

sente monografía se convertirá en una obra de obligada referencia y suma utilidad para los investigadores en la materia.

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PÉREZ SALOM, José Roberto:
*Recursos Genéticos, Biotecnología y
 Derecho Internacional. La Distribución
 Justa y Equitativa de Beneficios
 en el Convenio sobre Biodiversidad,*
 2002, Editorial Aranzadi, 350 págs.

The international community has long been concerned for the protection of biological diversity. In 1992, at the United Nations Conference on Environment and Development, States adopted the Convention on Biological Diversity, a milestone in the international efforts in this area. However, one could argue that since its adoption, the Convention and biodiversity issues more generally have not been given the attention and prominence that they deserve and have often been treated as “poor relatives” to other environmental problems, particularly climate change. *Recursos Genéticos, Biotecnología y Derecho Internacional* is therefore a welcome contribution to the analysis of the international legal regime in this field.

Pérez Salom’s work focuses on the 1992 Biodiversity Convention and on the benefits deriving from the use of genetic resources in a just and equitable manner. In his introduction, the author stresses that his examination of the Convention is carried out from a particular perspective: the evaluation of the benefits for developing countries of a just and equitable participation in the conventional regime. This aim is also clearly spelled out in the book’s subtitle, *La Distribución Justa y Equitativa de Beneficios en el Convenio sobre Biodiversidad*.

Pérez Salom’s book is divided in three parts, subdivided into several chapters. The first part, on the international dimension of biological diversity, is composed of two chapters. The first introductory chapter is essentially explanatory. The author clarifies the concepts of biodiversity and biosafety, the importance and benefits deriving from genetic resources and the threats to biodiversity due to environmental degradation, social and economic pressure.

The second chapter is an historical analysis of the international community’s actions that led to the adoption of the Biodiversity Convention in 1992. Concerns over the lack of an adequate international regime to deal with the loss of biodiversity already arose at the 1972 Stockholm Conference on the Human Environment, although as Pérez Salom observes the

issue did not receive much attention at the summit. More encouraging for the development of an international regime regulating the use and protection of biological resources were the World Charter for Nature and the Brundtland Report. These instruments were by projects for a global treaty on biodiversity that resulted in the setting up of an Intergovernmental Negotiating Committee which led to the adoption of the Biodiversity Convention at the Earth Summit in 1992.

The second part of Pérez Salom's book focuses on the Biodiversity Convention and its legal provisions. The Convention is an instrument for the promotion of sustainable development through a just and equitable participation in the benefits deriving from the use of genetic resources. The Convention is the result of a compromise between developed and developing countries, which is reflected throughout its text, the first being concerned with the protection of biodiversity, the latter more worried about the use and control over their natural resources. The Convention, recognising the different agendas and priorities of its Parties, strikes a careful balance between the obligation to protect biological diversity and the need to allow a sustainable use of its components.

The second part of *Recursos Genéticos, Biotecnología y Derecho Internacional* continues with the analysis of

the institutions set up by the Convention, the financial mechanism created to assist developing countries in meeting their obligations and the instruments for its effective implementation. The second part of the book concludes with an examination of the relationship between the Biodiversity Convention and other international treaties, with particular reference to the United Nations Convention on the Law of the Sea.

The most original contribution of this work is to be found in part three, which focuses on the mechanisms created to facilitate a just and equitable participation in the benefits derived from the use of biological resources. Pérez Salom firstly describes the role and legal position of the Parties in the use and sharing of such resources and continues with an enlightening analysis of the legal principles underpinning the access and distribution of the benefits deriving from such use. Of particular interest is the examination of selected international regional and global regimes regulating the access to and sharing of biological resources.

The third part of the book under review then continues with a chapter examining the Convention's provisions on access to and transfer of biotechnology to developing countries. One of the key and most controversial problems for these purposes is the protection of intellectual property rights, as the author correctly points

out in a chapter dedicated to these issues. The final and conclusive chapter is dedicated to a brief analysis of the Cartagena Protocol on Biosafety.

Recursos Genéticos, Biotecnología y Derecho Internacional is a thoroughly clear exposition of the key basic legal issues concerning the use and protection of biodiversity in international law. Pérez Salom's work is an important contribution to a better understanding of the international legal regime in this field. The author has given a coherent and full account of the Biodiversity Convention and has highlighted some of the difficult interpretative questions arising from the text of this treaty. The book stresses the importance of the carefully balanced compromise achieved by the Convention: an attempt to reconcile the protection of biodiversity with its sustainable use. As the author rightly points out in his conclusions, the key to the success of the Biodiversity Convention is its full implementation, with particular attention to the need to guarantee a just and equitable participation of developing countries in the benefits deriving from the use of biological resources. A minor criticism of the book is its too brief analysis of some issues, for example the definition of incremental costs, the relationship between international trade rules and access to biodiversity. The issue of Biosafety would also have deserved, in

the opinion of this reviewer, a more detailed analysis.

The author must be congratulated for his contribution to the field of international environmental law and for producing an enjoyable and accessible book. *Recursos Genéticos, Biotecnología y Derecho Internacional* is to be highly recommended to those interested in environmental issues and, more generally, in international law. Pérez Salom has no doubt produced an excellent piece of work and one would hope his book will contribute to raising the awareness and attention to an environmental issue too often neglected.

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REY CARO, Ernesto J.: *El Protocolo de Olivos para la solución de controversias en el MERCOSUR*, Marcos Lerner, Córdoba (República Argentina), 2002, 100 págs.

El 18 de febrero de 2002, se suscribió en Olivos (Buenos Aires, República Argentina) un nuevo instrumento normativo dedicado a la solución de controversias en el MERCOSUR, tratado éste que forma parte integrante del Tratado de Asunción. No ha entrado todavía en vigor, pero no por ello han dejado de aflorar estudios, como el del profesor Rey Jaro, que examinan ex-