

Biodiversity Convention and Conservation

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I. INTRODUCTION:

“Convention on biological diversity” was one of the foremost issues discussed at the Earth summit held Janeiro (Brazil) between June 3 and 14, 1992. A ceremony to mark the opening of the convention on biological diversity took place in the afternoon of June 5. Feraanando Collar, the president of the federal republic of Brazil was the first to sign the convention, followed by India, and 155 other nations. While major industrial powers including United Kingdom, Germany and Japan had decided to sign the convention, the United States refused to do so. The US has thus refused to ‘own’ the responsibility for causing environmental degradation and had escaped the obligation of providing additional funds and transfer of new technology. The US fears for opposing the convention on biodiversity are not justified, and its refusal to sign the document shows that its decision has been influenced by big industries in that country rather than by environmental concerns. One of the point argued by US team at the negotiation table was that the patents right on new technology were owned by private industries is and that fell within the domain of intellectual property right. But the developing countries led by India had put the counter argument that they did not have the necessary funds to by that new technology at an exorbitant rate, and under the convention, the US must provide necessary incremental facility so that new and additional financial resources could be provided for that purpose.

The basis of the convention on biodiversity is the recognition of the fact that the animal and plant life on the earth is endangered by the over-exploitation and excessive emission of toxic gases by the industries in the developed world. The convention seeks to evolve a principle of ‘global participation’ and makes it obligatory on the participating countries to take corrective steps for the conservation of plant and animal life. This global agreement comes against a backdrop of dreadful destruction.

II. CONSERVATION IN CONTEXT OF BIODIVERSITY CONVENTION

At global level:

Apart from the various clauses committing countries to national and international conservation measures, the convention at global level rather appears to be political. This is apparent from the sabotaging act of the US who has refused to sign the biodiversity document. The objective of refusal was to globalise the natural resources of the developing countries while allowing its own resources of the developing countries while allowing its own resources to be ruthlessly exploited on the plea that these were privately owned. However, on this count, the developing countries are in the bargaining position as they have, 90% of the world’s total biodiversity resources. But to do this will require an unprecedent show of solidarity amongst the generich tropical nations of the world, and cooperation between groupings ranging from regional bodies like SAARC to transcontinental for like G77.

For effective conservation some of the important clauses are as follows

1. Under the convention the national sovereignty has been accepted over biodiversity. This means that access to plants, animals and microorganisms are now subject to “mutual agreements’ between the countries. For the first time, a provision has been made for checking one way transfer of resources form developing countries to the developed countries. ‘Mutual agreement’ has yet to be defined. For instance, what would be the demand by the donor country in return for access to genetic resources:

- One time payment or continuing royalties from the profits gained by the receiving country,
- access to relevant technologies, including biotechnology or
- access to genetic products, for example hybrid seeds.

Whatever be the exchange, it should be in benefits of both donor as well as recipient countries.

2. The relevant and acceptable technologies and fund which the developing countries can get

from the developed countries have to be explored. This is mentioned in the various provisions in the convention, including Article 16 which commits nations to “provide and or facilitate access for and transfer to other contracting parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment”. Article 20 further provides for the transfer of “new and additional” financial resources from the developed countries to the developing countries, and for the setting up of a separate, democratically managed fund for biodiversity conservation.”

It is not necessary that “Western Technology” is, always promising. There are a number of ecologically sustainable skills and techniques in developing countries that need to be encouraged and revived, rather than being replaced by modern ones. This is not to say that no western technology is useful, but that its wholesale adoption could be counterproductive. Similarly, the flow of funds from the North will not necessarily enhance biodiversity conservation. A global biodiversity fund can be helpful only when it is democratically managed open to public scrutiny, and sensitive to the environmental context of the recipient country. Having got this accepted as the convention text, the southern countries must continue pressing for such a fund.

Even after relevant technologies and biologically modified products are identified, the southern access to them may be restricted by patents and other forms of IPRs. The convention is not clear on this score. Article 16(2), for instance, subjects to technology transfer to existing IPRs are supportive of and do not run counter to the objectives of this convention.

The developing countries can expose the IPR regimes being imposed by the developed countries as countering the biodiversity conservation interests. This is likely to be an uphill task, given the moves under GATT and related negotiations. Apart from mass movements, the only international tool we have to counter iniquitous and destructive trends like GATT is the Biodiversity convention. Article 22(1), which appears to disallow “exercise of rights and obligations” under other international agreement, could be used to this end.

Safeguards have to built against the misuse of biotechnology. Evidence shows that the potential of modern biotechnology is tempered by its capacity to induce biodiversity erosion, environmental and health damage, and greater economic and social inequality within and among

the nations. The convention is unsound in this respect, but article 19(3) suggests that the countries consider a protocol on “safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity”

In the final analysis, the Biodiversity Convention is effective only if it is creatively and collectively used. Will all the communities from developing as well as developed countries now respond to the challenge to forge a civilization in which humanity is at a peace with its 1.5 million fellow species.

At Country Level

India is fortunately placed in a position of advantage. Ours is a tropical country with a tremendous heterogeneity of environments ranging from tropical rain forests of Andaman and Arunachal Pradesh to the deserts of Rajasthan and Ladakh. It lies at the junction of the three biogeographical provinces of Africa, temperate Eurasia and the Orient.

