

# Review of European Community & International Environmental Law

## Focus on: Biodiversity

The Convention on Biological Diversity: The Next Phase  
*Sam Johnston*

Stemming the Loss of Biological Diversity: The Institutional and  
Ethical Contours  
*Christopher D. Stone*

Institutional Linkages Between the Convention on Biological  
Diversity and Other International Conventions  
*Lee A. Kimball*

Emerging Legislative Approaches to Implement Article 15 of the  
Convention on Biological Diversity  
*Lyle Glowka*

In Search of Knowledge and Resources: Who Sows? Who Reaps?  
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Access to Genetic Resources: A Critical Approach to Decision 391  
'Common Regime on Access to Genetic Resources' of the Commission  
of the Cartagena Agreement  
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The Undertaking Revisited: A Commentary on the Revision of the  
International Undertaking on Plant Genetic Resources for Food  
and Agriculture  
*Kerry ten Kate & Carolina Lasén Diaz*



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**National Biodiversity Planning: Guidelines Based on Early Experiences Around the World**, *Kenton R. Miller and Steven M. Lanou* (eds.), published by World Resources Institute (in cooperation with UNEP and the IUCN), Washington, DC, 1995, 161 pp. \$19.95.

The Convention on Biological Diversity, initially signed at UNCED in 1992 and ratified in recent years, has become the most important legal instrument between nations for the control of loss of natural habitat and species. But much of the actual conservation necessary for the Convention to be successful will be done at legal and administrative levels below those of national governments. In coming years, the achievements of the Convention will be very much tied to the way that national governments can co-ordinate and support myriads of local efforts.

Article 6 of the Convention calls for national strategies and action plans. *National Biodiversity Planning* is a handsome manual which highlights the great range of conservation strategies that must be devised and pursued in response to this global crisis. The manual also illuminates the often contradictory roles of national governments in those efforts. The core of this manual is a seven-step biodiversity planning process beginning with the formation of partnerships between various agencies and NGOs, and followed by in-country assessment, strategy development, development of plans of action, implementation, monitoring and evaluation, and report/public relations.

Much of what *National Biodiversity Planning* deals with is the problem of inspiring action from various agencies with mandates often still in conflict with habitat and biodiversity conservation. The approach of the manual's co-ordinators Miller and Lanou is highly technocratic and avoids the inevitable political dimensions involving more fundamental contestations of national governments and the effectiveness of respective environmental agencies. Thus the book avoids questions of

democracy and justice and the impacts of activism, unresolved land claims, a range of other unresolved questions of sovereignty, jurisdiction, and ownership. Such conflicts can severely limit the mandates and effectiveness of national institutions to co-ordinate biodiversity conservation but they are also often key for institutional reform. The policy frameworks, therefore, are somewhat static, limited to relevant unstable government contexts in developing nations – jurisdictions with some of the most and more vulnerable biological resources and natural habitats. The case studies are of studies and strategies in Australia, Canada, the Philippines, Germany, Norway, Indonesia, the UK, Vietnam, China, Chile, Poland, Kenya, Egypt, Costa Rica, and the South Pacific. The manual shies away from the crucial discussion of evaluating institutional effectiveness within various political economies and within contexts of increasing environmental deterioration. This highly informative guide includes excellent lists of technical resources and is an indispensable guide for policy development.

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**Balancing The Scales: Guidelines For Increasing Biodiversity's Chances Through Bioregional Management**, by *Kenton R. Miller*, published by World Resources Institute, Washington, DC, 1996, 73 pp., \$14.95 paperback.

This book is the more intriguing of a set on biodiversity policy that has come, over the last decade, from the Washington-based World Resources Institute. The discussion is one of the more innovative in its thinking. Over the last two decades, 'bioregionalism' has blended volatile and dissonant critiques of the state with reverence, of various depths, for local ecosystems and the natural and social factors that made them. Bioregionalism has been most publicly associated with the various 'greater ecosystem' movements in North America where natural regions often appear to have more

rationality than the straight lines of many provinces and states.

In Europe, there has often been a thread of latent bioregionalism in many of the devolution and separatist movements as well as those for locally controlled environmental management. Eminent park planner Kenton Miller lists fourteen key characteristics of 'bioregional management' including an emphasis on large, 'biotically viable regions', 'a structure of cores, corridors and matrices', and 'adaptive management'. But some of Miller's other characteristics, such as 'economic sustainability' and 'full involvement of stakeholders' are only rhetorical in their vagueness.

While bioregional approaches to landscape management invariably embody broad public policy, the emphasis in this book is limited to an 'ecosystem management' approach rooted in a narrow interpretation of conservation biology. The great value of *Balancing the Scales* is its case studies especially those of La Amistad Biosphere Reserve of Mexico, the Greater Yellowstone Ecosystem of the Rocky Mountains, the Wadden Sea involving The Netherlands, Germany, and Denmark, the Serengeti of Kenya and Tanzania, Australia's Great Barrier Reef, and North York Moors National Park. There are some other discussions where the bioregional logic is not so clear: the CAMPFIRE Association of Zimbabwe and The Hill Resource Management Program, India. Miller's guidelines for bioregional management focus on sorting out various questions of scale, 'leadership', cooperation, and capacity building. This little book has come as ecosystem management of regional landscapes has become the paradigm, or at least 'the flavour of the month' in North America.

While this introduction obscures the extent of and the divergence within this body of thought on environmental policy, it begs more contentious and politicized frameworks for assessing the ongoing conservation effectiveness of older jurisdictional lines rooted in nineteenth century empires and states.

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