



Geography of food: reconnecting with origin in the food system

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On 15th May 2013, CTA organised the 31st Brussels Development Briefing on *Geography of food: reconnecting with origin in the food system* – part of a series of bi-monthly Development Briefings on ACP-EU rural development issues. More than 120 participants discussed traditional agricultural products (geographical indications or “GIs”) and other origin marketing tools in the context of ACP countries.

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- CTA
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Achille Bassilekin III



Loretta Dormal Marino



Isolina Boto

As an introduction, Achille Bassilekin III, Assistant Secretary General in charge of Sustainable Economic Development and Trade at the ACP Secretariat emphasized the importance of agriculture in the fight against food insecurity. Sustainable agriculture needs to be strengthened to increase livelihoods of rural populations. Production capacity in food production is unequal and varies depending on environmental and human capacities of given areas. But the origin of food products is also linked to quality, tradition and productivity. Therefore there is a need to put in place frameworks for branding and instruments such as Geographical Indications (GIs) which act as certification instrument. This will contribute to protecting these specific assets of rural populations.

In turn, Loretta Dormal Marino, Deputy Director-General for International Affairs, DG Agriculture & Rural Development of the European Commission highlighted the importance of GIs, as a valuable tool in the protection of products at an international level. She noted that there is an increase in

consumer's interest in the origin of products. GI-labelled products are often being purchased at twice the price of those without a GI as the source of identification. Moreover, Mrs. Dormal Marino highlighted the efforts of partners such as FAO, ARIPO and UNIDO regarding GI registration. She emphasized the importance of coordinating all efforts to promote GI's as they serve to differentiate products.

Finally, Isolina Boto, Manager of the CTA Brussels Office, emphasized that promoting origin-linked products would help raise the incomes of farmers and improve market access not only internationally, but as importantly, at national and regional levels. She highlighted the need to promote traditional knowledge whilst taking into account the constraints and challenges for example in the registration process of origin-linked products. In this context, she added that the CTA contributes to the capacity building of farmers, in particular through value chain strengthening.



Ojo Olusola



Johann Kirsten



Marie Paule Rizo

Panel 1: Protecting value by marketing tradition and origin

The first panel was chaired by Ojo Olusola, Expert in Sustainable Economic Development and Trade, at the ACP Secretariat. This session discussed the various frameworks and tools to secure value for producers by protecting and preserving the attributes of origin and tradition of agricultural and food products. It also exchanged views on how can origin add value in terms of quality, tradition, reputation, competitiveness, profitability and public environmental goods.

Johann Kirsten, Head of the Department of Agricultural Economics, Extension & Rural Development at the University of Pretoria in South Africa spoke about the approaches to preserve and protect origin-linked identity of agri-food products in the case of South Africa.

With regard to the protection of origin-linked products in developing countries, Mr. Kirsten noted that several countries have taken up legal protection towards acknowledging and protecting the cultural and commercial value of local resources. Some have chosen the *sui generis* system, while others have opted for the American approach of protection via trademark laws (examples: India: Basmati rice; Sri Lanka: Ceylon tea). The protection of origin-linked products is warranted because it is the result of a process

whereby collective reputation is institutionalised so as to resolve issues caused by information asymmetries and reputation exploitation. The resulting added-value leads to a differentiation based on the « qualities » of the product and therefore, the creation of niche markets. Unlike some European countries, Dr Kirsten explained that South Africa does not have much experience in the protection of these products. However, the need for such protection emerged with the case of usurpation of origin-linked products' reputation in South Africa. It is the case for the names *Rooibos Tea and Karoo Lamb*. Some legal frameworks exist in South Africa which can be used to counter this problem: the IP law (on certification and collective brands) and protection laws for food and consumers. In both case studies, the decision to protect these products led to a discussion on the possibilities offered by the existing legislation in the absence of a *sui generis* system for renowned origin-linked products. For instance, the Karoo lamb has been protected by using the provisions in the 'Federal Food, Drug, and Cosmetic Act' against mislabelling. Dr Kirsten concluded by pointing out that the institution of a *sui generis* system requires a debate on the number of potential valuable GIs in the region. The pressure required to establish such a system must above all, come from the NGOs and farmers' organisations.

