

## Book review

# Protection of Himalayan Biodiversity: international environmental law and a regional legal framework

Ananda Mohan Bhattarai. Sage Law Publications. 2010. 382 pp.

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In *Protection of Himalayan Biodiversity: International Environmental Law and a Regional Legal Framework*, Ananda M Bhattarai makes a compelling argument for the development of a regional framework to protect biodiversity and the associated traditional knowledge systems in the Himalayas. After considering the region's unique biological and cultural heritage, the author describes how historical conflicts over geo-political boundaries, land reforms in the name of modernization, and other human-induced challenges such as the increasingly rapid melting of glaciers are exerting unprecedented pressures on the region's biodiversity and the livelihoods and practices of the local indigenous communities. While acknowledging that the expanse of the Himalayas makes it difficult to generalize the challenges faced by the region's stakeholders, Bhattarai convincingly depicts biodiversity loss as a common problem bounding the various Himalayan countries to a similar 'bio-eco reality,' which requires the formation of a regional policy regime capable of harmonizing the discordant policies and laws of the different areas.

Drawing primarily from the legal aspects of biodiversity conservation, this book sketches a detailed landscape of existing international legal and policy agreements addressing biodiversity and traditional knowledge systems. It also explains how these have raised new questions with respect to the governance and management of transboundary environmental resources. In discussing the principles and mechanisms of the Convention on Biological Diversity (CBD), Bhattarai helps us understand the various interrelated

aspects of biodiversity preservation—conservation, sustainable use, and benefit-sharing—and the rising tension between the technology-rich North and the biodiversity-rich South over issues of access to biological resources. At times, the author's analysis of existing biodiversity agreements seems overly meticulous, but it brings to our attention an important assumption underlying these regimes—advances in biotechnology are reconcilable with the conservation and sustainable use of genetic and other bio-resources.

In discussing the possible means of protecting traditional knowledge and practices, Bhattarai successfully highlights the links between the ecological and human aspects of conservation. He stresses the importance of traditional knowledge systems for biodiversity conservation, thereby adding his voice to an ongoing discussion on the role of local indigenous communities in the implementation of both conservation and development strategies. He enlivens his discussion of traditional knowledge systems by explaining how the extension of Intellectual Property Rights (IPRs) to bio-resources has intensified debates between the North and South over issues of access and benefit-sharing. For those unfamiliar with the debates over IPRs, this book provides a simple and effective framework for understanding how the 'knowledge economy' is at the same time hindering and opening new avenues for the conservation of biodiversity and the associated traditional knowledge.

The premise of the book is the need for a regional Himalayan framework for the conservation of biodiversity that would harmonize the national laws of the adjoining countries and encourage a common

approach for tackling unresolved issues such as the conflict between the CBD and the IPR regime. In the last chapter, Bhattarai compares the national biodiversity policies of the Himalayan countries and lays out the objectives for the development of a Himalayan conservation framework. These include taking into account mountain specificities, abiding by the principle of 'common but differentiated responsibility,' bringing indigenous people to the centre of the conversation, and appointing a committee of scientific experts to guide decision about sustainable use, access, and benefit-sharing. Bhattarai uses sustainable development as the overarching backdrop for this Himalayan framework, and emphasizes the link between biodiversity conservation and other international issues such as poverty, climate change, loss of social capital, land-use reforms, and agricultural practices.

In his conclusion, the author acknowledges the various challenges that stand in the way of a

multilateral Himalayan agreement on biodiversity conservation. However, the strategies he proposes for overcoming these challenges at times seem overly straightforward, considering the difficulty of the task he is proposing. The vastness and heterogeneity of the region, existing tension amongst Himalayan countries and between indigenous communities and national governments, growth of non-state actors, and the disproportionate influence of India and China in the region are likely to erode perceptions of shared responsibility and inclinations to collaborate across national boundaries. With this book, Bhattarai sets the stage for further discussions about the benefits and challenges of transboundary collaboration for resolving environmental problems. Considering the recent findings on the impacts of climate change on the region's glaciers and water resources, any assessment of the feasibility of a regional Himalayan regime for environmental governance is critically important.