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AFRICAN GENDERED TRADE CAPACITY: GEOGRAPHICAL INDICATIONS PERSPECTIVE

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Abstract: In this chapter, the topic of geographical indications (GIs) is introduced as a useful tool in promoting gender equality, inclusivity, and equity in cross-border trade. GIs is a type of intellectual property recognised by legal authorities in various countries and multilateral institutions. It is used to identify and protect products from specific geographical areas known for their unique characteristics, reputation, and quality that are closely linked to their origin. GIs and gender trade capacity benefit both consumers and producers by creating and maintaining employment, promoting fair income distribution, ensuring high product quality, preserving local culture, and enabling product differentiation, which is vital in international trade. In particular, many GI products of African origin are produced by women, who play a critical role in adding value to these products for export. The sub-sections of the chapter focus on the appropriability of GIs, the role of gender in the quality of unique products in Africa, the importance of product differentiation for the advancement of Africa, international protocols for GIs; Africa's continental strategy, and case studies on successful GI products. Additionally, the chapter analyses African countries' commitment to enforcing the WTO TRIPS agreement and categorises countries into three groups based on their protection of GIs. Finally, the chapter compares the trademark regime and the *sui generis* system in regulating GIs.

Key words: appellation of origin; certification marks; code of practice; collective trademarks; geographical indications; gender; indication of source; *sui generis*; terroir; intellectual property; trade

1 Introduction

There is limited research and debate on the relationship between trade, gender equality and geographical indications (GIs), particularly in African countries and other parts of the world. Insufficient data is available on the

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connection between these important topics. GIs is an aspect of intellectual property rights (IPRs) recognised by most countries and multilateral systems to safeguard and promote products whose names are derived from a particular geographic area that is closely linked to the product source of origin. In another scenario, traditional names for products that are not necessarily linked to a geographic area can also be protected and promoted as GIs as long as they are associated with unique attributes, quality, reputation or characteristics of the product and explicitly linked to the territory.

Hence, women in Africa play a crucial role in the trade of GIs products and food value chains, which presents numerous opportunities for developing countries and women's gender.¹ Traditional African products sold on the international market have been recognised as essential for economic growth and poverty reduction in countries where women's groups depend on them as their main occupation.² This chapter explores the value of Africa's GI products, which are primarily designated by their place of origin and gendered makeup in the value chains. A gendered trade capacity GI aims to eradicate poverty, empower women, preserve culture, and promote sustainable, people centered development. Although women in trade and GI-related activities face significant discrimination and challenges due to cultural beliefs and practices, this challenge is becoming more significant in the increasingly competitive global marketplace, particularly in Africa's milieu of hazed competitive trade. GI is an instrument that can support gender equality, inclusivity, and equity in trade capacity for women and youth, as highlighted by the *United Nations Conference on Trade and Development* (UNCTAD).³ For example, it is evident that there are more women in the Argan oil value chain, starting from those collecting the raw material to processing it in Morocco, as reported by Charrouf⁴ and Nouaim.⁵ Therefore, boosting gendered capacity in

- 1 S Escudero 'International protection of geographical indications and developing countries' South Centre (2001).
- 2 S Team & C Doss 'The role of women in agriculture (2011) ESA Working Paper 11-02, Agricultural Development Economics Division, The Food and Agriculture Organisation of the United Nations, www.fao.org/economic/esa accessed 16 July 2021.
- 3 UNCTAD Gender and Trade – Assessing the impact of trade agreements on gender equality: Canada-EU Comprehensive Economic and Trade Agreement (UN-Women/2020/1) (2020), <https://unctad.org/publication/gender-and-trade#tab-2> accessed 16 July 2021
- 4 Z Charrouf 'Valorisation of argan oil for a sustainable management of the arid zones of south-west (2005) CIRAD. The challenges relating to geographical indications (GIs) for ACP countries. A Joint CTA, AFD and CIRAD workshop report, Montpellier, 24-27 March 2009.
- 5 R Nouaim 'L'arganier au Maroc: Entre mythes et réalités-Une civilisation née d'un arbre.' *L'arganier au Maroc* (2005) 1-230.

GIs value chains will reflect the contribution of women to GIs products, considering that women are frequently underrepresented when it comes to formulating national, regional, continental and multilateral laws that support GIs advancement.

This chapter explores the meaning of GIs, the difference between trademark and *sui generis*, the conceptual framework of African gendered trade and GIs, the analyses of Africa's continental GIs strategy and attempts to address the question of whether product differentiation is crucial to Africa. Additionally, the chapter analyses some traditional products as case studies where women are involved in the value chain and other related themes.

2 Definitions of keywords

Appellation of origin: A geographical name is used to identify a specific locality, region, or country that produces a product of which the quality and characteristics are primarily influenced by the natural and human factors of the surrounding environment.

Certification marks: A certification mark is a word, name, symbol or device that indicates that a third party has authorised the product's characteristics, including its geographical origin. It adheres to the owner's specifications document, which can apply to the place of origin and/or production methods. The owner of the mark must verify that the set attributes have been met or are presented before allowing the mark to be used.

Code of practice: In the *sui generis* system, local producers create a code of practice (CoP) to register a GI. This document outlines the criteria and requirements necessary to achieve the specific quality associated with the GI product. The CoP essentially is a set of rules governing the use of the GI for a product, which may also be referred to as a 'book of requirements', 'specification code', 'product specifications', 'disciplinary document', code of conduct, or regulations, depending on the jurisdiction.

Collective trademarks: Collective trademarks are used to indicate that a particular product or service has been created or marketed by a specific group of individuals. These marks also serve to show that the person using the collective mark is a member of that group. To become a member of the association or group that owns the collective mark, one must adhere to certain regulations, such as producing goods within a specific geographic area or meeting certain production standards.

Generic: When a term, name or symbol is so commonly used that consumers view it as a name or symbol for an entire category of goods or services rather than a specific geographic origin, it is known as 'generic'. In relation to GIs, the term 'generic' refers to names that, while indicating a product's place of origin, have become customary names for that product. For instance, Camembert cheese is a GI product that has become a generic term, meaning that it can be used to describe any type of cheese that is similar to Camembert.

Geographical indications: According to the 1994 Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement by the World Trade Organisation (WTO), geographical indications (GIs) refer to goods that can be traced back to a specific region or locality within a member's territory. These goods are known for their unique characteristics or reputation that is essentially linked to their geographical origin (article 22.1).

Indication of source: The Madrid Agreement of 1891 and the Paris Convention of 1883 state that any symbol or mark that indicates the origin of a product or service from a specific place without any other indication of quality or reputation is considered an indication of the source or indication of provenance. Intellectual property refers to the creations of the mind, such as literary and artistic works, inventions, and commercial symbols, names, and images. There are two categories of IP: copyright, which covers literary works and industrial property, which includes patents for inventions, trademarks, industrial designs, and GIs.

Reputation: Reputation is a term used to describe the level of recognition a product or business has gained from its history, traditions, and consumption by society. It is a measure of the well-known and recognisable character of a company or a product produced by the company in terms of trade.

Sui generis: *Sui generis* is a legal term of Latin origin that refers to something that is one-of-a-kind or distinct. In the field of law, it is used to describe a situation that is so unique that it cannot be classified under any existing categories and, therefore, requires the creation of specific texts.

Terroir: A *terroir* is a defined region where a community has, over time, developed unique production methods and skills. It is influenced by both the physical and biological environment, as well as human factors that contribute to the authenticity and reputation of the products produced within it.

Trademark: A trademark is a logo, brand name, or other distinctive symbol that sets apart the products of one business from those of another. The

term ‘company’ encompasses all types of commercial organisations, including associations and producers’ groups.

