

## CORRESPONDENCE

frogs were reported from both Western Ghats<sup>10,12</sup> and Sri Lanka<sup>13</sup> of which 112 species are endemic to this hotspot. (2) Unlike in birds, the species accumulation curve for frogs has not yet reached a plateau in the Western Ghats (Figure 1). (3) The species accumulation curve for the common (non-endemic) species of frogs has reached a plateau almost a century ago while for the endemics, the curve appears to be still in the log phase (Figure 2). (4) The average number of years for discovery of the endemic species (161 years) is significantly higher compared to that for the non-endemic species (105 years;  $t$  test;  $P < 0.001$ ). In fact it took nearly 90 years since Linnaeus for the first endemic species of frog to be discovered (1838) in the Western Ghats, compared to ~40 years for the first non-endemic species (1799).

The results suggest that the temporal discovery curve of frogs of Western Ghats region is not yet saturated and there has always been a chance for new species to be discovered. Further, most of those discovered are likely to be endemic. In other words, the recent reports on the discovery of an unusually high number of new species of frogs from the Western Ghats hotspot is not surprising and perhaps it was always waiting to happen! Accordingly, these recent reports may not

be a consequence of an altered protocol of the amphibian taxonomy or of unusually high rates of local radiation among frogs. The new species may represent the genuine existence of hitherto undiscovered species. In summary, there could be more frogs out there to be discovered – herpetologists, get ready with your backpacks!

1. Chaitra, M. S., Vasudevan, K. and Shanker, K., *Curr. Sci.*, 2004, **86**, 897–899.
2. Pethiyagoda, R. and Manamendra-Arachchi, M., *Evaluating Sri Lanka's Amphibian Diversity*, Occasional papers of Wildlife Heritage Trust of Sri Lanka, 1998.
3. Meegaskumbura, M., Bossuyt, F., Pethiyagoda, R., Manamendra-Arachchi, K., Bahir, M., Milinkovitch, M. C. and Schneider, C. J., *Science*, 2002, **298**, 379.
4. Biju, S. D., *A Synopsis of Frog Fauna of Western Ghats of India*, Occasional publication 201, ISCB, TBGRI, Tiruvananthapuram, 2001.
5. Biju, S. D. and Bossuyt, F., *Nature*, 2003, **425**, 711–714.
6. Dutta, S. K., Vasudevan, K., Chaitra, M. S., Shanker, K. and Aggarwal, R. K., *Curr. Sci.*, 2004, **86**, 211–216.
7. Gould, S. J. and Eldridge, N., *Paleobiology*, 1977, **3**, 115.
8. Dubois, A., Ohler, A. and Biju, S. D., *Alytes*, 2001, **19**, 53–79.

9. Krishnamurthy, S. V., Manjunatha Reddy, A. H. and Gururaja, K. V., *Curr. Sci.*, 2001, **80**, 887–891.
10. Chanda, S. K., *Handbook: Indian Amphibians*, Zoological Survey of India, Calcutta, 2002.
11. <http://research.amnh.org/herpetology/amphibia/index.html>
12. Gururaja, K. V., <http://wgbis.ces.iisc.ernet.in/biodiversity/newsletter/issue6/index.htm>, 2004.
13. [http://www.benthic.com/sri\\_lanka/amphibians.htm](http://www.benthic.com/sri_lanka/amphibians.htm).

N. A. ARAVIND<sup>1</sup>  
R. UMA SHAANKER<sup>1,2,4,\*</sup>  
K. N. GANESHAIAH<sup>1,3,4</sup>

<sup>1</sup>*Ashoka Trust for Research in Ecology and the Environment, Hebbal,*

*Bangalore 560 024, India*

<sup>2</sup>*Department of Crop Physiology and*

<sup>3</sup>*Department of Genetics and Plant Breeding,*

*University of Agricultural Sciences, GKVK,*

*Bangalore 560 065, India*

<sup>4</sup>*Jawaharlal Nehru Centre for Advanced Scientific Research,*

*Jakkur,*

*Bangalore 560 064, India*

*\*For correspondence.*

*e-mail: rus@vsnl.com*

## MEETING REPORT

### CBD: The unmaking of a treaty\*

The Convention on Biological Diversity (CBD), formulated in 1992, has been one of the hard-negotiated international treaties. Although negotiated in the global, political ambience of the new unipolar world order and the unopposed Western victory in Iraq, the Southern negotiators had displayed unusual unity and negotiation skills, the result was a fairly balanced treaty that accommodates the legitimate interests of both the South and North.

\*A reflection on the Seventh Meeting of the Conference of Parties held at Kuala Lumpur during 9–20 February 2004.

But perhaps that is all that could be said of the Convention. More than a decade after its entry into force, its achievements remain volumes of repetitive documents, endless surrealistically named committees and fissiparous meetings. While the CBD process indulged in its own virtual world, biopiracy remained unabated in the real world.