Marie Paule Rizo, Head of the Industrial Design and Geographical Indications Law Section at WIPO,

dealt with the existing global and regional legal frameworks for origin-branding and protecting geographical indications and traditional products. Mrs. Rizo highlighted that the protection of geographical indications at national and regional level is characterised by the existence of various different legal concepts. The main existing protection concepts are (i) unfair competition and fraudulent substitution; (ii) *sui generis* systems, such as designations of origin and registered geographical indications; (iii) collective marks of certification; (iv) administrative protection systems. These systems are not mutually exclusive. She noted the existence of three main GI protection channels abroad: (i) direct protection obtained in the country or region of interest; (ii) bilateral agreements concluded between the States and trade partners; (iii) the use of international and regional registration systems in the country of origin where the GI is applied. Mrs. Rizo mentioned two international registration systems facilitating the protection of geographical indications in some countries: the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, and the Madrid system regarding the international registration of brands. The Lisbon agreement offers stronger protection but is restricted by the limited number of signatories, a topic which will be discussed in the next agreement review. In conclusion, Rizo highlighted that establishing a protection system is not necessarily a guarantee of

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Bernard O'Connor



Astrid Gerz

success as there is no fixed rule to best protect the renowned origin-linked products, but that, on the contrary, the choice of the protection system must be adapted to the specific product.

Bernard O'Connor, Lawyer, O'Connor European Lawyers, explained the GIs and other instruments for protecting producers' assets in the origin and tradition of their products: factors of success in ACP countries. Mr. O'Connor placed the emphasis on the legal protection instruments for protection of origin and tradition of products: brands, collective brands, certification marks, geographic indications, public brands and international brands. In this context, he quoted two success cases: Darjeeling tea in India and glass production in Ireland. After being neglected for most of the 20th century and as a result of loss of reputation for tea in European markets, Darjeeling tea producers tried at first to establish a trademark system in order to then persuade the Indian government to implement a *sui generis* GI system. In conjunction with the institution of PDO and PGI in the EU, this enabled producers to protect tea in the European territory. In Ireland, the system of Waterford glass production has been protected by a marketing brand. When the production company went bankrupt, the factory was bought and relocated in Eastern Europe, leaving only a visitors centre on the original manufacturing site. Since then, the Waterford workers' union initiated a legal battle with the company

which acquired the factory based on misleading labelling with regards to the origin of the produced glass. The workers requested that the production is relocated to Ireland and the implementation by the government of an origin industrial protection system. These examples highlight the significance of a long-term strategy to establish national protection systems and to safeguard renowned important origin-linked products. Mr. O'Connor outlined the importance of some success factors: the establishment of a *sui generis* system similar to that of the European Union, the implementation of control and registration systems managed by independent authorities, the pro-activity among farmers regarding marketing strategy and production as well as their firm commitment.

Astrid Gerz, GI Expert at REDD highlighted the importance of evaluating the impact of GIs as to ensure transparency, influence agricultural policies and obtain funding, and to enrich the database needed for research on development. The impact of GIs and more generally, of the establishment of renowned origin-linked products' protection, should be considered on three levels: economic, social, cultural, and environmental. The expected impact assessment results include changes in motivation and expectations with regards to the implementation of GIs and associated risks, effect on prices, lower income for farmers because of practices or lack of certification,

etc. However, she highlighted the difficulty in measuring GI impact in ACP countries given that the concept is new but also due to the lack of economic data. Nevertheless, she pointed out current initiatives in the African Intellectual Property Organization (AIPO) member countries which try to fill the gap and suggested GI ranking by type (GI registered in a *sui generis* system, GI registered as brand, promising GI, etc). To ensure a better impact evaluation of GIs, Mrs. Gerz suggested improving research in the various countries, awareness and capacity-building as well as promotion of good practices.

