer to the diversity of genes, species or ecosystems in general. These varying concepts of biodiversity occasionally lead to conflicts among researchers and

policy makers, as each of them require a customized type of protection strategy. This book addresses the questions surrounding the merits of conserving an existing situation, evolutionary development or the intentional substitution of one genome, species or ecosystem for another. Any practical steps towards the protection of biodiversity demand a definition of that which is to be protected and, in turn, the motivations for protecting biodiversity. Is biodiversity a necessary model which is also useful, or does it carry intrinsic value? Debates like this are particularly complex when interested parties address it from different conceptual and moral perspectives. Comprised of three parts, each complemented by a short introductory paragraph, this collection presents a variety of approaches to this challenge. The chapters cover the perspectives of environmental scientists with expertise in evolutionary, environmental biology, systematic zoology and botany, as well as those of researchers with expertise in philosophy, ethics, politics, law and economics. This combination facilitates a truly interdisciplinary debate by highlighting hitherto unacknowledged implications that inform current academic and political debates on biodiversity and its protection. The book should be of interest to students and researchers of environment studies, biodiversity, environmental philosophy, ethics and management. Traditional knowledge protection methods are becoming increasingly out-dated in the face of modern challenges. Focusing on the protection of traditional knowledge and related genetic resources, this book is the first of its kind to amalgamate a novel theoretical framework with the practical applications of the combined theories of Rawls and Coase. Demonstrating the shortcomings of current policy and legal approaches to access and benefit-sharing (ABS) in the Convention on Biological Diversity (CBD), this book recognizes that genetic resources are widely distributed across countries and that bilateral contracts undermine fairness and equity. The book offers a practical and feasible regulatory alternative to ensure the goal of fairness and equity is effectively and efficiently met. Through a legal

analysis that also incorporates historic, economic and sociological perspectives, the book argues that genetic resources are not tangible resources but information. It shows that the existing preference for bilateralism and contracts reflects resistance on the part of many of the stakeholders involved in the CBD process to recognize them as such. ABS issues respond very well to the economics of information, yet as the author explains, these have been either sidelined or overlooked. At a time when the Nagoya Protocol on ABS has renewed interest in feasible policy options, the author provides a constructive and provocative critique. The institutional, policy and regulatory framework constitute "bounded openness" under which fairness and equity emerge. This book analyses the status and prospects of the global governance of Access Benefit Sharing (ABS) in the aftermath of 2010's Nagoya Protocol to the Convention on Biological Diversity (CBD). The CBD's initial 1992 framework of global ABS governance established the objective of sharing the benefits arising from the use of genetic resources fairly between countries and communities. Since then, ABS has been a contested issue in international politics – not least due to the failure of effective implementation of the original CBD framework. The Nagoya Protocol therefore aims to improve and enhance this framework. Compared to the slow rate of progress on climate change, it has been considered a major achievement of global environmental governance, but it has also been coined a 'masterpiece of ambiguity'. This book analyses the role of a variety of actors in the emergence of the Nagoya Protocol and provides an up-to-date assessment of the core features of the architecture of global ABS governance. This book offers a central resource regarding ABS governance for those working on and interested in global environmental governance. This is achieved by focusing on two broad themes of the wider research agenda on global environmental governance, namely architecture and agency. Furthermore, individual chapter contributions relate and link ABS governance to other prominent debates in the field, such as

institutional complexes, compliance, market-based approaches, EU leadership, the role of small states, the role of non-state actors and more. Partly due to its seeming technical complexity, ABS governance has so far not been at the centre of attention of scholars and practitioners of global environmental governance. In this book, care is taken to provide an accessible account of key functional features of the governance system which enables non-specialists to gain a grasp on the main issues involved, allowing the issue of ABS governance to move centre-stage and be more fully recognised in discussions on global environmental governance. In *Incorporating Indigenous Rights in the International Regime on Biodiversity Protection*, Federica Cittadino convincingly interprets the Convention on Biological Diversity (CBD) and its related instruments in light of indigenous rights and the principle of self-determination. "Access to genetic resources" and "fair and equitable sharing of benefits arising [from their] utilization" is the third objective of the 1992 United Nations Convention on Biological Diversity (CBD). The expression is included in the full title of the 2010 Nagoya Protocol (NP). Neither agreement defined "material" in the phrase "genetic material" which resulted in misinterpretation that the object of access for R&D is tangible. Unfairness ensues: competition among provider Parties leads to the elimination of economic rents, which is desirable for tangibles but undesirable for intangibles. Once interpreted as natural information, the economics of information justifies a Global Multilateral Benefit-Sharing Mechanism (GMBSM) (Article 10 NP) which collects and distributes rents on value added to genetic resources. "Bounded openness over natural information" is the modality proposed for the GMBSM. The Executive Secretary of the United Nations Secretariat of the CBD recognized the argument in the 2021 Note "Digital Sequence Information on Genetic Resources". Note -- Acknowledgments -- Table of abbreviations -- Introduction -- The international framework for access and benefit sharing of genetic resources and associated traditional

