

# POTENTIAL PROBLEMS IN SETTING THE RULES AND HOW TO SOLVE THEM

## C3.6

As many problems and conflicts may arise in the process, setting up the “right” level of rules is a complex task.

## Objectives

Taking into consideration the heterogeneity of the actors, their vision, objectives interests, practices, know-how and resources is essential to find the optimum consensus.

A participatory approach with the support of a mediator can balance the different points of views inherent in the process and is therefore strongly recommended.

## Key concepts

Conflicts often arise during the establishment of the CoP regarding the key stages of production determining the specific quality and distinctiveness of the product. For example, the interest of farmers who produce the raw material tend to agree with the interests of processors and traders when promoting the quality of the product, but can compete when dealing with redistribution of benefits from the value creation. Differences in terms of different visions about the product, its relevant characteristics, its production process and even the geographical boundaries are very common. For example, if the delimitation of the geographic area is too large, this may weaken the potential benefits, whilst a too small area may exclude producers. It is very important to consider both advantages and constraints of each criteria, so as to find the best possible consensus and shared vision.

## Process

Two modalities should be considered to manage or prevent possible conflicts when setting up GI rules:

- Representatives of the GI system and organization (following a balanced composition) are charged with the elaboration of the CoP, and they empower and give responsibilities to the farmers and processors concerned to achieve it.
- Democratic internal rules for decision-making within the collective GI organization are defined (transparency of information, secret votes with majority rule, etc.)

The table next page provides an overview of the most frequent points of disagreement, the risks associated and potential solutions.

## Summary

The way the rules are designed have many implications in terms of balancing the roles of different stakeholders and influencing the distribution of the benefits from the value creation process.

To resolve conflict situations and reach common defined rules, it is important that GI facilitators (extension workers, researchers, chambers of commerce, etc.) encourage a multi-stakeholder vision to enhance bargaining capacity inside the GI production system, and support the establishment of fair rules of deliberation.

### Example of problems and solutions

| PROBLEM                                                                                                       | RISKS                                                                                                                                                                                                                                                       | POSSIBLE SOLUTIONS                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Too many rules in the Code of Practice                                                                        | <ul style="list-style-type: none"> <li>- Rules not applicable</li> <li>- Rules not controllable</li> <li>- Dilute the identity of GI into a lot of irrelevant characteristics</li> </ul>                                                                    | <ul style="list-style-type: none"> <li>- Focus on a limited number of enforceable rules which are key to the identity of the GI product</li> </ul>                                                                                                                                                                        |
| Rules defined only by a limited number of actors                                                              | <ul style="list-style-type: none"> <li>- Rules not well adapted</li> <li>- Rules not accepted/applied</li> <li>- High level of exclusion</li> </ul>                                                                                                         | <ul style="list-style-type: none"> <li>- Establish the rules through a widespread consultation and deliberation process among producers and processors</li> <li>- Give responsibility to local stakeholders (Ex. GI group)</li> <li>- Define formal deliberation and decision-taking rules within the GI group</li> </ul> |
| Rules that are too strict                                                                                     | <ul style="list-style-type: none"> <li>- Lack of flexibility and of adaptation</li> <li>- Lack of capacity to face challenges (global warming, evolution of demand, etc.)</li> <li>- High level of exclusion</li> <li>- High costs of compliance</li> </ul> | <ul style="list-style-type: none"> <li>- Establish a mechanism to discuss and decide on adaptations of rules and on geographical delimitation</li> </ul>                                                                                                                                                                  |
| Confusion between generic rules and specific rules                                                            | <ul style="list-style-type: none"> <li>- Rules that are too generic included in the Code of Practice</li> </ul>                                                                                                                                             | <ul style="list-style-type: none"> <li>- Focus GI rules on aspects that are voluntary and additional to mandatory requirements</li> <li>- Focus GI rules on operations that are key to the identity of the GI product</li> </ul>                                                                                          |
| Difficulty for some traditional GI products to comply with certain generic rules (food safety requirements)   | <ul style="list-style-type: none"> <li>- GI products may be jeopardized by generic rules if enacted regardless of traditional processes</li> </ul>                                                                                                          | <ul style="list-style-type: none"> <li>- Well defined processes for exemptions should be included in the regulations to allow for preservation of traditional processes</li> </ul>                                                                                                                                        |
| Difficulty to explain the link between the product characteristics and the geographical and human environment | <ul style="list-style-type: none"> <li>- Over-valuation of analytical measurements</li> <li>- Checking only what is measurable</li> <li>- Difficulty to define and measure criteria</li> </ul>                                                              | <ul style="list-style-type: none"> <li>- Reach the right balance between technical, cultural, historical and organoleptic criteria</li> <li>- Combine several types of assessment methods: some measurements and documentary evidence, visual assessments</li> </ul>                                                      |
| Internal heterogeneity                                                                                        | <ul style="list-style-type: none"> <li>- Risk eliminating some variants of the product when codifying the practices</li> </ul>                                                                                                                              | <ul style="list-style-type: none"> <li>- Choose one or several variants of the product (the most frequent? the most controllable? the most authentic according to local actors?)</li> <li>- Let the producers decide</li> <li>- Expertise reports can be added</li> </ul>                                                 |
| Unbalanced power distribution along the value chain                                                           | <ul style="list-style-type: none"> <li>- Risk that strategic decisions are taken only by preminent actor</li> </ul>                                                                                                                                         | <ul style="list-style-type: none"> <li>- Take into account the power relations in the production area</li> <li>- Include more than one trader in the GI group</li> <li>- Adopt democratic decision rules inside GI group (secret votes, majority decision, etc.)</li> </ul>                                               |
| Exclusion of local operators                                                                                  | <ul style="list-style-type: none"> <li>- A rule can be interpreted as favoring some players and excluding others</li> </ul>                                                                                                                                 | <ul style="list-style-type: none"> <li>- Avoid excessively strict rules</li> <li>- Ensure democratic decision-making about the GI rules definition and enforcement</li> <li>- Lower the costs of control</li> </ul>                                                                                                       |