

CONTENTS

List of contributors

xi

Preface

xxi

PART I

Introduction

1

- 1 Biodiversity and the law: mapping the international legal terrain
Burton Ong

3

- 2 *Biodiversity and the Law* in brief
Charles R. McManis

14

PART II

Conservation and sustainable use of genetic resources

25

- 3 Biodiversity in international environmental law through the UN
Sustainable Development Goals
Nicholas A. Robinson

27

- 4 Biodiversity, protected areas and the law
Jamie Benidickson and Alexander Paterson

42

- 5 The international legal framework for the protection and sustainable use
of marine biological diversity
Youna Lyons and Denise Cheong

60

6	Biosecurity, invasive species and the law <i>Opi Outhwaite</i>	83
7	Biotechnology, biodiversity, and the environment <i>Barbara A. Schaal and Joseph M. Jez</i>	98
8	Legal responses in the United States to biodiversity loss and climate change <i>James Ming Chen</i>	109
9	China's biodiversity law <i>John Copeland Nagle</i>	124
10	The International Treaty on Plant Genetic Resources for Food and Agriculture: toward the realization of farmers' rights as a means of protecting and enhancing crop genetic diversity <i>Regine Andersen</i>	135
PART III		
	Access and benefit-sharing	155
11	Access to and benefit-sharing of marine genetic resources beyond national jurisdiction: developing a new legally binding instrument <i>Carlos M. Correa</i>	157
12	The impact of natural products discovery programs on our knowledge of the flora of Madagascar <i>James S. Miller and Porter P. Lowry II</i>	175
13	Regulatory measures on access and benefit-sharing for biological and genetic resources: national and regional perspectives from the Philippines, Singapore and ASEAN <i>Lye Lin-Heng and Rose-Liza Eisma-Osorio</i>	180
14	One step forward, two steps back? Implementing access and benefit-sharing legislation in South Africa <i>Rachel Wynberg</i>	198
15	De-materializing genetic resources: synthetic biology, intellectual property and the ABS bypass <i>Margo A. Bagley</i>	219

PART IV

Traditional knowledge protection 237

- 16 Traditional knowledge: lessons from the past, lessons for the future 239
Michael J. Balick

- 17 Bioprospecting and traditional knowledge in Australia 254
Michael Blakeney

- 18 If we have never been modern, they have never been
 traditional: 'traditional knowledge', biodiversity, and the flawed ABS
 paradigm 276
Graham Dutfield

- 19 Where custom is the law: state and user obligations to 'take into
 consideration' customary law governing traditional knowledge and
 genetic resources 291
Brendan Tobin

PART V

Biodiversity and intellectual property protection 311

- 20 Biodiversity, intangible cultural heritage and intellectual property 313
Christoph Antons

- 21 Intellectual property, biodiversity and food security 326
Brad Sherman

- 22 Sisyphus redivivus? The work of WIPO on genetic resources and
 traditional knowledge 337
Nuno Pires de Carvalho

- 23 Is the whole greater than the sum of its parts? A critical reflection
 on the WIPO IGC 350
Daniel F. Robinson

PART VI

**The ethics, economics and science-policy interface of
 biodiversity protection 359**

- 24 Naturalizing morality 361
Ursula Goodenough

25	Making legal use of the valuation of nature	367
	<i>Colin T. Reid</i>	
26	Bounded openness as the modality for the global multilateral benefit-sharing mechanism of the Nagoya Protocol	377
	<i>Joseph Henry Vogel, Klaus Angerer, Manuel Ruiz Muller and Omar Oduardo-Sierra</i>	
27	The IPBES, biodiversity and the law: design, functioning and perspectives of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services	395
	<i>Guillaume Futhazar, Denis Pesche and Sandrine Maljean-Dubois</i>	
	<i>Index</i>	408