The debate that followed these presentations focused mostly on actions to be undertaken for the promotion and added-value of local products. In response, the panellists suggested: improving the organisation of farmers and capacity-building in terms of production and sales and the awareness of all stakeholders with regards the importance of GI. Responding to a question pertaining to the extent of consumption of renowned origin-linked products, Mr. O'Connor stated that the market is growing in terms of consumers, with a growing global middle class constituting an ideal market for this type of products. In terms of production, one must ensure that it is not monopolised by large-scale manufacturing enterprises at the expense of small farmers.

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Francis Fay



Marie Antoinette Haba



Getachew Mengistie Alemu



John Malcom Spence



Stefano Paludosi

Panel 2: Proven successes on origin-linked agrifood products

The second panel, chaired by Francis Fay, Deputy Head of Unit, DG Agriculture & Rural Development of the European Commission, reviewed the potential of origin-linked tools for ACP producers based on successes, including looking at sustainability factors.

Getachew Mengistie Alemu, Consultant and Intellectual Property Legal Officer from Ethiopia presented successes in GIs and other forms of protection in Africa and lessons learned. He illustrated his intervention with two success cases, namely Argan oil in Morocco and fine coffee in Ethiopia. GI protection of these two products has achieved the following results: improved quality of products, large raise in income for farmers, and better positioning of these two products on the international market. In the case of Argan oil, the protection has also ensured the conservation of trees and surrounding environment. The challenges for protection of renowned origin-linked products in Africa mainly concern: lack of awareness of intellectual property regulations and frameworks, even amongst government officials, weakness of legal frameworks as well as the lack of organisation of farmers. The latter issue explains the challenges faced by cotton farmers to link their product to its origin -

as opposed to vanilla producers in Uganda. In this context, he invited the European Union as well as all governments to support the ongoing protection in Africa.

The Caribbean experience in protecting agricultural and agrifood products was brought by John Malcom Spence, Intellectual Protection Specialist at CARICOM Secretariat. The Caribbean produces agricultural specialities which are quite well known in the world. These include coffee, chilli, cotton, oils and spices. Among these, two are internationally recognised: Blue Mountain coffee and Cuban Havana cigars. However, the Caribbean offers great potential for further development. In particular, Spence explained that given the small size of the majority of the Caribbean states, these populations possess reduced internal markets which highly depend on exports and have a reduced production capacity, and are furthermore particularly vulnerable to both economic and environmental crises. While small volumes in terms of production and the vulnerability to price fluctuations remain a challenge at global level, the diversity of products and means of production represent strength for the Caribbean. In conclusion, Spence highlighted the main challenges in terms of production of agri-food and agricultural products in the context of the Caribbean, especially the lack of organisation of farmers, the weak awareness of intellectual property tools amongst producers,

and the need for capacity-building in marketing and the potential for identification of product niches for agricultural products at international level.

Stefano Paludosi, Senior Scientist, Marketing Diversity, Biodiversity International spoke about promoting agrobiodiversity and leveraging GI potentials in the use of underutilized species.

Dr Paludosi highlighted the importance of GIs in preserving and enhancing underutilized species use. While there are over 7,000 food crops at local level, 60% of calories at global level come from four species only. These underutilised species have a disorganised value chain but at the same time, they are grown and treated using local knowledge. These traditional practices can become a lever, for example by allowing the species to be protected as a GI. Local species are critical to achieve food and nutritional security for small farmers as well as to preserve the cultural and genetic diversity of rural areas. The protection of these species can only be achieved by using a holistic approach, taking into account all stages in the production and use of the plants. In light of this, Padulosi indicated that GIs play a significant role in the recovery of species neglected by industrialisation, in the promotion of both underutilized species and primitive underutilized species as well as in the restoration of genetic resources. As shown in case studies presented on India, Bolivia, Peru

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Anselme Bakudila Mbuta



Fernando Dos Santos



Fabio Russo

and Morocco, these opportunities can be strengthened by actions such as evaluating the GI potential for neglected and underutilized species, developing capacity-building programmes for different stakeholders and strengthening the link between conservation and communication agencies.

