

Analysis

## Taking Local Knowledge into Account in the AOC System

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The AOC (registered designation of origin), is a French invention designed to protect the geographical name of an agricultural or food product to which a value is attached. While it does not directly or explicitly protect local knowledge related to nature and the living world, it takes it into account whenever it proves necessary to justify the specificity linked to a particular place. For local knowledge and practices play an important role in characterizing the typicality of the designation of origin.

Examining practices in detail makes it possible to distinguish a link with biological and landscape diversity, and to cease considering this diversity as simply a positive effect of local products. But these practices imply different issues and their consideration cannot be taken for granted; it is strongly dependent on social interplay, the movement of the economy and the scale of exchanges involving local products. Consequently, to deal with the protection and exploitation of local knowledge via the French experience of designations of origin, it must first be remembered that the protection of geographical names, industrialization and globalization go hand in hand.

### Designations of origin, industrialization and globalization

The protection of designations of origin is in line with late 19<sup>th</sup> century laws on industrial property. The law of 1905 on the repression of fraud and adulteration of products and services is the founding text. The AO, *appellation d'origine\** (designation of origin) was introduced in 1919, at a time when urban markets and international trade in agricultural products were developing. However, lawmakers did not define the designation of origin itself, but referred to "local, loyal and constant practices" that could be opposed to third parties and that were to lead to the delimitation of an area associated with the protected geographical name.

The designation of origin was therefore based on a protectionist rationale that was to prevail until the post-war years: fighting against forgery and misappropriation of reputation.

\* Glossary: See p. 261.

*Customs,  
the basis of  
protection*

The law approaches local practices and know-how from the point of view of customs. It was not until 1966 that the AO received a positive definition, following close on the heels of the agricultural orientation law. Henceforth, “shall be considered a designation of origin the name of a country, a region or a specific place describing a product originating there and possessing a quality or characteristics which may be attributed to the geographical environment, including both natural and human factors”. The “geographical environment” thus defined takes the knowledge of local actors into account by introducing the idea of cooperation with nature (Hermitte, 2001).

In 1990, when the field of competence of the INAO (French institute for designations of origin) was extended from wines to cheeses and other food products, the concept of the *terroir*\*, on which the French designation of origin system was built, was shaken. This development anticipated the creation of the single market and the radical reform of the Common Agricultural Policy. The Member States of the European Union allowed an exception to the principle of free circulation of goods in the single market when they adopted, against all expectations, a regulation on the protection of designations of origin and geographical indications on 14 July 1992.

However, the extension of the protection of local names to the European Union level also entails stricter requirements in terms of justifying the link between the quality of the product and its geographical origin, and in terms of inspection systems.

French policies, followed by European policies, enlarged the AOC protection system to include an element of exploitation by creating micro-markets for products possessing specific qualities. This development found a place in the movement involving the globalization of trade that World Trade Organization (WTO) negotiations extended to agricultural and food products.

### **An approach based on qualification conflicts**

The recognition of a designation implies meeting three conditions. Firstly, the product must be defined, thereby setting down the characteristics and practices specifying it within a local model; these are the designation rules. Next, the geographical area associated with the product name must be defined, which draws a border that did not previously exist on the map. Finally, it is important to ensure the authorities make the product official: ministerial decree and inclusion in the register of designa-

\* Glossary: See p. 261.

*Individual  
trademark  
or collective  
designation  
of origin?*

tions in France; inclusion in the register of geographical indications of the European Communities.

Although the designation of origin is essentially an agreement — a quality agreement — experience shows that its creation is rarely consensual. Codification makes it necessary to explain knowledge that went without saying; it leads to a certain standardization, by disregarding practices or variations. Delimitation means the local name cannot be used by producers situated outside the area and by those inside the area that do not meet the requirements, even if they are local.

The contribution of AOs to the exploitation of biological and cultural diversity can be examined from the viewpoint of exemplary qualification\* conflicts concerning the definition of goods and the ways in which the living world, nature and associated knowledge are treated.

*Tarbais beans: privatizable genetic resource v. public food product?*

There has been a good deal of talk, especially in WTO negotiations, of conflicts between trademarks and designations of origin. These conflicts revolve around the collective nature of property rights related to geographical names. Tarbais beans illustrate this rivalry between two mutually exclusive means of appropriation.

In 1996, Tarbais beans were the focus of an application for a protected geographical indication (PGI), made by a group of producers from the Hautes-Pyrénées department and a local cooperative that sorts, dries and sells the beans. At the same time a farmer from the area made an application for a plant variety certificate.

