Marketing Biodiversity and Benefit Sharing;  
a product development perspective

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Regulations relevant to on farm PGR management

- **Breeding:** ABS + sustainable use
  - CBD
  - IT PGRFA

- **Seed marketing**
  - seed laws
  - IPRs: patents, breeder’s rights

- **Product**
  - Food law
  - industry regulations
Benefit sharing

- Issue: how to secure an equitable sharing of benefits by those who developed and maintain genetic resources on farm
  - As a recognition and reward for past and present contributions
  - To contribute to sustainable conservation and use
  - To contribute to rural livelihoods

- Challenge: how to make benefit sharing sustainable
Benefit sharing

- Monetary
- Non monetary:
  - Access to Information (support to collections – HAAS);
  - Tech transfer (Joint research Paraguay);
  - Capacity building, (Fellowships – Sri Lanka).
  (poverty alleviation & community development)

- In agricultural BS: only very few cases where communities are parties (Bela – Mali).
- Benefit sharing agreements are often time bound!!
Implementation challenge

Challenges

- How to create sustainable flow of benefits?
- How to direct these benefits towards conservation at the local level

Can IPRs play a role in providing benefits at the farmers’ level??

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Intellectual Property Rights

- Intellectual property rights (relevant to PGR)
  - Plant breeder’s rights – patents
  - Trademarks, Database protection, Trade secrets

- WTO TRIPS sets basic rules providing degrees of freedom to countries to regulate and implement
  - IPRs are (almost always) private rights
  - Conventional IPRs may support market oriented breeding, but not diverse varieties (Unless the EDV concept is extended)
  - Private rights are in most cases not compatible with traditional seed systems (private recognition, not private rights → Farmers’ Rights)
Benefit sharing based on CBD is currently rarely connected to community development or to conservation of PGR.

IPRs may serve a purpose in commercial seed systems, but not in promoting on-farm conservation.

How to use Benefit sharing to create sustainable markets?
Markets means capturing value of biodiversity

- Cultural value
- Production value
- Option value
- Market value
Value of biodiversity 1

- Cultural value
  - Supporting cultural identity
  - National, regional pride
  - Culinary tradition
  - Religion

- Value embedded in the culture; important but difficult to quantify
Values of biodiversity 2

- Production value of diversity
  - Sustainable production
  - Yield/income stability
  - Benefit for farmers

- Diversity
  - In farming systems (rotation, border management)
  - At field level (modern intercropping)
  - In varieties (landraces, multi lines)

- Value embedded in the seed: high in variable, low in uniform ecological conditions
Values of biodiversity 3

- **Option value**
  - For future use
  - Benefit for the global community
  - Estimate of monetary value

- **Public task to**
  - Conserve
  - Support sustainable use

- **Value reflected in CBD IT (benefit sharing)**
Values of biodiversity 4

- Market value of diversity
  - Niche markets
  - Benefit for whom??

- Chain approaches
  - Develop products
  - Market placement
  - Protection

- Value embedded in the product
How to use BS to create market value?
Creating value in the market

- Diversity based product needs to have a particular value in the market:
  - Consumption values: red “Bordagol” rice (Philippines) . . . Basmati
  - processing values: flint maize (C America)
  - emotional values: regional products (Europe), local maize (Mexico)

- Many examples have been presented today, mainly at the species diversity level - less at the genetic diversity level

- Values are either visible or need to be made visible
  - Branding (Labeling)
Capturing value in the market

- **challenges**
  - How to develop new supply chains?
  - How to equitably share the value among farmers, traders, packers, and retailers?
  - How to avoid competition with other suppliers?

- **Labeling Use of “alternative IPRs”**
  - Trademarks
  - Geographic indications
Conventional IPRs do not fit in community ownership

- Registers of local knowledge could reduce appropriation by others (and assist EDV based benefit sharing)

Trademarks create value for farmers

- Only when supported by advertising
- Example: “Nuestra Maíz” in Mexico
- Only when farmers own the trademark – otherwise sourcing from elsewhere
Capturing value in the market

- Geographic indications may be investigated
  - Used for traditional products confined to a particular region
  - WTO discussions on types of products & origins
  - Implementation often weak (trademark office)

- GIs can be operated as community rights; no conflict with sharing of seeds and Farmers’ Rights

- However, GIs need to be developed after granting, otherwise they are useless
Challenges of using GIs

- How to get GIs recognised?

- How to create a market? – new partnerships are needed + investments for market development

- How to link this market with diversity? – product diversity/ crop diversity/ variety diversity . . . . . . Genetic diversity – possible through additional rules
Sustainable management of PGR using markets

Geographic Indications could assist in creating market value for biodiversity, but it requires sound policies and investments.

Benefit Sharing arrangements can be instrumental to support such sustainable diversity management tools.

However, creating (niche) markets should not be seen as the panacea for all on farm agro biodiversity management challenges, but as an under researched opportunity!!
Thank you

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