The proceedings of the recently held Seventh Meeting of the Conference of Parties (CoP) do not leave room for much hope either. The meeting, in fact, marked another retrogressive step in terms of enforcement. The Convention text unequivocally recognizes national sover-

eign rights over biodiversity, requires prior informed consent for access to biodiversity and that such access should be based on naturally agreed terms. CBD also stipulates that any commercial benefit derived out of the use of biodiversity should be equitably shared with the providing country. CBD has thus made biopiracy an international offence and set the fundamental legal framework for providing access to biodiversity and benefit-sharing.

However, these hard-negotiated provisions of the Convention were ingeniously undermined by the North, skillfully side-stepped by the Convention Secretariat

and blissfully ignored by the Southern Parties. As a result, species after species have been misappropriated from the bio-rich South, worked on and patented, all in obvious violation of the treaty.

A centrepiece of the meeting is the decision to develop an 'international regime' for access to biodiversity and benefit-sharing. Such a decision has been the culmination of a lengthy process initiated at the third CoP. While the basis for access and benefit-sharing has been clearly laid out in the Convention and it unconditionally requires on the Parties to take 'legislative, administration or policy measures' to facilitate benefit-sharing with the providing countries (Article 15.7), this new exercise would only help the developed country Parties to circumvent the legally binding requirements for benefit-sharing as provided in the Convention, apart from providing an excuse for continued inaction on this count.

Developing countries have, in fact, been tricked into asking for an international regime, while they should actually have been asking the CoP to review the implementation (or lack of it) of the relevant articles on access and benefit-sharing, especially Article 15.7. By agreeing to negotiate the international regime, developed countries hope to reopen issues that have already been settled in the Convention. For instance, they already object to calling the proposed regime a 'legally binding' one, while indeed the Convention has provided the legally binding provisions for ABS.

There has been an abysmal weakening of the negotiation position of the developing countries. This is disappointing, especially when one considers the unusual strength maintained by developing countries in the CBD formulation negotiations. In retrospect, it was this strength that enabled the developing countries to totally reject the IUCN (The World Conservation Union) – drafted articles and the underlying notions such as States are simply 'guardians or custodians' of biodiversity (and not owners), payment of a levy to a proposed international fund for biodiversity use within their territory, placing the principal emphasis on access to biodiversity, and so on. In its clamouring for a convention on biodiversity in the late 80s, the key objective of the US was to legalize free and open access to biodiversity of the Southern countries, before they institute protective measures. It was indeed a remarkable achievement

of the Southern negotiators that they were able to discard the IUCN draft articles and the notions contained therein, which formed the broad Western negotiation position. It was united and resourceful negotiations by the South that gave birth to a balanced CBD, eliminating the prospect of a treaty for subjugating the most important resource of the South (it is this North–South balance of CBD that prompted the US, the original initiator of the convention proposal, to stay away from the treaty).

But such unity and efficiency have withered once the treaty has come into force. Developing countries have since remained largely reactive and at best defensive. At the recent CoP meeting the G-77 arrangement was not effective, due in part to the late decision on its chair. The half-minded Like-Minded Megadiverse Countries did not have any significant technical support. The regional group meetings of Asia and Africa were largely composed of monologues.

The Conference has adopted new programmes of work on protected areas, mountain biodiversity and technology transfer. The protected areas programme is a means to achieve the 2010 target of significantly reducing the loss of biodiversity, set by the World Summit on Sustainable Development. Although the role of indigenous and local communities are factored in, there is no departure from the exclusionary doctrine of protected areas. While the programme on technology transfer seeks to promote ways to enable the transfer of appropriate technologies to developing countries, the debate on the subject did not address the issue of how the Parties have complied with the obligation under the Convention to 'take legislative, administrative or policy measures' to transfer technology, including those protected by IPRs, on mutually agreed terms (Article 16.3), and to take exactly similar measures to facilitate such technology transfers from the private sector (Article 16.4). This is another instance of compromising the Convention's legally binding provisions. The Conference has adopted guidelines for the sustainable use of biodiversity, biodiversity-related tourism and environmental impact assessment of development projects on the territories of indigenous peoples. Traditional knowledge was another key issue addressed by the meeting.

The West has never been comfortable with CBD's recognition of national sove-

reign rights over biodiversity. In a panel discussion organized by the United Nations University and CBD Secretariat on the sidelines of the CoP, I was surprised to hear Vincent Sanchez, the former Chilean Ambassador who had fairly effectively chaired the negotiation to formulate the Convention, expressing discomfort with the sovereignty provision. Supporting the natural argument of an American delegate on the subject, he observed that the sovereignty issue had 'suddenly cropped up' in the negotiations. One wonders as to when it was that the resources, and for that matter anything else, within the territory of a nation were regarded as global, i.e. in a post-colonial world. The remark was suitably answered by Ambassador Ting Wen Lian, the 'dragon lady' of Malaysia, who had been the vanguard of the South in the Convention formulation negotiations.

