



Hors collection
tome **45**
150 x 240 mm, broché
texte en anglais
319 pages
ISBN 978-2-85653-957-6
35 € TTC | 33,18 € HT

Sortie le 30 novembre 2021

Nature in Common

Beyond the Nagoya Protocol

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EDITORS

Environmental economist Catherine Aubertin and senior curator Anne Nivart, were the driving force behind the creation of the ABS committee at the French National Research Institute for Sustainable Development (IRD) and the Nagoya Unit at the French National Natural History Museum (MNHN).

BOOK

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.

Commandes et renseignements Muséum national d'Histoire naturelle Publications scientifiques • CP 41 • 57 rue Cuvier • 75231 Paris cedex 05 tél. [33] (0)1 40 79 48 05 • fax [33] (0)1 40 79 38 40 • diff.pub@mnhn.fr



<p>Nature in Common: Beyond the Nagoya Protocol</p> <p>Important: independence and food security for States, food and economic self-sufficiency for family farming, and economic power for the local industry. The importance of these issues is reinforced by the urgency of rapid change and the agro-ecological transition.</p> <p>The issue of access to the diversity of domesticated species is all the more important because of the high degree of interdependence between countries: no country can claim to have access to the genetic resources required to meet all its needs, despite the fact that many States have established mechanisms for the conservation of genetic resources of domesticated species. Innovations in the field of synthetic biology hold enormous promise, but they will not obscure the need for genetic resources. Learning, aside the question of their social acceptability, these innovations as yet concern only the modification of living organisms, requiring the isolation of genetic resources, and do not enable ex situ conservation.</p> <p>Unlike much of wild biodiversity, domestic biodiversity has been subject to multiple exchanges between individuals and between human communities throughout its history. Since the earliest days of domestication, it has known the flow of human labour transformed and passed on from generation to generation. Domestic biodiversity is, in the true sense of the word, a heritage of humanity – biological as well as historical and cultural.</p> <p>Resource and heritage: this duality of domestic biodiversity causes the principle of access and benefit sharing (ABS) to be considered as both an obvious fact (easy access to domestic diversity) and its utilisation should be subject to similar ABS regulations as wild biodiversity) and as a question (why should a heritage of humanity cease to be common?).</p> <p>These questions will permeate the topics developed in this chapter, which presents a brief history of domestic biodiversity and the emergence of the notion of genetic resources, before discussing the relationship between ABS and collections of agricultural material.</p>	<p>Genetic Resources from Domestication to Biological Resource Centres</p> <p>Origin of domestic biodiversity</p> <p>The plants that humans grow and the animals they raise did not always exist as we know them today. They are products of the domestication of wild species by humans, followed by selection over the subsequent millennia.</p> <p>Agriculture has led to the profound transformation of landscapes, with knock-on impacts on the evolution of the biodiversity associated with them. Domestication itself is one of the most striking examples of the impact of human activity on the evolution of living beings: indeed, it was the diversity of domesticated species that helped Darwin understand the effects of selection. Through agriculture, humans caused the speciation of nature and became actors in the world they inhabited and transformed (CAUVIN, 2000; COHEN, 2000). The importance of access to resources for food and clothing began to diminish in favour of access to land, plant seeds and breeding animals.</p> <p>Domestication has occurred in many parts of the world. For example, wheat and barley were domesticated in the Middle East; maize, tomatoes and potatoes in Central and Latin America; millet and sorghum in Africa; rice in Asia and Africa. Other examples include wine in Asia, and sheep in the Middle East. Domesticated species acquire traits that facilitate their collection, harvesting or breeding. Plants and pigs have come a long way since then. Many species (corn, rice, cows, poultry, etc.) have conquered the planet. This shows that the globalisation of agriculture did not begin in this century or even the last. Human migration have progressively extended the collection and breeding areas of domesticated species, while great explorations took them across the oceans and from one continent to another.</p> <p>These movements mean that domesticated species are continually evolving and diversifying by adapting to new environments under the combined effects of human and natural selection. Selection by farmers also contributes to diversification, by developing varieties or breeds that correspond to various needs and preferences (early maturity, colour, taste, ease of processing, etc.). Exchanges of words between farmers also alter the genetic material.</p>