knowledge -- Beyond the CBD and the Nagoya protocol: Other instruments that affect ABS and intellectual property -- Disclosure of origin/source and legal provenance -- Additional mechanisms beyond disclosure -- Protection of traditional knowledge -- Distinctive signs, biodiversity derived products and protection of traditional knowledge -- Private contract law -- References -- Regional and national TK and ABS-Related legislation -- WHO's standard material transfer agreements -- Standard material transfer agreement under the ITPGRFA -- Programme Addressing the management of genetic resources, this book offers a new assessment of the contemporary Access and Benefit Sharing (ABS) regime. Debates about ABS have moved on. The initial focus on the legal obligations established by international agreements like the United Nations Convention on Biological Diversity and the form of obligations for collecting physical biological materials have now shifted into a far more complex series of disputes and challenges about the ways ABS should be implemented and enforced. These now cover a wide range of issues, including: digital sequence information, the repatriation of resources, technology transfer, traditional knowledge and cultural expressions, open access to information and knowledge, naming conventions, farmers' rights, new schemes for accessing pandemic viruses sharing DNA sequences, and so on. Drawing together perspectives from an interdisciplinary range of leading and emerging international scholars, this book offers a new approach to the ABS landscape; as it breaks from the standard regulatory analyses in order to explore alternative solutions to the intractable issues for the Access and Benefit Sharing of genetic resources. Addressing these modern legal debates from a perspective that will appeal to both ABS scholars and those with broader legal concerns in the areas of intellectual property, food, governance, Indigenous issues, and so on, this book will be a useful resource for scholars and students as well as those in government and in international institutions working in relevant areas. The free exchange of microbial genetic information is an

established public good, facilitating research on medicines, agriculture, and climate change. However, over the past quarter-century, access to genetic resources has been hindered by intellectual property claims from developed countries under the World Trade Organization's TRIPS Agreement (1994) and by claims of sovereign rights from developing countries under the Convention on Biological Diversity (CBD) (1992). In this volume, the authors examine the scientific community's responses to these obstacles and advise policymakers on how to harness provisions of the Nagoya Protocol (2010) that allow multilateral measures to support research. By pooling microbial materials, data, and literature in a carefully designed transnational e-infrastructure, the scientific community can facilitate access to essential research assets while simultaneously reinforcing the open access movement. The original empirical surveys of responses to the CBD included here provide a valuable addition to the literature on governing scientific knowledge commons. The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, adopted on 15 October 2010 in Nagoya, Japan, provides an international liability regime for biodiversity damage caused by living modified organisms (LMOs). Its adoption marks a significant development in the legal design for international environmental liability regimes, as it incorporates for the first time in global treaties an administrative approach to liability. This book examines the Supplementary Protocol from both practitioner and academic perspectives. In its three parts the book explores the historical development, legal significances, and future implementation of the core provisions of the Supplementary Protocol, focusing specifically on its incorporation of an administrative approach to liability for biodiversity damage and its relation to civil liability. Contributors to the volume include Co-Chairs of the negotiating group and the negotiators and advisors from some of the key negotiating Parties, offering valuable insights into the difficult-to-read provisions of the Supplementary Protocol. The book