Marie Antoinette Haba, Head of Cooperation and Development, Ministry of Agriculture and Focal Point on GI at OAPI, shared with the audience the lessons learned from the process of registering a GI in coffee from Mont Ziama in Guinée. Mrs. Haba gave the background of the creation of the Support Project for Implementation of Geographical Indications of OAPI (SPIGI) and described the support process needed to make Ziama-Macenta coffee a GI. The various steps involved: identifying Ziama-Macenta coffee sector stakeholders, implementing a GI for the Ziama-Macenta coffee, training trainers and farmers, identifying and characterising zones of production, developing and validating a control plan and product specifications by the GI association, and developing a marketing strategy. Lastly, Mrs. Haba suggested various approaches: the implementation or enhancement in each Member State of a control system for the use of protected geographical denominations and GIs and the implementation within AIPO, of an evaluation system of GI registration requests.

Anselme Bakudila Mbuta, expert at the Study Centre of Slow Food,

Italy brought the experience of Slow Food and Terra Madre Network in linking food traditions and education. Slow Food is an organisation which efforts aim at promoting eco-gastronomy and food education, linking biodiversity protection and traditional food heritage and linking farmers to the environment. This organisation has set up an international network known as the Slow Food Network which includes more than 100,000 members from 160 countries. Slow Food also has many projects such as 'A thousand gardens in Africa' which builds a direct link between education and food through the development of school gardens by students and teachers and also community gardens by adults.

The debate primarily focused on the cost involved in registering and implementing GIs and the concern that farmers cannot meet these costs easily without external support. This raises the issue of sustainability of these initiatives. Mrs. Haba informed the audience that the case of Ziama coffee costed one million Euros which was funded by the AFD (the French Development Agency).

Panel 3: The way forward

Fernando Dos Santos, Director General of the African Regional Intellectual Property Organization (ARIPO) moderated the last session where a number of international organisations presented their perspective to the challenges

and opportunities of origin-linked products and the work of their organisation. ARIPO is very much interested on the use of intellectual property for the benefit of agriculture in Africa. Mr Dos Santos emphasized the importance of GIs in the protection of food products and the need to further identify its potential. He also highlighted some constraints such as the lack of legal framework for the protection of GIs in ACP countries; the inadequate marketing and distribution systems for products which could qualify for protection and as importantly the small volumes and lack of market power of farmer's. Often, there is a real lack of awareness of farmers on the value of their products but it is also the case that when the value of the product is highlighted there is a lack of empirical evidence of the added value of GIs.

Fabio Russo, Senior Industrial Development Officer at UNIDO, recalled the main challenges that countries face in establishing GIs. Whilst producers and producer's organizations have been often neglected, success stories in promoting GIs exist where all actors of the value chain are engaged. UNIDO can significantly contribute to the debate on the opportunities of GIs and the way forward based on its experience in value chain development, support to producers networking, and work on quality and traceability issues.

Marie Schmidt, Expert in GIs at OriGIn, stressed the need for collaborating with different

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Conclusion of the briefing

organizations in order to design concrete strategies of support for certain products. She outlined the importance of supporting producer's organizations and the establishment of public policies.

The panellists suggested some proposals, such as establishing a GI inventory, developing collaboration between stakeholders involved with GI's, promoting the participation of manufacturers in the GI meetings...

In the **Q&A** session, comments were made on the costs and possibility of

financing the establishment of GIs with local institution such as banks and microcredit schemes. Some countries, such as Madagascar, commented over the opportunity of formulating a comprehensive legal framework to protect different products in their countries. The importance of establishing synergies and engage the private sector was also stressed.

The conclusion to the Briefing was done by Bernard Rey, Deputy Head of the Unit for Rural Development, at DG DEVCO, European

Commission, who highlighted the commitment of the European Union in supporting farmers' organisations, as actors which play a significant role in promoting innovations. He also noted that GI notions form part of the political dialogue between the European Union and its partners. Lastly, Mr. Rey informed panellists that the European Union has started discussions with the private sector in order to see what kind of support can be brought to the agricultural sector.

Further information available online

- Brussels Briefings: www.brusselsbriefings.net
- Reader: <http://tinyurl.com/nqwxjww>
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