<p>Nature in Common: Beyond the Nagoya Protocol</p> <p>LELOUÉ V., 2011 – Entre courtiers et communautés de pratique: le rôle des CEI dans la gouvernance globale des ressources génétiques. 16th ATP Congress, Stockholm, France, August 11 – September 2, 2011. Organisation for Economic Co-operation and Development, 2011 – Biological Resource Centres: Bridging the Gaps of IAG Sciences and Biotechnology #9 p.</p> <p>PERCIVAL R., 1997 – Scientists, plants and politics: a history of the plant genetic resources movement. Ecosyst. Human Health.</p> <p>REICHTMAN V., 2015 – Social seed networks: identifying central farmers for equitable access. <i>AgriFood Systems</i> 10: 110-121.</p> <p>SCHMIDT S. M., LELOUÉ V., DISCHENBACHER T., 2011 – Access and benefit-sharing for genetic resources for food and agriculture: current use and exchange practices, constraints, differences and new community work. Report from a multi-stakeholder open dialogue. Rome, CGIAR, Background Study Paper No. 39, July 2011.</p> <p>TAMMUNEN T., 2014 – Le rôle des CEI dans la gouvernance des ressources génétiques: une revue de la littérature scientifique. <i>Revue de la FAO sur la gouvernance internationale de la biodiversité agricole et forestière: filières publiques. Revue internationale d'éthique sociale et environnementale</i>, 16(1).</p> <p>TAMMUNEN T., 2017 – Ressources génétiques: genetic factors as non public goods or common pool resources? <i>Enterprise & Innovation</i>, 3: 109-120.</p> <p>TAMMUNEN T., CALLEDO S., 2016 – Effects of farmer social norms and plant knowledge on seed use and conservation. <i>AgriFood Systems</i>, 11(2).</p> <p>VAN DER VEGT, 1987 – <i>Origin and Geography of Cultivated Plants</i> (translated by Dani Löfer). Cambridge, Cambridge University Press.</p>	<p>Chapter 2</p> <p>Ex situ natural history collections</p> <p>A potential renewed by scientific advancements</p> <p>Jacques CHESSE</p> <p>Anne NIVART</p> <p>The Convention on Biological Diversity (CBD) and the Nagoya Protocol apply both to genetic resources and the associated and distinct knowledge conserved ex situ, i.e., when conserved outside their natural habitats or even their country of origin. Ex situ collections refer to physical resources and associated traditional knowledge embodied in material goods such as herbaria, seed banks, or ethnographic objects preserved and accessible in the collections historically assembled in the West. Ex situ collections are a historical and tangible reality in terms of the number of objects they contain. However, they are not addressed by the text of the CBD or the Protocol, even though they are one of the sticking points among the parties, in particular due to the conditions of their assembly in what was essentially a colonial context.</p> <p>There is no legal definition of the notion of a collection. European Regulation no. 511/2010 implementing the Nagoya Protocol established some guidance for collection. This guidance proposes:</p>
<p>Nature in Common: Beyond the Nagoya Protocol</p> <p>Framework? Whatever the circumstances, if it is proven that the criteria for access have not been met, an access given may be revoked.</p> <p>The right to free, prior and informed consent has at least three specific characteristics that justify its special recognition. First of all, it is a right that differs from other rights as participation in circumstances, etc. It is a right that is inalienable and indivisible, and which allows them to benefit from and participate in development projects rather than being subject to them. Finally, it is a right whose proper execution is required and verified in certain situations – in the framework of the Nagoya Protocol, of course – but also in other cases such as neo-certification procedures.</p>	<p>Part 3</p> <p>Rethinking indigenous rights</p>
<p>Nature in Common: Beyond the Nagoya Protocol</p> <p>and indigenous organisations,¹⁶ the NGO Terra de Direitos, and the Pastoral Land Commission. It is perhaps worth noting that the financial resources required to support the collection of community protocols have largely been provided by international organisations.</p> <p>Going beyond the question of genetic resources</p> <p>For the indigenous movement, a major topic of discussion at present is how best to guarantee the rights of peoples living in vulnerable situations. At a time of rapid and deep ecological and social changes, it is a right that is inalienable and indivisible, and which allows them to benefit from and participate in development projects rather than being subject to them. Finally, it is a right whose proper execution is required and verified in certain situations – in the framework of the Nagoya Protocol, of course – but also in other cases such as neo-certification procedures.</p> <p>The community protocols introduced by the Nagoya Protocol can and should not be the source for a more balanced and equitable process of access and benefit sharing for traditional knowledge associated with biodiversity. Above and beyond the question of access to genetic resources, they serve to establish rules for consultations in all matters affecting local and indigenous communities, ensuring that real negotiations take place between communities, governments and other social and economic stakeholders.</p> <p>1 See: https://doi.org/10.26907/2474-9518</p>	<p>Part 4</p> <p>Spillover and Tensions</p>