At least for some, the global resource argument has been the result of confusing biodiversity with the subject of a prolonged debate within the FAO parlance. The subject there was the genetic resources appropriated from the South and held in the seed/gene banks in the North. Within the FAO fora, the South took the lenient position of regarding these translocated genetic resources as a global resource, while the North opposed access for the South to these resources. And these resources remain untouchable to the CBD too, by having denied retrospective effect to the CBD (Article 15.3). However, the Nairobi Final Act that adopted the final text of the CBD had regarded the issue of access to pre-CBD *ex situ* collections as an outstanding matter and hence called on the FAO system to address this issue (Resolution 3). But the subject of CBD's sovereignty provision is the opposite and simple: a country's own biodiversity within its territory.

The indigenous communities have come a long way in playing a significant role in the CBD process. They have turned out in fairly good numbers and were reasonably well-organized. However, I was disappointed to see a small segment of indigenous groups being influenced by fund-wielding Western agencies in shaping their positions. India has the largest population of indigenous people (whom the minority ruling castes refuse to recognize as indigenous); yet there was none to represent them at the CoP. Several affluent Western NGOs are listed as collaborators in implementing the protected-

areas programme. This is obviously an arbitrary listing and may set an unpleasant precedent. In actual fact these NGOs, though they operate on the international scale on the strength of their funds, do not have an open membership, democratic election of leadership or adequate representation of Southern citizens in their governance structures. I just hope that such arbitrary recognition of NGOs would not set a precedent.

Emil Salim, who chaired the UN Preparatory Committee for the Johannesburg Summit, asked his colleagues on the podium, in desperation, at the adjournment of an inconclusive session during the critical final meeting of the committee,

'What shall we do with the US?' (The saintly Salim had forgotten to switch his microphone off and the next day, NGO representatives appeared at the meeting venue wearing T-shirts printed with the quote). How could CBD achieve the 2010 target of substantially reducing the loss of biodiversity without bringing the country with the largest number of endangered reptilian, amphibian and fish species in the world into its ambit? Nobody has raised the issue of bringing the US to accede to the Convention, not even the Ministerial Declaration which has called on all countries to accede to the Biosafety Protocol. It may not be entirely true that delegates were happy not hav-

ing the intimidating voice of the US in the negotiation halls. The US can be brought into the fold of the treaty only if a forthcoming CoP decides not to provide access to biodiversity for non-Parties.

CBD is a fair, international legal mechanism available for the sustainable management of biodiversity, but its implementation would depend on the strength that the South could gather in the future negotiations, without forgetting their own responsibilities.

---

**S. Faizi**, R2 Saundarya Apartments, Nandavanam, Thiruvananthapuram 695 033, India.

e-mail: biodiversity@rediffmail.com

---

## BOYSCAST programme

It has been well recognized that in order to keep abreast with latest developments in science and technology (S&T), Indian scientists and technologists, particularly the younger ones, should have opportunities to interact with the international scientific community and get first-hand information about the developments taking place at the international level. The 'Better Opportunities for Young Scientists in Chosen Areas of Science and Technology' (BOYSCAST) programme of the Department of Science and Technology provides opportunities to young Indian scientists/technologists below the age of 35 years, who hold regular positions in recognized S&T institutes in India to visit international institutions and interact with scientists/technologists abroad, get exposure to latest research techniques, and

participate and contribute to the latest developments in specially chosen areas of S&T. The fellowships under the BOYSCAST programme are of three to twelve months duration and are provided every year. The selected Indian scientist/technologist should be accepted by a foreign scientific/technological institution, which is internationally recognized as an outstanding institution where major work in the identified area is in progress. It is envisaged that the expertise gained by these young scientists/technologists during the fellowship period will lead to initiation/strengthening of the national programmes in these areas as well as further generation and spread of expertise at the national institutes.

During the last year, the fellowships were awarded to about thirty scientists/

technologists in the following areas: atmospheric and earth sciences, chemical sciences, engineering sciences, life sciences, mathematical sciences and physical sciences.

The overseas host institutions included universities/institutes in USA, UK, France, Germany, Austria, Japan, Australia and Singapore. The BOYSCAST Fellowship for the year 2004–05 has recently been announced (see <http://dst.gov.in>; <http://www.serc-dst.org> and 10 May 2004 issue *Current Science*).

---

**P. K. Malhotra**, Department of Science and Technology, Technology Bhavan, New Delhi 110 016, India.

e-mail: idpkm@alpha.nic.in

---