The PGI application was part of a move to revive a practice common in large areas of the south-west of France at the end of the 19<sup>th</sup> century: maize was grown in association with climbing beans. Farmers and their technicians reexamined crop techniques. Along with the traditional production of maize as stakes for beans, the specifications of the PGI permit the use of nets, thus simplifying the work without modifying the essential aspect: manual harvesting in several stages as the beans ripen. In addition to beans grown for preserving, which make up the majority of the harvest, beans harvested semi-fresh are reclassified as green vegetables. From the start, producers associated restaurant owners with this revival, in order to invent new ways of preparing a basic component of popular food. The PGI has therefore made it possible to identify and collectively plan practices associated with bean production.

\* Glossary: See p. 261.

As for the plant variety certificate, the applicant, an individual, was aiming to obtain ownership of this genetic resource. He had transferred his crop to large surfaces in Southern Europe, and mechanized it. The harvest was sold in France as 'Beans: Tarbais variety' in accordance with the rules for labeling vegetables. The registration of a distinct, homogeneous and stable line of beans under the name 'Tarbais' would have banned the use of this name for beans consumed as food and as a local public good. The group of Tarbais bean producers finally managed to secure the name 'Tarbais' for the PGI alone.

*Raw milk v. dead milk: what importance is given to local knowledge?*

The example of raw milk highlights the importance of local knowledge. The recognition of the designation and its management are assigned to a group. In France, this is often the producers' association, which represents the producers and processors involved. The association carries out inspections under the supervision of the INAO.

Even if their interests are local, producers may belong to enterprises whose decision-making centers are located outside the designation area and may include their product in corporate strategies of national and international dimensions. This is the case of France's principal dairy group, Besnier, which became Lactalis. This configuration is the result of systematic acquisitions of dairies situated in designation areas over the last ten years or so.

The intrusion of a major industry lacking a past linked to the local area into the world of AO cheeses is linked to the demand made by Brussels to justify the link between the quality of the product and its geographical origin. This has led to a thorough reassessment of local practices and knowledge, centering on production using raw milk in a context in which international trade negotiations are making safety and hygiene standards a key issue. What knowledge is at stake?

Decrees are relatively discreet concerning the treatment of the milk used. Thus, of the 42 French AO cheeses (2004), just 12 use only raw milk. Due to the fragility of this living raw material, it is essential to leave no more than a few hours between milking and renneting, the first step in the cheese-making process.

Within the family of AO cheeses, and even within certain designations, several types of production coexist. Some use pasteurized or microfiltered milk, which must have industrial

*Debating  
acceptable  
innovations*

fermenting agents added to it. The producers thus work ‘dead milk’, and can standardize certain components of this milk by separating them. Where less demanding designations are concerned, not all of the milk collected is necessarily transformed into AO cheese: dairies rely on a range of products and as a result, producers are often unaware of the destination of their milk, as is the case in the Massif Central. Others use a raw material whose integrity is respected: the fermenting agents added do not replace the natural flora of the milk. This living material can vary depending on the herds and the season; a variability that cheese-producers must take into account, their skill being to monitor the maturing and fermenting processes.

According to those in favor of raw milk, the link between the cheese and its geographical origin is down to the farmhouse style of production, in which the key stages are as authentic as possible, and to the proximity with breeders required by this process. In fact, the AOC is a reference framework that makes it essential to decide which innovations are acceptable, and which are not, and even to reconsider previous technical choices.

Considering raw milk as a processed product that contributes to the typicality of the cheese makes it an irreplaceable factor of production. This ensures breeders in designation areas are given a say and are thus able to negotiate their role in the development of the dairy economy. In order to carry weight in negotiations concerning prices or the sharing of production rights, some breeders demand recognition of the link between the characteristics of the milk and the dairy breed. They claim local or traditional breeds are to cheese what vines are to wine.

However, like Tarbais beans, animal breeds are easy to transfer when they are not rooted in local breeding systems that define them. Analysis of the specifications of the principal Alpine cheese designations shows that requirements concerning rearing and feeding practices are first and foremost guided by the desire to localize activities: shielding the mountain breeds from competition from the lowlands, grazing or mowing the slopes, and maintaining activity in declining rural areas. Currently, the environmental quality of the areas providing the fodder and pasture resources used to feed herds is not taken into account in the definition of the ‘geographical environment’. This is an issue that cheese designations will have to address. Is the use of the emblematic sites of the cheese-producing mountain areas — the summer grazing lands and the high mountain pastures — so widespread? It is important to ensure consistency

*A greater role  
for breeders*

between practices and the image given of them in order to reinforce the credibility of designations of origin in international trade negotiations.

### **Towards a ‘greening’ of the geographical environment?**

Certain procedures are beginning to integrate the geographical origin and the environmental quality of agrosystems. Local knowledge is no longer identified solely in terms of its effect on the expression of the potentiality of the local area in the product: the practices that define the designation implicitly refer to the production of biodiversity.