3 Differences between trademark and *sui generis*

For over a century, the established legislative system for GIs and trademarks has been used to protect GIs products in advanced economies. In 1919, France became the first country to develop a national system to guarantee and protect the quality of traditional products of local origin, particularly its wines.⁶ The legal framework laid the foundations for the present-day GIs systems worldwide.⁷

The economic value of GIs is becoming more evident in Africa as many governmental and non-governmental entities are attempting to promote the protection of unique products of local African origin which hitherto, or currently, were treated as generic commodities despite their reputation and even in some cases, have been subject to intellectual property infringement and theft. The difference between the trademark and *sui generis* system with keywords are presented in Table 1 below:

Table 1: Differences between trademark and *sui generis*

Keywords	Trademark regime	Geographical Indication Sui Generis system
Certification of origin	May certify the origin of the product, but the trademarks should not mislead the public about the origin of the product.	Must certify the origin of the product
Collective or individual approach	Both individual and collective marks can be registered. One entity allows its members to use the mark with the collective mark.	In principle, a group applies for the name certification. The registered name is available to any producers within the designated area who meet the requirements in the GI specification book.

6 Adding value to traditional products of regional origin, https://www.unido.org/sites/default/files/2011-07/ENG_Publication%20ORIGIN_0.pdf accessed 5 April 2021.

7 D Giovannucci & International Trade Centre UNCTAD/WTO *Guide to geographical indications: Linking products and their origins* (2009), http://www.carib-export.com/obic/documents/Geographical_Indications.pdf accessed 11 April 2021.

<p>Link to the geographical origin</p>	<p>Production is not linked to a specific place.</p>	<p>Production is rooted in the defined geographical area.</p>
<p>Specification Code</p>	<p>Is the private individual that owns the trademark that will provide guidance to companies granted permission to use the trademarks by the third party</p>	<p>The system requires local producers to draw up a Code of Practice (CoP) containing the criteria and requirements for the specific quality. The CoP is a mandatory document establishing the rules for using a GI. Depending on the jurisdiction, it may be called a 'book of requirements', 'specification code', etc.</p>
<p>Scope of protection</p>	<p>Provides exclusive rights to the use of the name and/or logo in the classes of products under which it has been registered to an individual. There is no guarantee against the use of the trademark in translation and with expressions like 'style', 'type', etc. There is no guarantee against 'genericity': if the trademark owner does not assert their rights, the trademark name can become a generic name. For the protection to be effective, the trademark must be put to active use in the marketplace. Failure to use the trademark can lead to cancellation.</p>	<p>The system provides for comprehensive protection of agricultural products. Such protection is, for protection, against: – direct or indirect commercial use of a registered name for products not covered by the registration. – misuse, imitation or evocation of the name on a non-registered product. This extends to expressions such as 'style', 'type', etc., suggesting that the product is equivalent or associated with the original, even if the true origin of the product is indicated or if the protected name is translated;</p>

		<p>– ‘Genericity’ means that the GI name cannot become generic once registered. Protection of GIs is usually not conditioned on their use on the market.</p>
Enforcement of the IPR	Enforcement of trademark rights is entirely private, and it is up to the owner to defend their right.	It relies mainly on private actions from the group that owns it (collective ownership/brand); in some cases, public authorities can also take action on their own initiative. In countries with <i>sui generis</i> systems of protection, GI is protected through administrative enforcement.
Cost of protection	Relatively high costs of registration and high costs of rights enforcement in many countries	Often, there are limited registration costs. At the EU level, GI registration for agricultural products is free of charge. Often less expensive costs of rights enforcement
Controls	An individual that is the owner controls a trademark and oversees inspection.	Collective control by producers or independent agencies, or the government undertakes inspections on compliance.

Source: Author’s curated information, 2022

4 African gendered trade and GIs – A conceptual framework

Gendered trade in Africa refers to how policies, practices, and their impact affect men and women differently in the context of GIs. GIs have, over time, proven to be a tool to address gender equality, red tape, the barrier

to trade, and many issues concerning the economic development of rural and urban women in many developing and developed economies.⁸

The conceptual framework helps us understand the connection between African gendered trade and GIs in terms of promoting gender equity, inclusive trade, cultural preservation, sustainable rural development, product differentiation, and economic prosperity for the continent. Female cross-border entrepreneurs often face policy and legal obstacles, gender-biased sociocultural norms, higher tariff and non-tariff barriers, and lack of access to technology, finance, and education, which is severely detrimental to the world economy. The result is low consumption in some jurisdictions, high poverty, and declining well-being of women and their families, especially in many African countries, where women in successful cross-border businesses are still low compared to the most advanced economy. It has been argued that low consumption and high poverty issues will be addressed with the right trade policy and cross-border agreements that offer opportunities for women to access cross-border markets. Gendered trade could be structured in trade agreements by embedding gender-inclusive clauses that encourage market access and address the challenges faced by women in cross-border trade. According to the World Bank report of 2011, countries that do not encourage women to participate fully in economic activities are less competitive.⁹ Supporting and negotiating agreements that embed increased women's participation in the GIs value chain can be one way to increase the number of women from African countries who can fully participate in economic activities. For example, the only women's association in Tunisia can be found within the Harissa value chain. Harissa is one of Tunisia's most famous culinary products and is sometimes dubbed as 'the national condiment of Tunisia'. It is traditionally spread over a host of North African and Middle Eastern cuisines, such as meat or fish stew, couscous, soups, vegetables and salads. The production of harissa dates back to the seventeenth century, and today, recipes vary among countries and regions, but it is widely recognised that the Tunisian recipe is the most authentic one. Tunisia is also the biggest exporter of harissa. It is considered that the harissa value chain, which covers chilli pepper farmers, collection centres, small-scale manufacturers and industrial companies, creates employment for around 25,000 people in Tunisia.¹⁰ The women's cooperative is one of the leading cooperatives

8 Gender and Trade/UNCTAD 'Assessing the impact of trade agreements on gender equality: Canada-EU Comprehensive Economic and Trade Agreement, <https://unctad.org/webflyer/gender-and-trade> (accessed 16 July 2021).

9 World Development Report, Gender Equality and Development (2012), <https://doi.org/10.1596/978-0-8213-8810-5> accessed 18 April 2021.

10 Z Xingfei 'Food quality label opens up new market for Tunisian harissa', <https://www.unido.org/news/food-quality-label-opens-new-market-tunisian-harissa> (accessed 14 June 2022).

that produce harissa for family consumption and export the product to the European market under the cooperative's registered trademark. Another example is Moroccan argan oil, a GI-protected product produced by women's cooperatives in the southwestern region of Morocco. The GI system has helped to increase the value of argan oil and create new market opportunities for women's products.

4.1 Nature of conceptual framework

The conceptual framework for GIs aims to comprehend the evolving legal framework for protecting GI products. This framework has significantly evolved since 1883¹¹, as different dimensions of GIs are closely embedded in various legal and institutional frameworks. The term "appellation of origin" refers to a specific type of GI system. It was first introduced in 1883 to establish a connection between the protection of origin products and their location as a strategic asset. This involves considering the geographical name of a country, city, region, or locality of a territory for a product or service whose qualities or characteristics are exclusively or essentially attributed to the geographical environment, including natural and human factors. The goal is to protect the product's origin and ensure its authenticity. However, the term 'geographical indications' was first used and defined in the TRIPS Agreement of the WTO, which came into force in 1995. Applying the conceptual framework for GIs and gendered trade, one will realise that it does not affect developing and developed countries equally or all developing countries equally, nor do they affect men the same way as women in a given country. Understanding these differential effects' specifics can help indicate ways to minimise negative impacts and maximise women's participation in the GIs system.

Most African countries are WTO members and, as such, are expected to enforce legal tools to protect GIs. Under article 1 of TRIPS, WTO member states are allowed to use their discretion on protection options for origin-related products, provided they are compliant with the TRIPS Agreement¹². These protection options range from unfair competition, trademark law, administrative means, and specific legislation in the sui generis system. When it comes to the GIs protection conceptual framework as a form of intellectual property, countries generally fall into three main categories:

11 D Benavente 'The Economics of Geographical Indications', <https://books.openedition.org/iheid/652?lang=en> (accessed 17 April 2021)

12 D Vivas-Eugui 'Negotiations on geographical indications in the TRIPs council and their effect on the WTO agricultural negotiations: Implications for developing countries and the case of Venezuela' (2001) 4 *Journal of World Intellectual Property* 703.