demonstrates the significant changes in the political configuration of environmental treaty negotiations which have come about in the twenty-first century, and argues that the liability approach of the Supplementary Protocol has important implications for future development of international liability regimes under international environmental law. The current publication is the second update and improvement of the original WIPO Technical Study from 2004, incorporating the latest practical and empirical information provided by Member States and stakeholders. The study looks at the key questions identified from the point of view of the patent system and in relation to other relevant legal and policy frameworks. The Convention on Biological Diversity (CBD) strives for the sustainable and equitable utilization of genetic resources, with the ultimate goal of conserving biodiversity. The CBD and the Nagoya Protocol which has since been elaborated suggest a bilateral model for access to genetic resources and the sharing of benefits from their utilization. There is concern that the bilateral exchange "genetic resource for benefit sharing" could have disappointing results because providers are left out of the process of research and development, benefits are difficult to be traced to sources, and providers owning the same resource may complain of being excluded from benefit sharing. Thus, the CBD objective of full utilization and equitability may become flawed. *Common Pools of Genetic Resources: Equity and Innovation in International Biodiversity Law* suggests common pools as a complementary approach to bilateralism. This is one of the first books to reply to a number of complex legal questions related to the interpretation and implementation of the Nagoya Protocol. Taking an inductive approach, it describes existing pools and analyzes how they are organized and how they perform in terms of joint R&D and benefit sharing. It presents case studies of the most characteristic types of common pools, provides suggestions for further developing existing pools to cope with the requirements of the CBD and NP and, at the same time uses the clauses these conventions contain to

open up for commons approaches. Written by a team of expert academics and practitioners in the field, this innovative book makes a timely and valuable contribution to academic and policy debates in international environmental law, international biodiversity law, intellectual property law, climate law and the law of indigenous populations. This book deals with the economic potentials of biodiversity and its capacity to support its own conservation aiming to provide livelihood for millions engaged in conservation, both now and for future generations. The book highlights the potentials of natural resources which are characterized as capital wealth (as defined in Convention on Biological Diversity (CBD)), to finance its own conservation and to provide livelihood means to people who conserve it. The book is divided into five Parts. PART I explains about the Premise of Access and Benefit Sharing (ABS), PART II describes about the Technology Transfer, PART III will provide details about the Access to Genetic Resources and to Associated Traditional Knowledge and Benefit Sharing PART IV is the Implementation of ABS Mechanisms and PART V is about ABS and Its Economics. This book will be of interest to biodiversity policy makers, administrators, university and college students, researchers, biodiversity conservationists. This guide has been written to help policymakers and other stakeholders understand what community protocols are, why they are important, and how they can support their development and recognition within formal environmental legal and policy frameworks. It is also written for all interested in learning about community protocols, including: indigenous peoples and their communities and other local communities (ILCs), non-governmental organisations (NGOs), researchers, industry, and those working in government at the local, national and international levels. Community protocols are an emerging concept in international environmental law and policy. The term encompasses a broad range of practices and procedures, written and unwritten, developed by ILCs in relation to their traditional knowledge (TK), territories, and natural and other resources. These

practices and procedures cover a range of matters, including how ILCs expect external actors to engage with them. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity was adopted on 29 October 2010 in Nagoya, Japan, and entered into force on 12 October 2014. Now the debates are in full swing across the world about how to implement the protocol at the domestic level. If you feel perplexed by topics such as "International access and benefit sharing regimes under the CBD, ITPGRA, IGC & TRIPS" - then this is the book for you. Written for everybody interested in the Nagoya Protocol, those who did not realise it existed, and those who do not know how it will affect them, this concise, but extensively referenced work, is a must for students of the topic. This is the first comprehensive review of the Intergovernmental Committee (IGC) of the World Intellectual Property Organization (WIPO) established in 2000. It provides an in-depth consideration of the key thematic areas within WIPO discussions – genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs) through the perspectives of a broad range of experts and stakeholders, including indigenous peoples and local communities. It also looks at how these areas have been treated in a number of forums and settings (including national systems and experiences, and also in trade agreements) and the interface with WIPO discussions. Furthermore, the book analyses the process and the negotiation dynamics since the IGC received a mandate from WIPO members, in 2009, to undertake formal text-based negotiations towards legal instruments for the protection of GR, TK and TCEs. While there has been some progress in these negotiations, important disagreements persist. If these are to be resolved, the adoption of these legal instruments would be a significant development towards resolving key gaps in the modern intellectual property system. In this regard, the book considers the future of the IGC and suggests options which could contribute towards achieving a

consensual outcome. An insightful guide to some key developments in the international governance of genetic resources. Exploration of the central role of state sovereignty in current approaches aids understanding of the impact that the socio-economic and political context has on the content and direction of rules in this area. The book includes extensive information on the influence of treaty regimes that are often marginal to or absent from other analyses of genetic resource governance (outer space, seas and oceans, and Antarctica). Catherine Rhodes, The University of Manchester, UK