As a result, it has rich biological heritage that qualifies it as one of the 12 megadiversity nations of the world.

The industrial nations, on the other hand, lie in temperate regions of the world that are quite poorly endowed with natural diversity. Also many of these countries have suffered severe onslaught on Nature till mid 19th or early 20th centuries. As a result, while these nations are far ahead of the tropical world in technologies, the bulk of biodiversity resides in third world countries.

India is, in a way a connecting link. We are not so rich in biodiversity as Colombia or Indonesia, nor so advanced technologically as Germany or Japan. But we possess both substantial levels of biodiversity and technological capabilities. So we must take the lead in steering the Biodiversity Convention in the direction of brighter scenario. Not only this, but being signatory to the convention. India has moral binding to adopt conservation measures as provided in various clauses of the document. A few suggested measures are discussed as follows:

1. India has to review its development and agriculture policy to incorporate the conservation measures as suggested in draft of Biodiversity Convention. Article 6 of the convention states that each contracting party shall, in accordance with its particular conditions and capabilities integrate as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies” while Article 14

requires that each contracting and “introduce appropriate producers requiring EIA of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects”

The agricultural policy should also be revised to incorporate conservation and upgradating of indigenous crops and livestock varieties perhaps by redirecting subsidies and incentives towards them. But it will require an uphill, long drawn struggle to get the minds of decision makers changed. Indeed, the recent economic policies, particularly the IMF-World Bank inspired liberalizations and structural adjustment process, may make this task virtually impossible. More than ever before, the clamour for foreign exchange is likely to lead to pressure to sell off our biological resources. The main hope is that the increasing number of mass movements and active participation of environmentalists will pressurize the Government to change destructive developmental policies.

2. An immediate step is to incorporate biodiversity concerns in the existing EIA procedures. A long pending proposal for making EIAs mandatory for both private and public sector development projects must be immediately notified.

India has to take fresh look at the conservation programmes, policies and laws. This follows the commitment in Article 6 of the convention” that each contracting party shall in accordance with its particular condition and capabilities develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes”. The 1992 National Conservation Strategy and Policy Statement on Environment and Development has to be followed up with a detailed biodiversity conservation strategy. One step towards this is the comprehensive status report on Indian Biodiversity, currently being prepared at the IIPA.

3. Another measure is to strengthen the laws on the biodiversity conservation. An assessment of over 40 Acts by the IIPA found serious gaps in conservation of domesticated biodiversity, restriction on introduction of exotics, and appropriate sharing of benefits of biodiversity use. The government is considering a separate, over reaching legislation on biodiversity. However, there are certain difficulties in formulation of such legislation:

-how does one deal with both wild and domesticated biodiversity in a single Act?

-how does one legislate meaningful measures in the absence of even basic knowledge on biodiversity

among the personnel concerned including the judiciary?

-how do local community rights become the centre-point of such legislation?

4. The conservation in India, as in the rest of the world, has focused mainly on some glamorous animals (as wild cat, elephants, etc) while ignoring the rest of the biological diversity. Particularly serious is the neglect of insect and other invertebrate life, and a majority of plant species.

5. Regarding the involvement of local communities in the conservation programme, Article 8(j) states that “each contracting party shall as far as possible and as appropriate subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote wider application with the approval and involvement of holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefit arising from the utilization of such knowledge innovation and practices”. Unfortunately, the villagers living in or around areas of rich diversity have been adversely affected by the curtailment of traditional rights to land and resources. This is not only violation of human rights but a suicidal approach to conservation. No protected area is going to survive for long in the midst of a hostile and hungry population. The only way to overcome this hurdle is to ensure involvement of local communities in conservation programme, by guaranteeing their land and forest rights, and providing them stake in the sustainability of their natural surroundings.

REFERENCES:

- [1]. Agrawal, K.C., 1993. Environmental Biology Agro Botanical Publishers (India), Bikaner
- [2]. McNeely, J., Miller, K., Reid, W., Mittermeier, R. and Werner, T., 1990. Conserving the World's Biological Diversity IUCN, WRI, C1, WWF-US and World Bank, Washington DC.
- [3]. Caufield, C., 1984. In the Rainforest University of Chicago.
- [4]. Colchester, M., 1989. Pirates, Squatters and Poachers: the political Ecology of Dispossession of the Native People of Sarawak Survival International, London.
- [5]. Hong, E. 1987. The Natives of Sarawak Third World Network, Penang, Malaysia.
- [6]. Lutzenberger, J., 1987. “Who is destroying the Amazon Rainforest?” in Ecologist 17(4/5).

- [7]. Lutzenberger, J., 1989. "Rainforests-their survival and Ours" in Link Up, March.
- [8]. Nectoux, F. and Kuroda, Y., 1989. Timber of Southseas: An Analysis of Japan's Tropical Timber Trade and its environmental impact WWF-International, Gland Switzerland.
- [9]. prasannarani tanneru. "Biotechnology, Biodiversity and Intellectual Property Rights" International Journal of Engineering Research and Applications (IJERA), vol7, no 11, 2017, pp. 48-50.

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