- countries that do so employing GI-specific laws or *sui generis* systems;
- countries that do so through a trademark system or other legal or administrative means;
- countries that do not formally recognise or protect GIs;

Firstly, the European Union (EU) countries fall within the first category. EU occupies a vital position in this category with its advanced GIs system application in force. The EU has defined the GIs system at the community level under a *sui generis* regulatory framework since 1992. The EU GIs *sui generis* system distinguishes between two types of protection: protected designation of origin (PDO) and protected geographical indication (PGI).¹³ The PDO is designated for products of which the production is wholly linked to a specific geographical area, while PGI refers to products that derive a significant amount of their production reputation tied to a particular location¹⁴. According to the European Commission, 7.1% of all EU agri-food and drink products are registered under Protected Designation of Origin (PDO) or Protected Geographical Indication (PGI)¹⁵. Products with PDO certification have a strong connection to the region in which they are made. To earn this certification, all raw materials must originate from the designated region, and all production stages must occur within the same area. An example of a PDO product is Parmigiano Reggiano cheese, which can only be produced in the Parma and Reggio Emilia regions of Italy.

On the other hand, PGI products require at least one stage of production, processing, or preparation to occur in the region of origin. For instance, Feta cheese is a PGI product that can be made in Greece and Cyprus, but the milk used must come from sheep and goats raised in those countries. Most agri-food and drink products of which the names are protected by the EU as GIs represent a sales value of €74,76 billion, according to 2017 research findings.¹⁶ Recently, non-EU countries such as China, Thailand, Colombia and Turkey started using this system to register agri-food products.

13 D Barjolle & B Sylvander 'PDO and PGI products: Market, supply chains and institutions' Final Report, FAIR 1-CT95-0306, June 2000 European Commission, Brussels.

14 G Belletti and others 'The roles of geographical indications (PDO and PGI) on the internationalisation process of agro-food products' No 690-2016-47339. 2007.

15 'Geographical indications and quality schemes explained' https://ec.europa.eu/agriculture/quality/schemes/index_en.htm.

16 European Union Commission 'Geographical indications – A European treasure worth €75 billion'(2020), https://ec.europa.eu/commission/presscorner/detail/en/IP_20_683 accessed 4 May, 2021.

Second, some countries fall within the second category that deploys trademarks for GI protection. Countries such as the United States of America, Australia, Kenya, South Africa and others employ GIs protection by the rules applicable to trademarks. However, some African countries use both trademarks and the *sui generis* system for GIs recognition and protection; examples are Morocco and South Africa.

Morocco's GIs Protection Approach

Morocco adopted a *sui generis* system in 2008 as its GIs protection framework. The provisions of law 25-06 established adequate protection for products other than wines through Geographical Indications, Appellations of Origin, and Agricultural labels identified by specific logos. Another Decree No. 2.75.321 regulates the making of wine, including the stocking and circulation, while Order No. 869-75 of the Minister of Agriculture and Agrarian Reform regulates the trading of wines using the appellation of origin. To further support the development of GIs in the country, the Moroccan Industrial and Commercial Property Office (OMPIC) is the agency saddled with the responsibility of handling cases of registration and management of GIs and AOs from the country.

The adoption of a trademark system for GIs registration and protection should be treated with caution because even though trademarks and GIs may have similarities in identifying the origin or the source of a good and help differentiate individual products among similar goods by communicating the specific qualities, there are inherent differences that limit the scope of protection that could be offered through trademarks as outlined in Table 1 above. Some of these differences lie in the fact that GIs identify a good or service as originating from a specific geographic place based on a particular quality, characteristic or reputation. A *sui generis* system offers wider protection than that granted by trademarks. A trademark often consists of signs that may be used by an individual owner or another person anywhere in the world, provided it is linked to a specific company and not to a particular place. By contrast, the sign used to denote GIs usually corresponds to the name of the place of origin of the product or to the name by which the product is known in that place of origin. Anyone who is a member of the producers group operating within a specific area of origin and complying with the standards set out in the specification book may use a GI on the specific product that has been assigned the GIs status. However, since it is associated with the place of origin, it cannot be granted or licensed to individuals outside that territory or those who are not part of the authorised producers' group. According to

EU regulations, a product that is registered only under a trademark system and has all the characteristics of a GI is not considered a geographical indication. The product must be protected under the *sui generis* system to qualify as a GI product.

Third, most countries in Africa fall within the third category. They do not have an operational GIs system or protection nationally. However, because most African countries are members of WTO and, as such, rely on the multilateral legal tools for the protection of GIs, especially article 1 of the TRIPS Agreement, which affords the WTO member states discretion on the protection options for origin-linked products, provided they are submissive with TRIPS. These options usually range from unfair competition to trademark law through specific regulation, consumer protection laws or passing-off laws.

African countries that do not yet have a domestic legal framework to protect GIs, usually have individuals, non-governmental organisations (NGOs) or associations championing the advocacy as a common interest cause to galvanise the necessary buy-in from relevant government and other stakeholders to establish appropriate legal conditions for GIs.

Table 2: List of African countries with GIs Extant Protection Law

Trademark	Sui Generis	Legislative act	Standard labelling rule
Kenya	Benin Republic	Morocco	Kenya
Egypt	Morocco		
Ethiopia	South Africa		
South Africa	Mozambique		
Morocco	Guinea		
	Tunisia		
	Algeria		
	Cameroon		

Source: Author's compilation, 2022

In addition, the conceptual frameworks for geographical indication have been designed to encapsulate all the processes, stakeholders, and economic actors in the entire supranational body and collective framework of GIs beyond the legal system. Not all economic operators involved in GIs value chains are automatically accepted in the collaborative association or organisation that uses the GIs label. However, this does not prevent other operators from freely choosing to join the official authorised group that oversees and uses the right to protect the GIs product, provided they meet the requirement of the authorised managing group within the local areas.

The conceptual framework of GIs shows the connection among producers, processors, and distributors, which guarantees the quality control of the product and maintains its reputation or characteristics that are linked to the product's origin territory. Local stakeholders, such as NGOs, research institutions, and government agencies, play a vital role in ensuring the market credibility and authenticity of GIs products. Many producers believe that joining the collaborative association offers significant advantages and simplifies certification procedures.

Furthermore, the nexus between international, national, and supranational regulators on GIs product certification, control and inspection activities and the cost, if any, has to be well defined under the framework. For example, who bears the cost for GIs product certification, what would be the validation duration of the GIs certification before the expiration and subsequent renewal application, and how consumers' expectations will be captured in the entire framework? In practice, consumers of GI products should be informed in the description section about the product's geographical origin and the quality or characteristics linked to its place of origin.

Case study on Mozambique GI protection approach

As a member of ARIPO, Mozambique enforces collective and certification marks for GIs protection and is the first ARIPO member state to have a GIs-registered product. The framework for GIs protection is captured in the Regulations on Appellations of Origin and Geographical Indications approved by Decree 21/2009 in 2009. Subsequently, a new Mozambique Industrial Property Code, approved by the Council of Ministers by Decree 47/2015 in 2015, came into force in 2016, providing a more comprehensive legislative framework for Appellation of Origin and Geographical Indications by highlighting more precise definitions, specifications, and requirements for GIs compliance (Update in new IP code (Decree 47 of 2015) in Mozambique, 2016). The agency responsible for the registration of GIs in Mozambique is the Industrial Property Institute, which manages and coordinates the registration and certification of GIs in the country.

4.2 Relationship between conceptual framework of gendered GIs, trade and Africa

The relationship between gendered GIs, trade, and Africa can be complex. However, GIs can be a useful tool for promoting gender-inclusive trade in Africa. They can help overcome some of the barriers women face in trade by enabling them to differentiate their products and add value, creating market opportunities for women's products, supporting the development of women's livelihoods and businesses, and empowering them to negotiate better prices and terms of trade.

The ability of a gendered GIs system to boost trade in agricultural products can give Africa a competitive advantage in global trade. Women play a critical role in Africa's traditional agricultural product value chains, which makes it imperative for African countries to implement strategies that focus on GIs valorisation to boost rural development, indigenous traditional knowledge and traditional products, which empowers women who are the drivers of deeper rural development processes.¹⁷ In order for an African product to be registered under this legal model, it must already have a certain level of popularity and reputation among consumers as a quality product from a specific region. This means that African countries should establish regulations to effectively enforce the protection of geographical indications while promoting gender equality and inclusivity.