For example, the four AOC decrees concerning Puy green lentils (1996), *Piment d’Espelette* (Espelette chili peppers) (2000), Coco de Paimpol beans (1998) and Cévennes sweet onions (2003) mention the fact that producers have the possibility of using seed grown on their own farms. These farm populations, produced from local populations selected on site, are still largely dominant. Cider orchards, especially those in Normandy, are also involved in this diversity of varieties. The production conditions for Domfront perry, which has been an AOC product since December 2002, are exemplary. Firstly, the principal variety is Plant de Blanc, a well-known local variety; it is combined with other varieties, which are also local. Secondly — and this is a first in the field — the pear trees are standard size and are planted with a density of under 150 trees per hectare on a full grass surface, with all these criteria corresponding to the local practices concerning orchards of hardy trees. This acknowledgement of different varieties of pear trees and a more extensive production method, along with the restoration of a bocage network and its retinue of species providing shelter for nesting birds and small game, are part of a move to exploit ecological and cultural diversity.

French experience in the field of designations thus highlights the diversity of ways in which local knowledge and practices can be taken into account. More broadly speaking, the idea of associating know-how and biodiversity are beginning to gain ground within the INAO and certain designation associations.

### **The issue of inspections**

Currently under the responsibility of the producers’ association and the INAO, the designation inspection system is at the center of a debate, which could seriously affect the status granted

*Implementing  
varied forms  
of expertise*

to biocultural diversity. Some people insistently call into question collusion between peers and supposedly biased inspections, arguing that an organization cannot be both judge and judged. They suggest that this role be delegated to an independent certifying organization, guaranteeing the objectivity and means required by the EN 45011 standard, without however making it the only inspection structure possible. The example of Italy shows just how much the inspection system formats the definition of the product. In addition to inspections carried out by the group in charge of the designation, based on expert appraisals by professionals of the product and on tasting, this country has created an additional inspection delegated to expert appraisal professionals, who rely on laboratory analysis and instruments.

Rather than seeking scientific proof of typicality in molecular markers, studies suggest extending the typicality inspection commission to include connoisseurs who share the cultural dimension of the local product: those who work with it, who know how to circulate it beyond its place of origin can justifiably sit on the jury (Casabianca and de Sainte Marie, 2000). Henceforth, the representation of different forms of expert appraisal in the accreditation process would be a way of objectivizing the judgment, which jurists and clinicians know well from putting it into practice.

## Conclusion

The designation of origin is a form of legal protection that makes it possible to ensure products and means of production are competitive where otherwise they would not be: this right creates micro-markets from production systems that would be condemned by the classical rules of competition. At the same time, to justify and exploit their specificity, designation products are integrating the global market. AOCs thus contribute to fuelling the debate on alternative techniques and the diversity of production models and economic systems.

However, this construction is not the doing of a community of people or a club of producers who reach agreements amongst themselves. The scope of local knowledge is far from limited to the local level alone. To define and justify this knowledge, it was necessary to explain what did not need explaining, being such a part of the familiar world. And to do so, a whole technical and institutional structure was required: an AOC authority, day-to-day management of the producers' association, expert scientific and technical appraisal, research programs, conservatories, and the help

*Making  
products  
competitive*

of regional authorities, etc. These initiatives are supported legally and financially within the framework of national and European public policies. But do countries that have been worn down by years of structural adjustment have the necessary institutional and financial resources to make this transfer?

Within the European Union, designations of origin are protected, but this is not the case at the international level: although AOs are recognized as indications of origin, they do not currently enjoy any formal protection.

Southern countries may well be interested in the French experience of designations of origin. But their priority is surely that Northern countries dismantle the protective measures preventing their principal products — sugar, cotton, etc. — from finding a profitable market.

TO FIND OUT MORE:

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Casabianca F., Sainte Marie C. (de), 2000. L'évaluation sensorielle des produits typiques. Concevoir et instrumenter l'épreuve de typicité. In 67<sup>th</sup> EAAE seminar *The socio-economics of origin labelled products in agro-food supply chains: spatial, institutional and co-ordination aspects*, Le Mans (France). Paris, INRA-ESR ; Parme, Università degli Studi di Parma, 269-276.

Hermitte M.-A., 2001. Les appellations d'origine dans la genèse des droits de la propriété intellectuelle. In Moity-Maïzi P., Sainte Marie C. (de), Geslin P., Muchnik J. et Sautier D. (dir.), *Systèmes agroalimentaires localisés. Terroirs, savoir-faire, innovations*. INRA-Sad, CIRAD, Cnecarc, 195-206.