This detailed and concise book surveys the international genetic resources laws applying in Antarctica, space, the oceans and seas, the lands, and the airspaces above land and water. The well-structured analysis traces the evolution of these various schemes and their contributions to the comprehensive arrangements under the Convention on Biological Diversity, the International Treaty on Plant Genetic Resources for Food and Agriculture and the World Health Organization's PIP Framework. The book details the different avenues and concluded positions, documenting a laboratory of legal approaches and possibilities. Regulating Genetic Resources will be a valuable addition to academics, governments, NGOs and students in environmental and intellectual property law. National implementation of the Convention on Biological Diversity (CBD) provisions has yielded enough challenges for providers and users of genetic resources and associated traditional knowledge alike. The Nagoya Protocol brings novel ideas for resolving the challenges plaguing the Access and Benefit-Sharing (ABS) process in general and non-commercial research in particular. This is one of the first books to address research cooperation and facilitated access for non-commercial biodiversity research. It uniquely offers concrete and practicable solutions based on experiences of researchers and administrative officials with ABS, and on the interpretation of the Nagoya Protocol on how free and lively taxonomic research can be ensured while at the same time observing obligations of obtaining prior informed consent and

sharing of benefits. This book will be useful to students of International Environmental Law, International Biodiversity Law, Intellectual Property Law, Climate Law and Law of Indigenous Populations. With foreword from Executive Secretary CBD, Bráulio Ferreira de Souza Dias.

"Transnational exchanges of plant, microbial and animal genetic resources are essential for scientific and agricultural research as well as for downstream commercial applications in many important fields, including food security and medicines. Exports of in situ plant cultivars and microbial specimens discovered through bioprospecting require the permission of provider governments under the Convention on Biological Diversity (CBD) of 1992, with specific regard to prior informed consent (PIC), mutually agreed terms (MAT) and access and benefit-sharing (ABS) agreements. Ex situ plant cultivars for both research and applications are available from seed banks governed by the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA, 2001), subject to benefit-sharing obligations imposed on commercial applications by standard material transfer agreements (SMTAs). Similarly, ex situ microbial specimens are made available for research and applications from public repositories governed by the World Federation for Culture Collections (WFCC) under SMTAs consistent with the CBD. In all cases, the use of traditional knowledge associated with genetic resources requires the permission of relevant Indigenous populations, including PIC, MAT and ABS. The Nagoya Protocol to the CBD (2010), entered into force in 2014, further requires all member countries to cooperate in cross-border enforcement of the CBD's provisions. Under the protocol, end products based on or derived from genetic resources, including genomic sequence data, will become subject to seizure by national checkpoints unless they comply with the CBD. Compliance certificates will be made available for this purpose by a clearing house to be established under the protocol. With specific regard to science policy, article 4 of the Nagoya Protocol

expressly validates multilateral regimes of facilitated access to ex situ genetic resources for both basic and applied research, subject to built-in "take-and-pay" rules for commercial applications. The ITPGRFA was thus rendered legally consistent with the CBD by dint of the Nagoya Protocol. The WFCC has developed SMTAs to cover its activities as "trusted intermediaries." However, it should consider reorganizing itself as an international regime for facilitated exchanges of ex situ microbial materials, with a built-in "take-and-pay" rule for commercial applications. Such a redesigned Microbial Research Commons should adopt a science-friendly governance structure that improves upon the scheme implemented by the United Nations Food and Agriculture Organization's ITPGRFA, and it should also incorporate the World Data Centre for Microorganisms, currently situated in China."

-- ÔThis book provides a clear analysis of the multi-level impacts of the existing international law regime related to genetic resources on developing countries. It does so through a cogent exposition of the different areas of the law pertaining to genetic resources that are relevant and impact on people's rights and livelihoods. Its focus on equity is a welcome addition to the literature.Õ Ð Philippe Cullet, University of London, UK ÔCamena GuneratneÕs thought-provoking book critically evaluates the clash between the private property approach to genetic resources embedded in international intellectual property conventions, and the competing values embedded in a variety of other conventions and laws. She contests key assumptions behind intellectual property regimes supporting genetic commerce, distinguishing the genetic ÔcommonsÓ from other types of resource. This book provides a comprehensive scholarly dealing with the topics noted in its title, but also should increase debate about policy failures in responding to the risks to the underprivileged of the instruments we use to pursue our economic interests of the majority.Õ Ð Paul Martin, University of New England, Australia ÔThis is a wonderful book. All too often in the quest to preserve biodiversity, we forget that the equation of

equity has to be at the forefront of the debates on sustainable development. Dr Guneratne rectifies this mistake. In doing so, she shows us that in many of the most importance instances, we are not only losing large parts of the natural basis on which humanity depends, but also the ability to control the political and legal processes of which many of the world's poorest people depend. This linkage between biodiversity, politics and international law is of such a high calibre, that it is likely that this work will become a key text for students and scholars alike. Õ Ð Alexander Gillespie, University of Waikato, New Zealand

