

Chapter 76

Protecting Traditional Knowledge Associated with Genetic Resources by Corporate Social Responsibility

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ABSTRACT

The problems to establish equitable benefit sharing of Traditional Knowledge (TK) associated with Genetic Resources (GRs) have been one of the main discussions in international negotiations. This chapter analyses how Corporate Social Responsibility (CSR) could contribute to international organizations, national governments, and the private sector protecting TK associated with GRs in indigenous and local communities. This research uses the concept of the United Nations Triple Bottom Line Approach, which promotes balance among economic, environmental, and social imperatives towards sustainable development. This chapter illustrates the responsibility of international organizations by providing legally binding instruments. It also compares different national governments' responses to protect TK associated with GRs. Then, the chapter proposes that Public Private Partnerships (PPPs) could be the key to improving contradictions between legal and voluntary instruments in local communities and national and international governments. The analysis suggests that CSR is coherent with PPPs and might generate environmental, economic, and socio-economic challenges in the private and public sectors.

INTRODUCTION

Since the Rio Earth Summit in 1992, many emergent issues have been identified with creation of new conventions and treaties. However, many social problems in developing countries have not been solved. The problem to establish fair benefit

sharing mechanisms of Traditional Knowledge (TK) associated with Genetic Resources (GRs) is one of them. This agenda would not be solved within legally binding instruments. Corporate Social Responsibility (CSR) could be a solution for this comprehensive task by connecting voluntary and legally binding measures. This research

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proposes how CSR works among international organizations, national governments and the private sector to protect TK associated with GRs in indigenous and local communities.

Protecting TK associated with GRs involves multi-sectors among environment, trade and economic and socio-economic developments. The analysis of this research is based on the concept of the United Nations (UN) CSR, which consists economic, social and environmental concerns (UN Economic Commission for Europe (UNECE), 2014a). This UN approach is the general concept of management in the public and private sectors, which promotes balance among economic, environmental and social imperatives towards sustainable development (UN Industrial Development Organization (UNIDO), n.d.).

This chapter analyses how CSR could empower international organizations, national governments and industries for protecting TK associated with GRs in indigenous and local communities. Firstly, the chapter introduces the legally binding approach operated by international organizations. Secondly, the study compares different types of national systems to manage TK associated with GRs. The contradictions between moral incentives of CSR and law has been emphasised in these cases. Thus, the chapter proposes other instruments such as Public Private Partnerships (PPPs), which could promote fair benefit sharing between developed and developing countries. Then, the research suggests that the matrix approach of legal instruments and voluntary measures of CSR would be the key to achieving coexistence between economic and socio-economic developments. It is also essential to develop coherence among the public and private sectors, as well as civil societies to manage TK associated with GRs.

CONCEPTUAL FRAMEWORKS

This section clarifies the conceptual and analytical frameworks of this chapter, which represents the

research question: how could CSR contribute to international organizations, national governments and the private sector to be coherent towards fair benefit sharing of TK associated with GRs in indigenous and local communities? There have been varieties and ample of literature of international regimes and governance systems, which include the broader dialogue initiated by those who have been developing the new institutionalism in international relations study as well as public international laws and CSR. The conceptual framework also explains the discussions on the new ideas of the key terminologies used in this study.

The definition of CSR in this study uses the UN approach, which defines CSR as “a management concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders” (UNIDO, n.d., para.1). The other key definitions are also based on the UN approach, which have been globally used. The concept of “sustainable development” was introduced in the 1987 World Commission of Environment and Development (the WCED) known as the Brundtland Report, entitled *Our Common Future*. The Brundtland Report stated, “Sustainable development is development that meeting the needs of the present without compromising the ability of future generations to meet their own needs” (the WCED, 1987, p.43).

The Brundtland Report has the character of an indispensable moral requirement to recognize the interdependence between all living beings, which long-term survival is the most essential need for both humankind and all life on earth (the WCED, 1987). Thus, “moral incentives” of CSR are also derived from the concept of the UN based on the UN Universal Declaration on the Human Rights. “Moral incentives” should address the universal protection of fundamental human rights (the Office of the High Commissioner for Human Rights (OHCHR), 1948). Moreover, the definition of the UN sustainable development approach includes “capacity building”, which strengthens “the capabilities of people and their institutions

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