ICTSD

INTERNATIONAL CENTRE FOR TRADE AND SUSTAINABLE DEVELOPMENT

Geographical indications:

Opportunities and challenges for environmental protection

Sharing Views on Quality Products Linked to Geographic Origin
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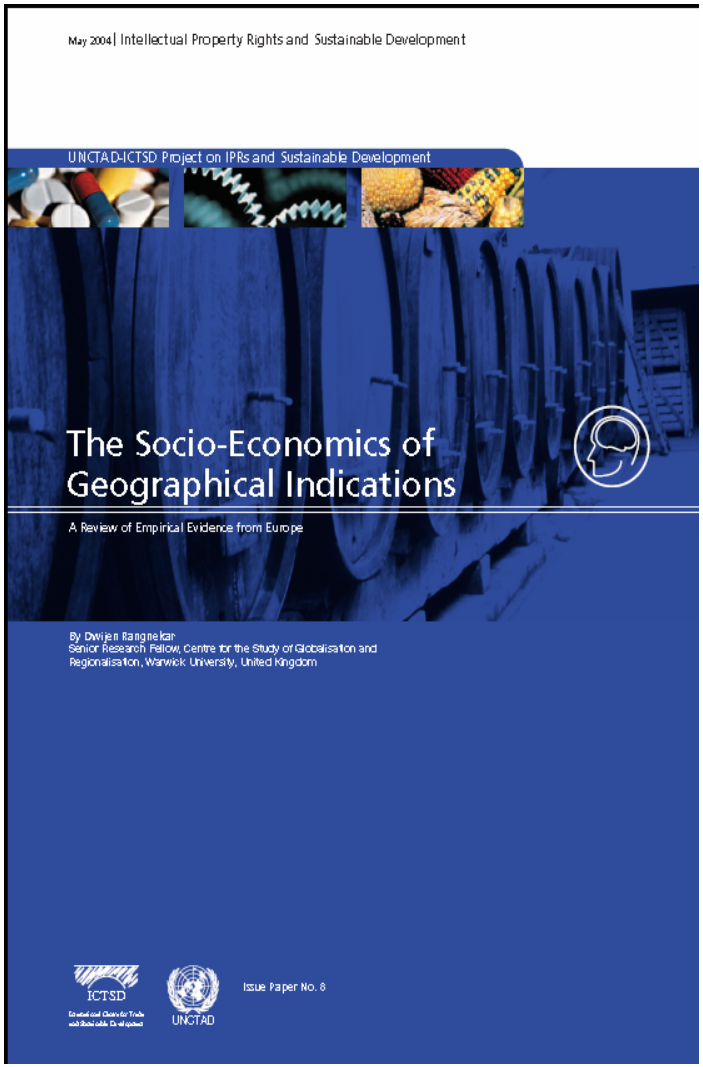
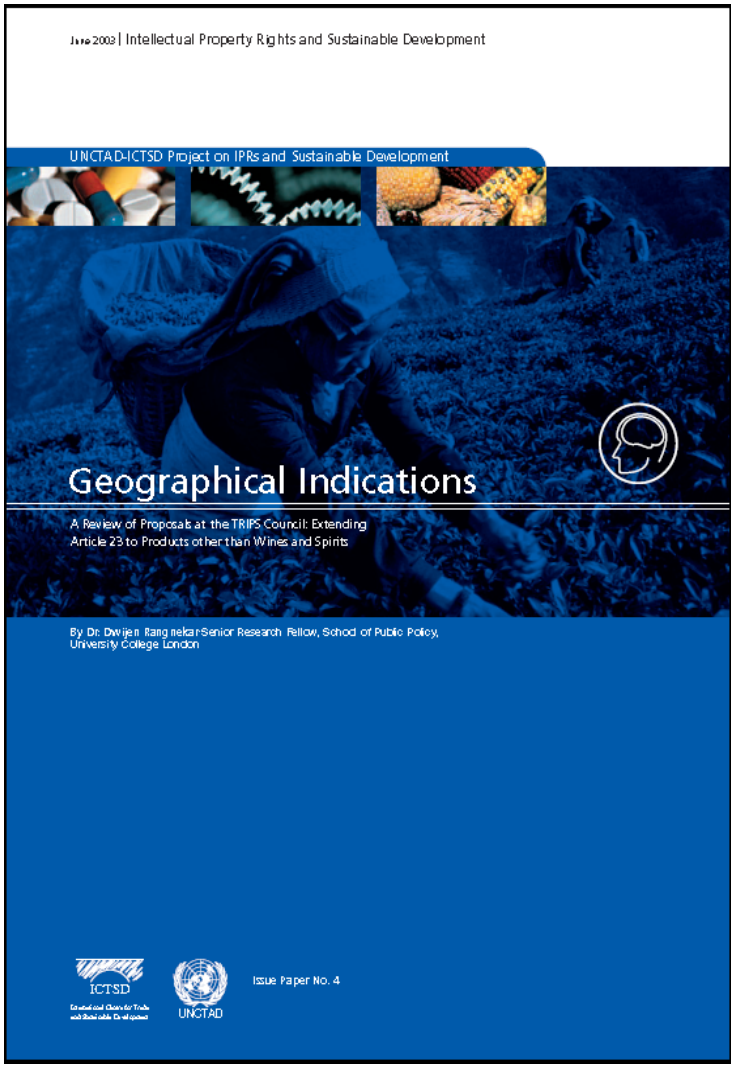
About ICTSD