It is important to note that trade is an indispensable component of the economy, and gender equality has many implications for economic development. Most African countries still have a fragmented GIs system that does not link trade, gender, and policy to economic development. Without a well-established framework that addresses and connects gender-related trade issues at a national level, African countries will not be able to fully utilise the benefits of GIs on the continent. To harness these benefits, there needs to be a workable policy that creates sustainable incomes for rural women participating in GIs products' supply and demand value chains, including small processing units and petty traders.

However, recent discoveries reveal that several African countries have established some form of GIs systems that align with international protocols, which can be considered beneficial to their national interest, with the prospect of improvement.

17 S Bowen 'Development from within? The potential for geographical indications in the Global South. (2010) 13 *Journal of World Intellectual Property*: 231 - 252

Table 3: List of some selected registered GIs in Africa

S/N	Geographical Indication	Type of Product	Country of Origin	Legal Protection
1	Ain-bessem-bouira	Wines	DZ Algeria	<i>Sui Generis</i>
2	Amande d'Aknoul	Food Products / Fruits,	MA Morocco	<i>Sui Generis</i>
3	Ananas Pain de Sucre du plateau d'Allada	Food Products / Fruits,	BJ Benin (OAPI)	<i>Sui Generis</i>
4	Argan	Food Products / Vegetal oils and fats	MA Morocco	<i>Sui Generis</i>
5	Belle de Guinée	Food Products / Fruits	GN Guinea (OAPI)	Trademark
6	Bouhezza	Food Products / Cheese	DZ Algeria	<i>Sui Generis</i>
7	Breedekloof	Wines	ZA South Africa	<i>Sui Generis</i>
8	Cabrito de Tete	Food Products / Fresh animal products / Goat	MZ Mozambique	<i>Sui Generis</i>
9	Café Ziama Macenta	Food Products / Coffee	GN Guinea (OAPI)	<i>Sui Generis</i>
10	Cederberg	Wines	ZA South Africa	<i>Sui Generis</i>
11	Central Orange River / Sentraal Oranjerivier	Wines	ZA South Africa	<i>Sui Generis</i>

12	Coffee Kenya	Food Products / Coffee	KE Kenya	Trademark
13	Coteaux de Tebourba	Wines	TN Tunisia	<i>Sui Generis</i>
14	Coteaux de Tlemcen	Wines	DZ Algeria	<i>Sui Generis</i>
15	Egyptian Cotton	Non-Food Products / Vegetal-based fibres and textile / Cotton	EG Egypt	Trademark
16	Fig of Matrouh	Food Products / Fruits	EG Egypt	Trademark
17	Huile d'olive de Teboursouk	Food Products / Vegetal oils and fats / Olive oil	TN Tunisia	<i>Sui Generis</i>
18	Kenya Tea	Food Products / Tea and other infusions	KE Kenya	Standards and labelling rules
19	Menthe « El Ferch »	Food Products / Others / Rosemary dried leaves	TN Tunisia	<i>Sui Generis</i>
20	Monts du Tessala	Wines	DZ Algeria	<i>Sui Generis</i>
21	Muscat de Thibar	Wines	TN Tunisia	<i>Sui Generis</i>
22	Oku White Honey / Miel Blanc d'Oku	Food Products / Honey	CM Cameroon (OAPI)	<i>Sui Generis</i>

23	Olive Oil of Matrouh	Food Products / Vegetal oils and fats / Olive oil	EG Egypt	Trademark
24	Poivre de Penja	Food Products / Others / Pepper	CM Cameroon (OAPI)	<i>Sui Generis</i>
25	Pomme de Sbib	Food Products / Fruits	TN Tunisia	<i>Sui Generis</i>
26	Sidamo coffee	Food Products / Coffee	ET Ethiopia	Trademark
27	Sidi Salem	Wines	TN Tunisia	<i>Sui Generis</i>
28	Taita Basket	Non-Food Products	KE Kenya	Trademark
29	Violet du Galmi	Food Products / Fruits	NE Niger (OAPI)	Trademark
30	Yirgacheffee coffee, Sidamo coffee and Harra coffee	Food Products / Coffee	ET Ethiopia	Trademark

Source: Author/AITCR gathered from diverse sources, 2022

5 Analysis of Africa's continental GIs strategy

One of the African Union (AU) Agenda 2063's top priorities is promoting trade within Africa.

Africa is endowed with some of the finest unique traditional agriculture and handicraft products that contribute to the world's economic, social and environmental advancement,¹⁸ but the owners of the products have not protected them.

18 World Development Report (2012). <https://elibrary.worldbank.org/doi/10.1596/978-0-8213-8810-5> accessed 18 April 2021.

The Continental Strategy for Geographic Indications in Africa (2018-2023)¹⁹ is formulated to facilitate sustainable rural development in line with the vision of African leaders of a prosperous Africa based on inclusive growth and sustainable development. The Africa Continental GI strategy was designed in cognisance of the Comprehensive Africa Agriculture Development Programme (CAADP) as enshrined in the aspiration of the AU's Agenda 2063 of 'a Shared Strategic Framework for Inclusive Growth and Sustainable Development', which was adopted by the 24th African Union Assembly in 2015 as a continental plan for the next 50 years (Agenda 2063 framework document, 2015; Africa Union, 2018).

The strategy is based on the following key pillars:

- Awareness and capacity building: The strategy aims to raise awareness of GIs and build the capacity of African stakeholders to register and manage GIs.
- Legal and regulatory harmonisation: The strategy aims to harmonise GI laws and regulations across Africa to create a more supportive environment for the use of GIs.
- Promotion and marketing: The strategy aims to promote and market GI-protected products in domestic and international markets.
- Partnership and collaboration: The strategy recognises the importance of partnerships and collaboration to achieve its goals.

By all indications, the continental strategy for GIs in Africa is currently being implemented and will continue to be beneficial to rural women through the African Continental Free Trade Area (AfCFTA), with the operationalisation of the AfCFTA Agreement that came into force on 1 January 2021. The operationalisation of the Agreement represents the commitment of African leaders to consolidate Africa's collective prosperity through integrating the economy of African countries into 'one' market where 'made-in-Africa' goods and services are easily traded with no technical and non-technical barriers to trade among State Parties. The phase II negotiation of the AfCFTA Protocol on Intellectual Property Rights (IPRs) addresses the issue of GIs. The Protocol to the Agreement establishing the AfCFTA on IPRs applies to all categories of intellectual property, including geographical indications and other emerging issues. Article 9 of the AfCFTA IPRs protocol explicitly states that State Parties shall protect GIs through sui generis systems. However, the Protocol

19 Africa Union Department of Rural Economy and Agriculture (2018) Continental Strategy for Geographical Indications in Africa, (2018-2023), <https://au.int/en/documents/20190214/continental-strategy-geographical-indications-africa-2018-2023> accessed 4 May 2021.

also encourage State Parties to provide additional legal means, including certification marks, collective marks or unfair competition laws to protect African GI products.

As part of the IPRs Protocol, the AfCFTA Secretariat will create a database and information portal for registered African geographical indication products. This is in line with the implementation of the continental strategy for GIs in Africa, which aims to boost trade volumes of GI products and ensure that local producers and owners of exportable GI products receive the maximum benefits for their cross-border trade. In addition, the central database of registered African GI products addresses the issue of information asymmetries in Africa, which has negatively impacted the trade of authentic African-origin goods and services in the past.

Moreso, protecting, managing sustainably, and creating market access for African GI products is crucial to combat poverty among women and rural underdevelopment. The continental strategy for GIs in Africa underlines the need for a comprehensive approach to address these various issues and how to create new opportunities for African producers. Also, the strategy document presents a guide on how to overcome challenges such as a lack of regulatory or legislative framework, inadequate awareness among stakeholders about the benefits of GIs protection, and lack of coordination among the relevant agencies and organisations responsible for developing GIs in Africa.