This book examines current developments in international law which regulate the uses of plant genetic resources for food and agriculture, and the various property regimes which are applied to these resources by these international agreements. In the current context of the global food crisis, the development and stability of national agricultural systems is an urgent concern, particularly among developing countries. This stability, and national food security, will potentially be threatened if these countries are unable to have free access to agricultural crop plants. This book analyses a range of international agreements including the recently adopted Nagoya Protocol and demonstrates that in their current implementation they favour private ownership of these resources rather than free access. The book takes the position that this is inherently inequitable and these resources should be maintained in the public domain. This book will be of use to a wide range of readers from students and scholars to those working in the fields of trade and intellectual property, human rights, environmental conservation and advocacy on international issues. It contains a rigorous legal analysis of current international law development on the issue based on the negotiations which have taken place in the relevant forums, and will therefore be particularly useful to lawyers and legal scholars. It is also written in an uncomplicated style which makes it readily accessible to non-lawyers and the case studies and empirical data used throughout the book adds to its interest. The Nagoya Protocol is an

unprecedented international environmental agreement that equally addresses development, distributive justice, and environmental sustainability. With a balanced view of the various possible interpretations of the Protocol provisions, in light of different national and regional perspectives, and a systematic highlighting of its legal innovations, *Unraveling the Nagoya Protocol: A Commentary on the Nagoya Protocol on Access and Benefit-sharing to the Convention on Biological Diversity* will serve as a seminal work for all those interested in the environment, human rights, economics and both legal and scientific innovations. The *Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture* aim to assist governments considering developing, adapting or implementing access and benefit-sharing measures to take into account the importance of genetic resources for food and agriculture, their special role in food security and the distinctive features of their different subsectors, while complying, as applicable, with international instruments. *Implementing the Nagoya Protocol* compares existing ABS regimes in ten European countries, including one non-EU member and one EU candidate country, and critically explores several cross-cutting issues related to the implementation of the Nagoya Protocol in the EU. A landmark text in global biodiversity governance, the Nagoya Protocol was intended to put an end to the uncompensated exploitation of natural resources and knowledge originating in the Global South. Its stated objectives were to establish greater justice and equity between providers and users of genetic resources, to foreground the contributions and knowledge of indigenous peoples and local communities, and to decolonise research, all while promoting the conservation of biodiversity. Thirty years on from the Convention on Biological Diversity from which it originated, the authors examine the legal and practical outcomes of this virtuous framework, which came into force in 2014. Although it has certainly fostered greater recognition of the plurality of knowledge and advanced the traceability

of resources, the Protocol has also helped to impose a narrowly market-oriented understanding of nature and knowledge, exacerbating demands for recognition and ownership in the Global South, and effectively restricting access to biodiversity in an era of globalised research. This book presents an interdisciplinary dialogue informed by the experiences of researchers and conservation stakeholders (local communities, managers of collections and natural parks). Looking beyond the Nagoya Protocol, it invites us to question the relationships between societies and nature in light of the ecological emergency. It is intended for anyone with an interest in the economics of biodiversity and environmental justice. Este estudo identifica e analisa os potenciais impactos positivos e negativos da implementação do Protocolo de Nagoya, com foco na competitividade das indústrias brasileiras que utilizam a genética patrimônio de biodiversidade encontrada no Brasil e em outros países. Biomedical research is increasingly carried out in low- and middle-income countries. International consensus has largely been achieved around the importance of valid consent and protecting research participants from harm. But what are the responsibilities of researchers and funders to share the benefits of their research with research participants and their communities? After setting out the legal, ethical and conceptual frameworks for benefit sharing, this collection analyses seven historical cases to identify the ethical and policy challenges that arise in relation to benefit sharing. A series of recommendations address possible ways forward to achieve justice for research participants in low- and middle-income countries. The Nagoya Protocol to the Convention on Biological Diversity (CBD) is rapidly receiving signatures and ratifications. Many countries are preparing to implement the protocol through national research permit systems and/or biodiversity laws. Yet there is still considerable confusion about how to implement the Protocol, regarding access and benefit-sharing (ABS) procedures, and minimal experience in many countries. This book seeks to remedy this gap in understanding by analysing a