- Established in 1996, to contribute to a better understanding of development and environment concerns in the context of international trade.
- Mission: By empowering stakeholders in trade policy through information, networking, dialogue, well-targeted research, and capacity building, to influence the international trade system such that it advances the goal of sustainable development.
- Intellectual Property and Sustainable Development Program
- Capacity Building Project on Intellectual Property Rights and Sustainable Development, implemented with UNCTAD, which aimed
  - To improve understanding of the development implications of the TRIPS Agreement.
  - To strengthen the analytical and negotiating capacity of developing countries

About ICTSD





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About ICTSD

- Joint work with UNCTAD BioTrade Initiative

- Need to distinguish BioTrade products to preserve and enhance reputation and market access –> potential role for GIs in maximizing economic, social, and environmental incentives?

- What is the relationship between geographical indications and the environment, particularly with the conservation and sustainable use of biodiversity?

- How potential environmental benefits be pursued, promoted, and maximized?

GIs as a potential tool for conservation and sustainable use of biodiversity

- In CBD, WTO, WIPO -> GIs as an instrument that contribute to protection of biodiversity and traditional knowledge, to prevent misappropriation, and to promote equitable benefit-sharing

- Number of research and capacity-building initiatives focusing on the link between GIs – biodiversity

Direct and indirect benefits for biodiversity

GIs as a potential tool for conservation and sustainable use of biodiversity

- Indirect benefits for biodiversity
  - Economic valorization
    - GIs aim to protect and increase markets, provide price premium for quality/reputation
    - Sustainable use must be economically feasible
  - Social inclusion
    - Focus on community, collective decision-making
    - Empowerment of custodians of biodiversity and traditional knowledge (indigenous and other local communities, women)
    - Multi-sectorial and multi-disciplinary dialogue
  - Quality control
    - Often specifications and guidelines reflect traditional practices that have internalized sustainability criteria
    - GIs ensure such practices remain the norm
- Not everywhere, not always

GIs as a potential tool for conservation and sustainable use of biodiversity

- Direct benefits for biodiversity
  - Recognizes the relationship between land, biological resources, and culture
  - Focus on products based biological resources or traditional practices linked to those resources
    - CBD Article 11 requires "economically and socially sound measures that act as incentives for the conservation and sustainable use of biological diversity."
      - » Bérard and Marchenay → Certain products are based on complex systems capable of maintaining various forms of biodiversity, ranging from a landscape to a microbial ecosystem, and including plant varieties and local animal breeds
    - CBD Article 8(j) requires measures to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities relevant for the conservation of biological diversity and promote their wider application with the approval and involvement of [their] holders . . . and encourage the equitable sharing of the benefits arising from [their] utilization."
      - » Posey → Of different categories of "*traditional resources/indigenous intellectual property*" that could be protected, several could make use of GIs as part of their protection strategy: knowledge on current and previous use of plant and animal species; knowledge on preparation, processing and storage of useful species; formulations involving more than one ingredient; planting methods, management practices and selection criteria; and ecosystem conservation practices.
  - Within IP tools, no negative connotation, tradition vs. innovation, not private control, no expiry, etc.