The continental strategy work in tandem with regional and national institution on GIs. These include the African Intellectual Property Organisation (OAPI), the African Regional Intellectual Property Organisation (ARIPO), the regional economic communities (RECs); individual AU member states, and other relevant stakeholders. The regional intergovernmental IP institutions should implement programmes that will encourage the development of Africa GI food and non-food products that can empower women's participation in trade and preserve traditional knowledge while promoting product export.

Regional organisations in Africa have been seeking to protect GIs under their existing intellectual property systems for a long time but with no concrete outcomes until the operationalisation of the Africa Continental GIs Strategy. For example, the African Intellectual Property Organisation (OAPI) and the African Regional Intellectual Property Organisation are the leading inter-governmental IP administrators in Africa that have consistently advocated GIs at the regional level. However, OAPI, for instance, established a legal framework for IP in the 1977 Bangui

Agreement, revised in 1999, to include GIs as one area of concern. In 2005, during the Ministerial Conference in Ouagadougou, Burkina Faso, OAPI initiated an action plan to establish national committees for GIs in each OAPI member country and GIs focal points in each ministry of agriculture in every member state to facilitate the process of selecting a product that will serve as a pilot project. This declaration was adopted at the conference. However, there has not been a tangible outcome since 2005 that revolutionise the GIs system in OAPI member nations.

At the national level, some African countries have established some form of protection for GIs outside OAPI and ARIPO structures. These countries are not signatories or members of any African intergovernmental IPR institutions. These national legislations on GIs conform with the provisions of the WTO's TRIPS Agreement; others do not, nor do they fully guarantee the special kind of protection required for GIs, especially the GIs products that have more women working within the value chains. The GI system in force in most African countries has not satisfactorily gendered concerns by making adequate provisions for gendered inclusivity in the laws. Specifically, the gender role and participation in the value chains of most potential GIs or substantive GIs products can disproportionately impact both genders. These disparate impacts and positions require proper attention and consideration, especially in ensuring that women and men are given equal opportunities to benefit from GIs systems.

Nevertheless, the continental GIs strategy has been put into action through an extensive Action Plan that offers a clear overview of the agricultural, rural development, and environmental management context. This plan aimed at reducing gender gaps and enhancing Africa's intellectual property systems. African women entrepreneurs face significant obstacles due to societal norms that prioritise women as 'home builders' and 'housewives.' This gender disparity puts women at a disadvantage in terms of wealth creation and growth. To address this challenge, the plan includes a provision for rural women who play a vital role in supporting their families through SME ventures in GIs value chains. These women rely solely on their business activities within the GIs product value chains to support themselves and their dependents because societal norms consider them to be only home builders.

Additionally, the action plan is expected to produce an efficient GIs system at the continental level and support the national/regional systems to avoid misappropriation and genericity of domestic GIs, and curb the infringement of many IPRs and origin-linked products that focus on rural women, who are often the most vulnerable due to a lack of formal education and reliance on their male counterparts for their livelihood.

Women's ability to acquire assets and wealth is generally dependent on whether institutions allow them to own and be in charge of their intellectual property assets or benefit from their technical know-how. In some African communities, women have been forbidden from monetising their traditional intellectual property rights inherited from past generations. Additionally, rural women often lack training and information to increase their capacity to access local buyers and the international market.

Although government and NGO training and capacity-building programs often target rural producers/farmers, particularly those operating within possible GIs value chains, many rural women have yet to maximise the benefit from the impact of the training. It is crucial to prioritise policies that support rural women in acquiring assets and engaging in the market to promote their economic growth. Women who have greater control over their traditional resources, including intellectual property rights assets, have the potential to improve food security. For African women, the protection and promotion of GIs can be considered a tool to promote women-led agricultural value chains due to their critical role in producing, processing and marketing many GI and potential GI products in their localities.

Finally, suppose policies are put in place to give rural women involved in the GIs production value chain control over their traditional knowledge as an intellectual property asset. In that case, the result can lead to higher income. This will allow them to overcome poverty and have greater control over household decisions that benefit them and their families.

6 Is product differentiation crucial to Africa?

GIs are a valuable tool in distinguishing similar products in the market. They are especially useful in international trade, helping consumers identify and associate a specific geographic area with an authentic product. GIs are especially important for women producing traditional African products, as they promote rural development, support commercial interests, and preserve local values.²⁰ The African continent is rich in such products, most of which are produced by women. The GI system could greatly benefit them, linking their products - food or non-food items - to a particular country or territory name in the global market. Unfortunately, African products are often treated as mere commodities compared to similar products from other regions, making it difficult for African women to compete.

20 CC Hinrichs 'The practice and politics of food system localisation' (2003) 19 *Journal of Rural Studies* 33-45.

Conversely, the neglect of traditional African products has resulted in them becoming generic commodities susceptible to international price fluctuations. This has adversely affected the income of rural African women, resulting in increased gender inequality, widespread poverty, and reduced external revenue for African countries. To tackle this issue, GIs can be used as a tool for product differentiation, taking away the power of price speculation and giving control of prices back to African producers. This will protect the intellectual property rights of rural women and prevent fluctuations in international prices for African GI products, which do not recognise the nuances of production sources.

An excellent example of this strategy is the use of trademarks by the Ethiopian Intellectual Property Office to protect and market three famous coffee brands named after the regions of Harrar/Harar, Sidamo, and Yirgacheffe. According to the Global Agriculture Information Network (GAIN) Report ET1904 of 29 May 2019, Ethiopia exports coffee to over 60 countries, with Germany being the principal export market at 22 per cent. Other significant markets include Saudi Arabia, the United States of America, Belgium, Sudan and Italy. Adekunle²¹ affirms that trademarks for Yirgacheffe, Harrar/Harar and Sidamo coffee are registered in the US, EU, Canada, Australia, Japan and a few other countries.

The use of GIs has created a niche and specialised market for products, reducing their dependence on international pricing systems and making them more competitive against other market pricing crises. GIs agreements offer protection against unauthorised use of product names. Employing the GIs system for product differentiation can have different impacts depending on the product, but generally, it can have the following effects, including on transnational trade:

- (i) enhanced reputation resulting from the GI recognition;
- (ii) increase in quantities sold;
- (iii) increase in consumer willingness to pay more;
- (iv) increase in the final price and prices paid to producers;
- (v) increase in producers' incomes;
- (vi) reduction in both production and transaction costs;
- (vii) quality improvement;
- (viii) increase in product traceability.

21 B Adekunle 'Economics of intellectual property rights. Entrepreneurship and intellectconomics' series (Virtual and Global): Intellectconomics Research Group (IRG) and ECVOntraio, University of Guelph, 15 January 2022.

Case study on goat differentiation: Cabrito de Tete (Tete goat)

In 2020, the 'Tete goat' from the Mozambican goat market was granted GI certification under the Industrial Property System in Mozambique. This goat breed is unique to the Tete province of Mozambique and has a population of approximately 300,000 animals. The Tete goat is subject to strict standards and regulations for breeding and processing. Since achieving GI recognition, there has been a rise in the goat population due to increasing interest in its production. This has allowed producers within the value chain to sell at higher prices in local and international markets, resulting in increased income.

The European Office of Intellectual Property (EUIPO) and Africa Intellectual Property Rights & Innovation (AfrIPI) provided support for the GI registration of Cabrito de Tete. AfrIPI offered technical and logistical aid for the commercial testing, which included two training sessions for the local producers.

The economic impact of differentiating traditional African products through GI directly affects the development of rural women and sociocultural issues. This is because it helps to maintain their economic activities, increase production, and create employment opportunities for women and young people in rural areas. As a result, they and their families have better prospects for livelihoods. The case study highlights the importance of differentiation, which has established Tete goat as a well-known global brand based on the unique attributes of the goat. However, accessing international markets is challenging for African producers, particularly those led by women. By employing a GIs differentiation strategy, the Tete goat and its associated products can expand their market reach and protect women involved in the Tete goat value chain from unfair competition from imported goats. Additionally, it promotes the economic activities and local distribution of value-added products.

