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Go slow on ratifying Nagoya Protocol, say experts

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Institutionalised mechanism for benefit sharing mooted

: As India gets ready to ratify the Nagoya Protocol on Access and Benefit Sharing (ABS) arising from utilisation of genetic resources, scientists and Intellectual Property Rights (IPR) experts point to the dangers of opening up the country's rich biodiversity for exploitation by foreign powers without a domestic regulatory framework in place.

The first meeting of the signatories to the protocol is being held in connection with the 11th Conference of Parties to the Convention on Biological Diversity which began in Hyderabad on Monday.

R.S. Praveen Raj, scientist at CSIR-NIIST and former patent examiner at the Indian Patents Office, stresses the need for India to exercise caution in ratifying the protocol. "In the absence of a strong institutionalised mechanism for benefit sharing, it represents more of a threat than an opportunity for the country". Dr. Raj said the country could end up becoming a victim of biological exploitation unless there was strong legislation based on a workable model of benefit sharing. "Unfortunately, a standard, replicable model is yet to emerge".

A supplementary agreement to the Convention on Biological Diversity, the protocol seeks to ensure fair and equitable sharing of benefits arising from the utilisation of genetic resources and associated traditional knowledge. India is one of the 92 countries that have signed the global treaty.

Debate sought

Shalini Bhutani, a Delhi-based lawyer specialising in trade, agriculture and biodiversity, feels the Government of India should not ratify the Nagoya Protocol in haste. "People have to be given time to understand the implications of the treaty. There should be a public debate".

"The Nagoya Protocol essentially relies on the strength of a country's domestic regulation. But India's ABS regime is focussed more on facilitative access, with less emphasis on benefit sharing. While the National Biodiversity Authority (NBA) continues to grant approvals for access, the benefit sharing framework is still in the making".

She feels designing a biodiversity governance regime should be a participatory exercise involving people from diverse sectors. "Biodiversity Management Committees should be equipped to understand the ramifications of the ABS through a capacity-building exercise".

R.Sridhar, spokesman for Thanal, an environmental and advocacy research group, points out that in the absence of a regime for protection of biodiversity-linked traditional knowledge, India's ratification of the Nagoya Protocol could turn out to be a tool for foreign powers to exploit the country's resources.

Legitimate benefits

"India will be a loser unless we are in a position to set our terms for ratifying the agreement. It should not be a benevolent beneficiary system but one that ensures legitimate benefits to tribals, farmers, and traditional communities who are the custodians of biodiversity", he says.

P. Pushpangadan, former director, National Botanical Research Institute, Lucknow, feels that providing access to biological resources without proper checks and balances could spell danger for a country like India with rich biodiversity. "With multi-million dollar industries such as pharmaceuticals constantly on the lookout for raw material, India could end up on the losing side unless we have strong laws to ensure equitable benefit sharing".

P.G. Latha, Director, TBGRI, points out that the Nagoya Protocol mandates a domestic regulatory framework and capacity building measures.

S. Rajasekharan, deputy director, TBGRI, said India might have to seriously think about restructuring the Biological Diversity Act 2002 and Biological Diversity Rule 2004 before ratifying the protocol.

Fears over exploitation of biodiversity by foreign powers***Public debate on protocol sought***