Benefits to biodiversity do not derive automatically from GIs

• “Neutral tool.” Reference to territory, where biodiversity may be protected or destroyed.

- CBD and GIs – different objectives (in GIs, **primary motivation** in most cases **economic** one, environmental requirements **rarely considered explicitly)**
  - Specifications not necessarily linked to traditional practices, traditional practices not necessarily sustainable
  - Industrialization, higher environmental impact may follow increased demand and need to comply with market regulations
  - Homogeneity of products and processes can generate negative impacts over biodiversity (tequila and other examples)
  - Focus on one variety or traditional use can be to the detriment of other components of biodiversity

•IPGRI study

how can potential biodiversity benefits be pursued, promoted, and maximized?

- Pre-existing conditions (context and product)
  - Manner in which GI is developed
  - Supportive policies

how can potential biodiversity benefits be pursued, promoted, and maximized?

- Pre-existing conditions
  - Context
    - Nature of biological resources and traditional knowledge
    - Traditional production practices must have relatively low environmental impact, and/or preserve biodiversity values (8j)
    - Production and cultivation are controlled and carried out by local communities (8j)
    - Local interest, capacities, organization
    - Consumer interest in geographical origin linked to environmental and human factors, sustainability concerns, and participation of local producers
  - Product:
    - Direct or indirect use of materials, components or derivatives of biodiversity
    - Quality depends of the type/level of biodiversity in the raw material (e.g. type of plant variety as in the case of the cacao criollo use in Cacao de Chuao) or traditional processes used (e.g. manipulation by hand, natural fermentation, exposure to the environment)
    - Physical features linked to environmental factors: chemical composition, nutritional value, active principle (e.g. maca)
    - Usefulness: uses y properties: food, esthetic, medicinal, etc.

how can potential biodiversity benefits be pursued, promoted, and maximized?

- Development of GI
  - Constitution
    - Consistent quality without homonegeity
    - Tradition and innovation
    - Traditional products and processes (human factors)
    - Use of methods that generates the lowest environmental impact
    - Differentiation in policies, regulations and product development of the value chains that address local, regional, national and export markets
    - Considering ecosystem as a whole and other traditional uses
  - Including environmental aspects in specification, as well as developing additional environmental goods practices.
    - Certification and labelling

how can potential biodiversity benefits be pursued, promoted, and maximized?

- Supportive policies
  - Environmental impact assessment of increasing/modifying production
    - Possible indicators include biodiversity, water, soil, landscape and cultural heritage and others - use of natural resources and energy, air/climate, waste. Also looking at alternative for use and policy tools
  - Coordinate and complement with environmental regulations
    - Conservation regulations (collection quotas, *in situ reproduction*, limited production. E.g. Paiche)
    - Standards for sustainable agricultural (irrigation, use of fertilizers).
    - Access rules CBD/ITPGR
    - Additional protection for GRs and TK (GIs do not protect GRs andTK. They protect the name and the sign. For protection and preserving TK other sui generis mechanisms are need).
    - Partnerships, international recognition of environmental aspects (Brazilian beef ecosystem and Birdlife International)
    - Collaboration with environmental ministries and NGOs
  - Transparency and participation
    - Participation of local producers and communities is fundamental ensuring governance in the production process
    - Ways to ensure engagement of small farmers (SA Rooibos Council)
  - Link with broader sustainable development policies, including agriculture, intellectual property, environment, corporate social responsibility, research and development.
  - Consumer awareness and information campaign

Environmental aspects are additional challenges for implementation, particularly in DCs…

- GIs as environmental label
  - Growing use of certification marks/labeling to reflect environmentally-sound products (organic, fair trade, sustainable, ethical biotrade) – Too much information?
  - If no consumer recognition of environmental benefits, will efforts to incorporate these benefits be worthwhile? Legally not required…
- Broader economic concerns trump environmental sustainability; stakeholder pressure
- Compliance and enforcement
  - Regulatory councils: There is little experience on regulatory councils in developing countries. There are many difficulties in the organization and management of new GIs in developing countries
- How GI activities fit within broader government strategies and policies
  - Not necessarily a solution, or even part of the solution for every biological resource or traditional knowledge formation
- Costs

However, environment considerations can and should be inherent part of development and implementation of GIs

Thank you.