In order for women to benefit from product differentiation through GIs, governments must take proactive steps in developing a national policy that identifies the strengths, weaknesses, opportunities and threats of the target product. This information will inform the policy design. Additionally, it is important to create synergy with Africa's GIs product differentiation strategy and comply with other voluntary standards such as fair trade, organic, and certification marks. These labels are highly sought after in the international market. However, obtaining these certifications

can be expensive for women producers in rural communities. Therefore, government policies should include subsidies to help cover the cost of obtaining these voluntary certificates. These certifications will help to consolidate product differentiation and respond to the needs of different buyer groups, allowing for broader market segments to be reached.

Furthermore, it can be challenging for rural women to mobilise and invest the necessary financial and human resources that will differentiate traditional African products from similar products from other jurisdictions. Cultural limitations, as mentioned earlier, can make this process difficult. Additionally, commercial banks are often hesitant to provide loans at the beginning of such initiatives. Technical assistance and legal approval are crucial in defining criteria and developing specifications standards. However, implementation can be challenging, requiring external entities to offer technical training or consulting services.²² National governments, therefore, can facilitate this process by promoting gender-based community businesses, improving access to finance, supporting SMEs, making it easier to do business, investing in infrastructure, deploying technology, and reducing corruption by promoting transparency.

7 Gender and value addition to Africa's traditional products

In Africa, traditional products such as agricultural goods, artwork, textiles, and handicrafts are unique to specific regions and often involve a significant number of women workers. Women's roles in these product value chains vary widely and are rapidly evolving due to economic and social changes, particularly in the agriculture, textiles, and handicraft sectors where women are prominent. Despite Africa having the highest number of female entrepreneurs in the world, according to the Global Entrepreneurship Monitor,²³ women in Africa generally lag behind in maximising some economic, social and political leverage that African traditional products give industry actors. In a regular African rural setting where traditional products originate, women often are very much involved while at the same time managing complex households. This affects their ability to add value to traditional products and adapt to changing

22 J-M Chappuis & P Sans 'Actor coordination: Governance structures and institutions in supply chains of protected designations of origin' in B Sylvander, D Barjolle & F Arfini *The socio-economics of origin labelled products in agri-food supply chains: Spatial, institutional and co-ordination aspects* (2000) 51-66.

23 Global Entrepreneurship Monitor 2013 Global Report, https://www.researchgate.net/publication/264953640_Global_Entrepreneurship_Monitor_2013_Global_Report accessed 16 June 2021.

market trends or production processes, with a large proportion of women uneducated and poor.

For women to add value to and promote traditional products of local origin, particularly in the agro-industry sector and to conquer the domestic and international markets, it is important for them to add value to these products within the framework of GIs. The planned value-adding strategy must be able to promote and protect endangered African products of local origin against unfair competition and address the challenge of misappropriation of names by free-riders. The misappropriation transfers the economic benefits associated with the legitimate name to illegitimate actors. It also endangers women's welfare, limits their ability to grow their businesses and makes them less productive.

Case study: Moroccan argan oil

Argan oil is a unique product that originated in Morocco and gained national recognition as a GI in 2009. It is highly sought after for its culinary, skincare, cosmetic and medicinal benefits, which has led to an increase in demand and a higher price in the global market. Ever since achieving GI certification, exports of Argan oil have grown significantly, with over 80% of the oil being exported. However, prior to certification, Moroccan Berber women who produced the oil derived minimal benefits. Additionally, there were instances where inferior products, mixed with other vegetable oils, were marketed under the name 'Argan', which led to misuse and damage to the oil's reputation. Such practice may eventually cause a loss of market and business for Argan oil.

Consumers are willing to pay more for GI products, not just for the product itself, but for the added value and assurance of quality that comes with legal protection. Women producers can attract consumers with higher incomes who are interested in unique products by adding value to their GI products. These consumers are not necessarily eating more; instead, they seek different types of food and are willing to pay a premium for them. By adding value to GI products, women producers gain an advantage in overcoming unfair competition. This is because they must maintain the unique quality attributes that are linked to the production process and supply chain's operational characteristics, which are specific to certain geographical origins or other quality attributes.²⁴

24 AMR Fadinaa & D Barjolle 'Geographical indications to enhance the value chain of agricultural and agri-food products in Benin: Sugar loaf pineapple and Wagashi

It is important to recognise that local products with traditional origins are not common agricultural items but premium products. These products have a unique quality that has been passed down through generations of women's traditional knowledge. The GI seal authenticates the products and allows consumers to identify them as being linked to a specific geographic location. This helps position the products across various markets that accommodate premium brands rather than inexpensive and less sophisticated alternatives that do not carry the label. Registering the product as a GI also protects it from counterfeit imitations.

Most of the GI's products have historical antecedents and a connection to the land. For instance, Southeast Nigeria's traditional salt-making industry has been around for over 200 years. Some local women producers have decided to revive this traditional method of making raw natural and organic Okposi and Uburu salt in the twenty-first-century economy, differentiating their salt from others. They aim to add value to the presentation and packaging of the salt while maintaining the traditional method of mining and processing. The leader of the women's association believes that adding value to the local salt will increase its market value and the willingness of buyers to pay a premium for it. It is worth noting that the production and processing of Okposi and Uburu salt and other unique African traditional products often play a significant role in rural development and are centred around women.

Origin-linked products that are recognised and popular within the domestic economy benefit from the reputation of expanding to other markets. This attracts tourists and visitors to the area, and local stakeholders and businesses in the value chain, including travel and tour companies, museums, hotels and restaurants, cultural associations, environmental associations, and scientific institutions, also benefit.

7.1 Women participation in shea butter value chain

In the West African savanna, there is a vegetable fat known as shea butter from the shea tree. The local people call it Ori or karité. Although it is widely used in the cosmetic, food and beverage, and pharmaceutical industries, it has not yet been officially recognised as a GI product. Women are largely responsible for controlling the production of shea butter. If recognised as a GI product, the potential benefits could be enormous due to the ripple

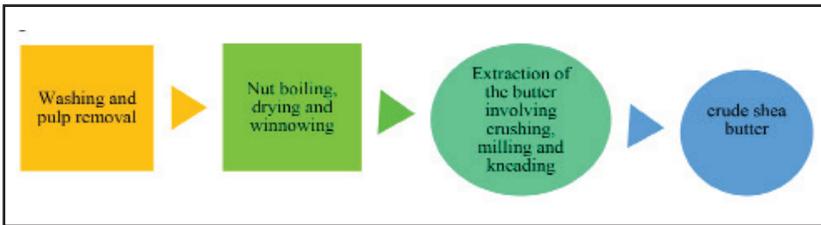
case' 13th European International Farming Systems Association (IFSA) Symposium, Farming systems: facing uncertainties and enhancing opportunities, 1-5 July 2018, Chania, Crete, Greece. International Farming Systems Association (IFSA) Europe, 2018, http://ifsa.boku.ac.at/cms/fileadmin/Proceeding2018/Theme5_Fadina.pdf/ accessed 4 July 2021.

effect. The global demand for African shea butter and its derivatives is on the rise due to growing interest in the butter as a ‘natural’ product for the cosmetic industry.²⁵ Many women in Benin, Nigeria, Ghana and other West African countries are involved in the production of shea butter, which is primarily exported. In fact, more than 28,000 women are active in the shea butter value chains in the Republic of Benin alone, while in Nigeria, it is estimated that over 10 million women work in the industry. Across Africa, it is estimated that more than 16 million women work in producing and processing shea butter, with African shea butter serving as a vital source of income for many. The extraction of shea butter involves various methods, but the traditional techniques passed down from mother to daughter are an important aspect of the cultural heritage surrounding this industry.²⁶ Notably, most aggregators and buyers of shea butter are women, except for the export segment, which is men-dominated.

Preparation and processing

- (i) The fruits are not harvested by plucking.
- (ii) They are allowed to drop, then picked and collected mainly by women.
- (iii) The fruits are hand-picked or gathered regularly, at least two times a week.
- (iv) This is to prevent its germination or deterioration and to ensure that insects do not attack the fruit.
- (v) The immature, unripe and rotten/decayed nuts are not collected.

