Commentary on the registration of traditional varieties in Benin

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In 1989, by way of decree, the government of Benin endorsed the idea of creating a national catalogue of plant species and varieties.1

In 2008, the Economic Community of West African States (ECOWAS) adopted regional regulations for the harmonization of national seed regulation. As part of that effort, it created the West African Catalogue of Plant Species and Varieties.2

In 2011, the government of Benin published the first version of the Catalogue Beninois des Espèces et Variétés Végétales (CaBEV; MAEP, 2011). The CaBEV includes three lists of varieties. The first list is for newly bred varieties that are distinct, uniform and stable (DUS) and have demonstrable value for cultivation and use (VCU) over other existing, registered varieties. The seeds of these varieties can be produced and commercialized in any of the member states that subscribe to the regional harmonization law.

The second list of varieties is for those that are DUS, but not necessarily VCU. Seeds of these varieties can be produced in Benin (and other regional member states) but must be commercialized outside the region.

The third list of varieties contains traditional varieties. Traditional varieties and lists of traditional varieties are not mentioned in the regional harmonization law. However, the regional harmonization law does not prohibit the creation of such additional national variety lists linked to solely domestic purposes. Traditional varieties can be included in the CaBEV list if they are identifiable; they do not have to be DUS or VCU. They can be taken off the list if and when they lose their identifiable characteristics.3 In practice, so far, all of the work to identify and register varieties, including traditional varieties, in Benin has been undertaken by INRAB (Institute National des Recherches Agricoles du Benin). Efforts of the National Registry Commission have had to be sporadic, given the lack of predictable funds and other demands on the Commission members’ time. As of January 2015, the Commission has successfully registered the traditional varieties set out in Table 26.1.

It is prohibited to produce and commercialize the seed of species and varieties that have not been registered and included in CaBEV. In theory, this prohibition extends to the seed of traditional varieties as well as the seed of varieties that have been bred by formal sector organizations.
Export of traditional varieties is only possible with the prior approval of the Minister of Agriculture after receiving advice from the National Committee of Seeds and Plants. Exploitation of such traditional genetic resources must be for the benefit of local populations.  

Notes

3 Management of varieties, Titre II, Gestion et protection des variétés, Chapitre 1, Gestion des Variétés, paras 17, 18.

References