

# **Markets of biodiversity and equity in trade: An illusion?**

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The Convention on Biological Diversity, adopted at the Rio de Janeiro Earth Summit of 1992, bore the objective of providing a legal and political framework for the conservation of biodiversity. In order to assess how these recommendations have been put into practice over the past 15 years, a team of scientists from the IRD and other research organizations has conducted a review aiming to analyse the strategies, practices and representations of the different participants in the trade of living resources.

Since the end of the 1980s, the idea has become predominant that the best way to ensure conservation of biodiversity was to create value for it in the framework of markets. The great upsurge in genetic engineering techniques at that time offered a glimpse of many possibilities for money-earning uses of natural substances by living-resource-based industries.

In this context, the Convention on Biological Diversity, a measure adopted in Rio de Janeiro in 1992, advocated the development of trade agreements between holders and users of genetic resources, foreseeing a fair and equitable sharing of benefits derived from such resources. Fifteen years after the signature of the Convention on Biological Diversity, a multidisciplinary team involving researchers from the IRD and other institutions conducted a review of the current situation. They highlighted the gap between the theories circulating around the Convention adopted in Brazil and the real situations prevailing in transactions, expectations and constraints which characterize the

relations being established between the different parties involved: local communities, States of the South, industrial companies.

Over recent years, strong media coverage of “pillage” of local resources, food plants or products of traditional pharmacopoeias, on which patents had been taken out, appeared as signs of an active biopiracy. Some States of the South, supported by the non governmental organizations (NGOs), have therefore seen looming the risk of watching powerless an unbridled exploitation of indigenous people’s knowledge and resources, with insufficient means to stem the flow. Others considered that if regulated and reasoned, the use of genetic resources could favour their conservation while being a source of revenue for local communities and the countries of the South, but also allow biotechnological innovations and generate transfer of technology.

The idea of a market, bringing face to face a supply of genetic resources by the South and a demand emanating from the North, attracted by promises of financial reward, held up the bright prospect of development of these transactions. The representations conveyed by the Convention on Biological Diversity turn out to be simplistic. Analysis of the demand in the agricultural sector and the pharmaceutical industry in terms of research and development put into perspective the needs of these different users of biodiversity and provided an updated description of them.

The issues at stake for the pharmaceutical firms concern rather more the control over property rights protecting the synthesis of new compounds than access to genetic resources. Moreover, pharmaceutical industry demand bears at least as much on microorganisms from soils or the deep sea floors, even on chemical products and substances stemming from nanobiotechnology, as on “unknown plants” of tropical forests. Similarly, the recourse to indigenous knowledge for producing innovations and, even more so, the possibility for the peoples who have them to benefit

from them seem to have been greatly overestimated.

On the supply side, it turned out that people handle their human relations in accordance with their environment and not the genetic resources assimilated with such merchandise. In addition, they do not always have the capacities for negotiating on an equal footing with industry. Fair trading, labels or geographical indications can be used to promote products generating from particular indigenous savoir-faire, but these instruments do not directly concern biodiversity. As for patents coming from the industrial world, they are not adapted for protecting collective knowledge and heritage.

The gulf that separates the founding representations of the Convention on Biological Diversity from the real situations is particularly evident with the problem of biopiracy. Extensive media coverage of certain cases like ayahuasca, a beverage based on plants with hallucinogenic properties consumed traditionally by shamans of Amazonian Indian tribes, or maca, a plant from the pharmacopoeia of Peru reputed for its aphrodisiac virtues, gives the illusion that biodiversity relates to elements whose interpretation remains indisputable.

The term in fact encompasses many different notions: filing of patents on applications or properties of plants collected in local communities<sup>?</sup>with or without consent<sup>?</sup>, disclosure or use of traditional knowledge for commercial ends, filing of common names as trade names, agreements whose clauses or implementation are unsatisfactory and so on. This gives it a rather hazy status which makes it more difficult to establish public policies that might ensure the conservation of biodiversity.

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