Figure 1: Shea butter extraction method



25 M Elias & J Carney ‘African shea butter: A feminised subsidy from nature’ (2007) 77 *Africa* 37-62.

26 E Ekong ‘Gender Implications of Geographical Indications for Ghanaian Shea Butter’ (2019).

Application and usage

- (i) The indigenous people regard the shea tree as a gift from nature.
- (ii) The shea tree also serves as a source of timber.
- (iii) The pulp around the seed is edible.
- (iv) Shea butter is used as cooking oil, which is considered very healthy.
- (v) The shea butter is very nourishing to the body and the skin. It is very soft and smooth.
- (vi) It also has pharmaceutical or medicinal uses.

Economic use

- (i) The shea nut and the shea butter are traded in, both locally and internationally.
- (ii) The nuts are purchased and transported to countries in Asia, Europe and America.
- (iii) It is used as shea butter, shea cake, and so forth.
- (iv) It is also used as a substitute for cocoa butter in the confectionery and chocolate industries.
- (v) Another use is in the cosmetic industry.

7.2 Women's participation in the Adire cloth value chain

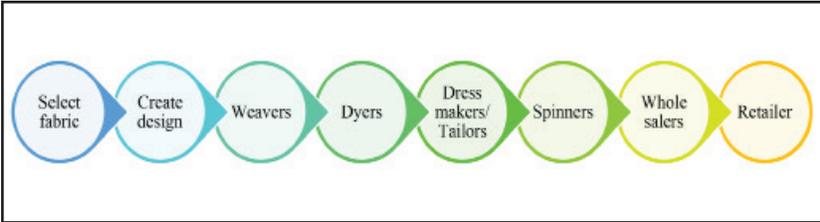
In Nigeria, the term 'Adire' is used to refer to the 'tie and dye' technique that creates beautiful patterned designs in a wide range of colours. This traditional Yoruba art form involves using wax-resist methods to produce stunning African-inspired designs. In Nigeria, the production of Adire is popular among the Egba women entrepreneurs in Nigeria's southwest region. Historically, the export of Adire fabric was facilitated by the formation of Adire makers' associations in different parts of Yorubaland, which came about due to the challenges faced by Adire makers in Abeokuta during the 1920s. The first female Adire merchant in Abeokuta was Jojolola Soetan, who died in 1932.²⁷ Since her death, the practice has become a significant part of entrepreneurial life among Egba women to date.

Adire clothing is produced by women in Nigeria who not only support themselves and their families but also contribute to the country's foreign exchange earnings. Despite meeting all the requirements to be classified as a GI product, Adire has yet to obtain recognition due to the absence of legal or regulatory frameworks in Nigeria. The value chain has expanded

27 'Nigerian women "dyeing" to boost Nigeria's forex earnings' *Premium Times* (9 July 2021), <https://www.premiumtimesng.com/features-and-interviews/472443-nigerian-women-dyeing-to-boost-nigerias-forex-earnings.html> (accessed 17 August 2021).

over time, generating employment for numerous women, including dyers and decorators. Women predominantly work in various aspects of the value chain, such as Adire Oniko, Adire Eleko, Adire Alabere, and Adire Batani, which all feature unique designs and creative patterns. While men also participate in logistics, women play a more significant role in this industry.

Figure 2: Adire cloth value chain



Source: Africa International Trade Commerce Research, 2021

Adire-making is a complex process that involves selecting the right fabric, creating unique designs and patterns, weaving, dyeing, dressmaking, tailoring, spinning, canning, and selling. In Yoruba culture, women are usually not involved in labour-intensive tasks, but today, there are five categories of people who participate in the Adire trade: producers, artists-in-residence, designers, wholesalers, and retailers. Producers are merchants with the financial capacity to purchase bulk quantities of processing materials, including clothes, caustic soda, and synthetic dyes, for retail trading.

It is interesting to note that there are no designated industrial estates or parks for Adire making in cities such as Abeokuta, Osogbo, Ilorin, and Lagos. Instead, women typically use shops in front of their homes, open spaces, and sidewalks to conduct their trade. Some homeowners even convert parts of their houses into cottage businesses.

7.3 Women in GI value chain and rooibos tea in South Africa

The Western Cape province of South Africa is best known for its winelands but is also home to the indigenous rooibos ('redbush') plant. For centuries, the local communities in the Cederberg region,²⁸ in the northwestern territory of Cape Town, the inhabitants have long been utilising the leaves

28 Agriculture: Opportunities in agro-processing | Ivili Loboya. <http://ivili.co.za/2017/08/23/agriculture-opportunities-in-agro-processing/>. accessed 19 August 2021.

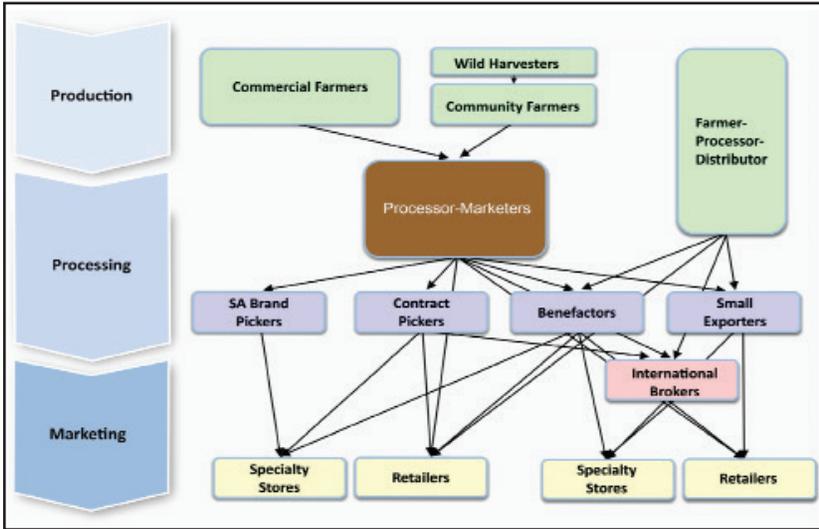
of a particular shrub to create the widely-favoured local beverage known as rooibos tea.²⁹

This tea is a delicious and unique option that is caffeine-free and rich in antioxidants, making it a healthy and enjoyable choice. It is commonly known as red bush tea or *aspalathus linearis*; rooibos tea is exclusively produced in the Cederberg and nearby mountains of South Africa. Rooibos tea has earned international recognition for its many health benefits and has been granted a protected designation of origin by the EU.³⁰ The iconic tea is the first African product to receive such status in the EU and the fortieth from non-EU countries.

According to a report by the Rooibos Council, the rooibos industry is already the largest employer of people from rural provinces in South Africa. More than 8,000 farm labourers, many of them women in the supply chain, are given direct income and employment through processing, packaging, and retailing. With increased production and international sales, this trend is likely to continue. There is an untold story of women's influence in tea commerce that has shaped the sector into what it is today. One South African woman, Annique Theron, propelled rooibos to the top of the global tea charts when she made an unexpected discovery.

29 Agriculture | Inspiring New Ways | BBC Story Works, <https://www.bbc.com/storyworks/inspiring-new-ways/agriculture> (accessed 22 June 2022).

30 E Bonadio & M Contardi 'Rooibos tea: EU protection is good news for South African agriculture' *The Conversation*, <https://theconversation.com/rooibos-tea-eu-protection-is-good-news-for-south-african-agriculture-163502> (accessed 17 August 2021).

Figure 3: Rooibos tea value chain

Source: Rooibos Tea Value Chain³¹

Production: There are approximately 450 commercial rooibos farmers in South Africa. There are roughly 150 small-scale farmers, the majority women-owned, who are either independent or belong to cooperatives based in the communities in which they live. The two major tea cooperatives are Heiveld and Wupperthal. The production of rooibos tea increased from 4,293 tons in 1993 to as high as 18,000 tons in 2008, then declined from 2010.³²

The two major cooperatives process about two-thirds of the farmer's delivery, which claims about 70 per cent of the global market share, exporting to more than 50 countries worldwide and has a contracted farmer base of more than 200 farms. It has an extensive product range and offers customised product development and various services, from packaging to flavouring and aroma.³³ As the dominant player in the industry, it emerged as the custodian of the rooibos name as the entire industry was threatened

31 https://erln.gtac.gov.za/attachments/article/311/Case%20Study%201_Rooibos_14%2011%2016.pdf, accessed 16 August 2021.