number of ABS case studies in light of the Nagoya Protocol. The case studies are wide-ranging, with examples of plants for medicinal, cosmetic, biotech and food products from or for development in Australia, North Africa, Madagascar, Switzerland, Thailand, USA and Oceania. These will encourage countries to develop national systems which maximise their benefits (both monetary and non-monetary) towards conservation and support for local communities that hold traditional knowledge. In addition, the author analyses new expectations raised by the Nagoya Protocol, such as the encouragement of the development of community protocols by indigenous and local communities. As a result, stakeholders and policy-makers will be able to learn the steps involved in establishing ABS agreements, issues that arise between stakeholders, and the types of benefits that might be realistic. This fascinating study describes efforts to define and protect traditional knowledge and the associated issues of access to genetic resources, from the negotiation of the Convention on Biological Diversity to the Declaration on the Rights of Indigenous Peoples and the Nagoya Protocol. Drawing on the expertise of local specialists from around the globe, the chapters judiciously mix theory and empirical evidence to provide a deep and convincing understanding of traditional knowledge, innovation, access to genetic resources, and benefit sharing. Because traditional knowledge was understood in early negotiations to be subject to a property rights framework, these often became bogged down due to differing views on the rights involved. New models, developed around the notion of distributive justice and self-determination, are now gaining favor. This book suggests – through a discussion of theory and contemporary case studies from Brazil, India, Kenya and Canada – that a focus on distributive justice best advances the interests of indigenous peoples while also fostering scientific innovation in both developed and developing countries. Comprehensive as well as nuanced, Genetic Resources and Traditional Knowledge will be of great interest to scholars and students of law, political science,

anthropology and geography. National and international policymakers and those interested in the environment, indigenous peoples' rights and innovation will find the book an enlightening resource. This volume presents a comprehensive overview of biocultural rights, examining how we can promote the role of indigenous peoples and local communities as environmental stewards and how we can ensure that their ways of life are protected. With Biocultural Community Protocols (BCPs) or Community Protocols (CPs) being increasingly seen as a powerful way of tackling this immense challenge, this book investigates these new instruments and considers the lessons that can be learnt about the situation of indigenous peoples and local communities. It opens with theoretical insights which provide the reader with foundational concepts such as biocultural diversity, biocultural rights and community rule-making. In Part Two, the book moves on to community protocols within the Access Benefit Sharing (ABS) context, while taking a glimpse into the nature and role of community protocols beyond issues of access to genetic resources and traditional knowledge. A thorough review of specific cases drawn from field-based research around the world is presented in this part. Comprehensive chapters also explore the negotiation process and raise stimulating questions about the role of international brokers and organizations and the way they can use BCPs/CPs as disciplinary tools for national and regional planning or to serve powerful institutional interests. Finally, the third part of the book considers whether BCPs/CPs, notably through their emphasis on "stewardship of nature" and "tradition", can be seen as problematic arrangements that constrain indigenous peoples within the Western imagination, without any hope of them reconstructing their identities according to their own visions, or whether they can be seen as political tools and representational strategies used by indigenous peoples in their struggle for greater rights to their land, territories and resources, and for more political space. This volume will be of great interest to students and scholars of environmental

law, indigenous peoples, biodiversity conservation and environmental anthropology. It will also be of great use to professionals and policymakers involved in environmental management and the protection of indigenous rights. The 2010 Nagoya Protocol on Access and Benefit-sharing in Perspective analyses the implications of this innovative environmental treaty for different areas of international law, and its implementation challenges in various regions and from the perspectives of various stakeholders. The book analyses the achievements, but also the shortcomings of the Nagoya Protocol in light of the Convention on Biological Diversity (CBD). Although the loss of biodiversity has not been slowed down with the entry into force of the CBD nor the Nagoya Protocol, certain approaches and aspects should still be considered a step in the right direction. Suggestions are made as to what needs to be changed for all other aspects to improve the protection of biodiversity. If the world continues to lose biodiversity at the current speed, the future of humanity is at stake.

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