32 'Rooibos tea value chain: Lessons for policy and practice' 20 October 2016, http://erln.gtac.gov.za/attachments/article/311/Case%20Study%201_Rooibos_14%2011%2016.pdf, accessed 16 August 2021.

33 HD Alwis (2014) WIPO/GEO/BKK/13/INF/4 page 2. 76. https://www.wipo.int/edocs/mdocs/geoind/en/wipo_geo_bkk_13/wipo_geo_bkk_13_inf_4.pdf, accessed 15 August 2021.

by the potential loss of the rooibos name on trademark grounds over the past two decades. Product innovation and extending the product line are also important. Examples include launching green or unfermented rooibos in 2003, including honeybush tea in the product line-up and producing extracts with a wide range of applications that commenced in 2011.

Marketing: In 2013, the top five countries that imported the most rooibos tea were Germany, The Netherlands, the United Kingdom, Japan, and the USA. These countries accounted for 84% of the total amount exported. As people become more concerned with living healthy lifestyles and ensuring fair production and trade, new systems for producing and marketing rooibos tea have emerged, diverging from the traditional capital-intensive agribusiness-style systems..

Apart from producing tea, the community of Heiveld also engages in another project where women from the Melkraal Women's League make cloth bags for tea packaging. The association was officially registered as an organic producer in 1999 and ensures organic production by incorporating animal manure and natural pesticides derived from a local plant called 'khakibos'.

8 Success of Kampot pepper, Cambodia: Lesson from an emerging economy

Kampot is a city known for pepper plantations for at least 1,000 years on the Preaek Tuek Chhu River in Southern Cambodia.³⁴ The World Bank classified Cambodia as a lower-middle-income country in 2016 based on constant and consistent economic growth over the last several years.³⁵ Considering that Cambodia became a significant producer of pepper and, in 2018, ranked as the world's fifth-largest producer, it can serve as a model of GI success in organised activities of women's associations for many emerging and developing economies in Africa.

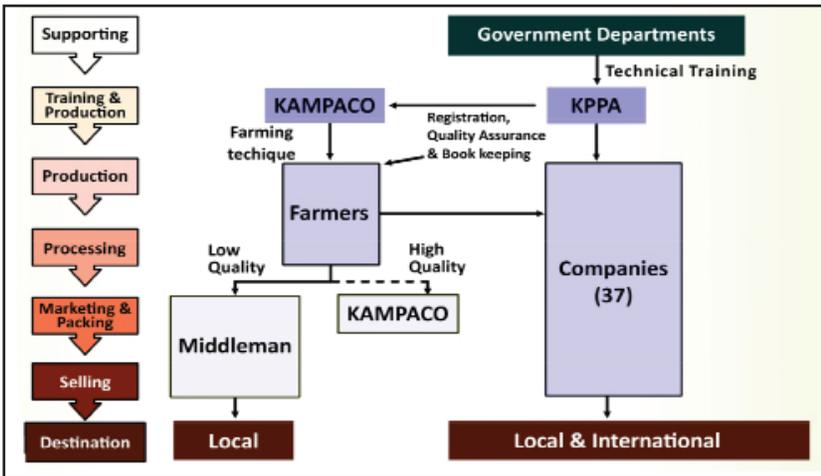
The world pepper market recognises Cambodia as one of the most important pepper suppliers with supreme quality and sustainable production. Cambodia's Kampot pepper has been linked to the top group of gourmet food items whose names are protected by the EU. The coveted

34 O Thomas 'A visit to a Cambodian pepper plantation' 9 May 2013, <https://www.csmonitor.com/The-Culture/Food/Stir-It-Up/2013/0519/Travel-A-visit-to-a-Cambodian-pepper-plantation> accessed 15 August 2021.

35 Y Lak 'Value chain analysis of memot pepper in Cambodia' (2018) 21 *Australasian Agribusiness Perspectives* 24-42, <https://cpb-ap-se2.wpmucdn.com/blog.une.edu.au/dist/4/1340/files/2018/02/AAP-Vol-21-Paper-2-Youssef-1gak8ct.pdf>. accessed 15 August 2021.

protected geographical indication designation, or PGI, means that any product sold in EU countries that is called ‘Kampot pepper’ must come from a designated region in Southern Cambodia, including Kampot and neighbouring Kep province.³⁶ The Kampot Pepper Association (KPPA) played a key role in the commercial success of a distinct pepper that naturally comes in four varieties: Black Pepper, Red Pepper, Green Pepper, and White Pepper. This success was achieved with the help of a local non-governmental organisation. To be entitled to produce and sell Kampot pepper, the producer, processor, packager, or seller must register with the association and be accredited. Declaration of volume produced is required for all members, as well as registration of transactions. The association allows anyone ready to meet the standard production regardless of gender to join. However, it is difficult to meet the production standard, which is justified by the very high premium price for the pepper that was previously sold for US \$3 per kilogram and, after attaining the GI status, now costs US \$18 per kilogram.

Figure 4: Kampot pepper value chain



Source: Overseas Fieldwork Report 2019 Kampot Province, Cambodia³⁷

36 Kampot Province, Cambodia, https://www2.gsid.nagoya-u.ac.jp/blog/fieldwork/files/2020/03/20200330_OFW2019-Report.pdf accessed 18 August 2021.

37 Overseas Fieldwork Report 2019 Kampot Province, Cambodia, (2020), http://www2.gsid.nagoya-u.ac.jp/blog/fieldwork/files/2020/03/20200330_OFW2019-Report.pdf accessed 20 August 2021.

The KPPA has registered 450 households, mostly comprising women, along with 37 companies and a cooperative. Women are also found playing the middleman role in the low-quality pepper market, with pepper sorted by the farmers for not meeting GI specifications standards. These low-quality peppers are usually sold to local restaurants and local markets at a very low price. Surprisingly, the middleman has a strong network within Cambodia and neighbouring countries to sell low-value pepper.³⁸

9 Conclusion and recommendation

The concept of GIs presents an excellent opportunity for African countries to address gendered trade disparities. It is noteworthy that most African countries are members of the WTO and rely on the multilateral system to safeguard GIs, as stated in Article 1 of the TRIPS Agreement. This Agreement provides various protection options, including unfair competition, trademark law, administrative means, and sui generis systems that would allow African countries to create frameworks suitable for their unique culture and trade capacity.

Africa's continental GI strategy holds great potential for preserving cultural heritage, boosting economic development, and enhancing market access for African traditional products. However, the success will depend on the effective implementation and collaboration that addresses various challenges associated with GI products in Africa. GIs refer to food and non-food products that have unique characteristics and reputations based on local traditions, environment, or distinctive attributes. In Africa, women play a vital role in GI product trade and value chains. However, obtaining certification for GI products does not guarantee sales success or increased demand. To gain market acceptance and visibility, it is crucial to have vibrant associations and marketing campaigns that focus on product differentiation, value addition, and women's roles. Adding Fairtrade and organic labels to GI products can also improve their international appeal. Tete goats are an excellent example of how GI differentiation strategies can increase market access, protect local women producers from unfair competition, and promote economic activities in rural areas. Value addition to traditional African products preserves cultural identities and enhances their quality and tourist attraction.

38 'Cambodian Kampot pepper, first geographical indication protected in the EU under the Geneva Act' (2021), https://agriculture.ec.europa.eu/news/cambodian-kampot-pepper-first-geographical-indication-protected-eu-under-geneva-act-2021-11-23_en accessed 20 August 2021.

Furthermore, women-owned businesses should be funded to improve the African economy, and African countries should adopt the *sui generis* GI system. Many African countries have a fragmented GI system that fails to link trade, gender, and policy to economic development to include market access that eliminates technical and non-technical barriers to gendered trade and gender equality. Achieving this requires special provisions in legal and regulatory framework and funding to increase women's participation in the African economy, particularly women in rural communities.

Finally, GIs can be an effective tool for increasing the competitiveness of locally-produced African products. However, without a conceptualised framework that addresses gendered trade issues at the national and continental levels, the benefits of GIs in Africa will remain elusive.

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