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Manual for Geographical Indications in Africa

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Manual for Geographical Indications in Africa

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The entry into force of the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS, 1995) and the consequent obligation to adopt national frameworks of protection for geographical indications in World Trade Organization (WTO) members' jurisdictions provides an opportunity for the African continent to add value and protect its unique products through the use of geographical indications (GIs).

While the first African GI was registered in 2010 in the framework of a sui generis system (Argane, Morocco), by 2021, around 200 geographical indications had been registered throughout the African continent, including Miel Blanc d'Oku (Cameroon), Café Ziama-Macenta (Guinea), Cabrito de Tete (Mozambique) and Figue Tunisie de Djebba (Tunisia). Certain African products are now even claiming the protection of their names on the international markets (Rooibos, (South Africa), Poivre de Penja (Cameroon)).

And we are just getting started.

Thanks to the technical assistance from the French Development Agency, the European Union, and from organisations that are part of the United Nations system (FAO, WIPO, UNIDO), African countries have drawn from the best practices previously adopted by pioneers. In parallel, one may emphasise the African solutions found for the challenges posed by GIs, which deserve to be reported in a manual dedicated to GIs in African countries. Interestingly, the two organisations in charge of the regional management of intellectual property rights in Africa (OAPI and ARIPO) have successfully implemented initiatives in the field of GIs in the past years and their experience ought to be capitalised on.

Considering the ancient use of geographical names on typical agricultural products, foodstuffs, and handicrafts from African countries, one can only acknowledge the tremendous progress achieved in only 20 years in terms of the protection, promotion and marketing of those distinctive signs.

However, the recent entry into force of the African continental free trade area (AfCFTA) and the adoption of a continental strategy on GIs by the African Union poses the question of GIs with as much urgency as other activities of the African Union's 2063 Agenda. GIs feature as one of the priority areas in the current phase (phase II) of the AfCFTA Intellectual Property Protocol negotiations in view of their potential to boost African development, especially in agriculture. The need for African states to coordinate their initiatives is a major concern and it is for this reason that the EUIPO has decided to render its support to this process in the framework of its ambitious programme AfrIPI.

The manual on GIs in Africa is a good starting point for the debate and an equally important tool to grasp the lessons learnt in the continent and elsewhere, and to find some clearer answers with a view to ensuring African states fully benefit from the GI system.

It is a long road that we take. And on this road, an important step towards a better understanding of the GI concept, more registered GIs and even more commercial success, is just around the corner.

Dr Fernando Dos Santos,
Director General of ARIPO from 1 January 2013 to 31 December 2020

ACRONYMS

ACP	African, Caribbean, and Pacific
AMIGHA	Association Marocaine de l'Indication Géographique Huile d'Argane
AfCFTA	African continental free-trade area
AfrIPI	Intellectual Property Rights and Innovation Project in Africa
AO	Appellation of origin
ARIPO	African Regional Intellectual Property Organization
CAADP	Comprehensive Africa Agriculture Development Programme
CIRAD	Centre de Coopération Internationale en Recherche Agronomique
CRT	Consejo Regulador de la Tequila
EPA	European Partnership Agreement
EC	European Commission
EU	European Union
EUIPO	European Union Intellectual Property Office
FAO	United Nations Food and Agriculture Organization
FDA	French Development Agency
FNC	Federacion Nacional de Cafeteros
GI	Geographical Indication
INAO	Institut National de l'Origine et de la Qualité
IPR	Intellectual Property Rights
OAPI	Organisation Africaine de la Propriété Intellectuelle
PAMPIG	Projet d'Appui à la Mise en Place des Indications Géographiques
PO	Producer's organisation
REC	Regional Economic Communities
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
UNIDO	United Nations Industrial Development Organisation
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation

Foreword

Over the last 20 years, GIs have emerged as a global phenomenon, generating growing interest among producers, consumers, scholars and policymakers, both as an intellectual property right (IPR) that deserves solid protection nationally and internationally, and as a tremendous development tool.

African countries have also been part of this process, as local stakeholders (producers, governmental authorities, regional organisations) and international participants (development agencies, donors, non-governmental organisations (NGOs)) have devoted time and resources to promoting the recognition and development of GIs across the continent.

The time is ripe for local stakeholders and the international bodies involved in the development of GIs in Africa to take stock of the progress made so far and address the remaining weaknesses, which prevent African GIs from reaping their full potential.

This manual aims to conduct this stock-taking exercise in light of the factors that are considered crucial internationally for a GI to be successful.

Furthermore, it aims to provide conceptual (economic literature) and practical tools (examples of successful GIs from developing countries outside Africa).

The authors of this manual hope that it will offer local and international stakeholders a practical tool to assist in the implementation of the Continental Strategy for Geographical Indications in Africa (2018-2023), as well as contribute to the sustainable development of African communities.

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Chapter 1 – Understanding the success factors of Geographical Indications

This chapter will introduce geographical indications (GIs): Definitions (Section 1), Legal and economic consideration (Section 2) and Conditions for GIs to be successful (Section 3). Fully grasping these elements is instrumental to understanding the progress made so far in African countries with respect to GIs (which will be covered in Chapter 2) as well as areas where further attention and resources should be devoted by national stakeholders and donors (the object of Chapter 3).

Section 1 – Definitions

GIs are names used to identify and commercialise agricultural products, wines, and spirits, as well as other traditionally made goods like handicrafts, that are deeply rooted in a given geographical environment. Their unique qualities, characteristics and reputation are linked to their geographical origin by virtue of climate, soil composition, tradition, biodiversity, local know-how or other natural and/or human factors.

With respect to legal definitions, the World Trade Organization's (WTO) **([1])** Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) provides an internationally accepted one. GIs are defined as '[…] indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin'. Another definition can be found in the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration **([2]) (hereinafter, "The Lisbon agreement")**, adopted in 1958 and administrated, after its creation in 1970, under the auspices of the World Intellectual Property Organization (WIPO). According to Article 2 of the Agreement, an 'Appellation of Origin' (AO) is 'the geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. The Lisbon Agreement was modernised in 2015 with the adoption of its **Geneva Act on Appellations of Origin and Geographical Indications** (hereinafter, the "Geneva Act"), which extended the scope of application to all GIs **([3])**. The GI definition contained therein largely

([1]) https://www.wto.org/english/docs_e/legal_e/31bis_trips_04b_e.htm#3
([2]) https://wipolex.wipo.int/en/text/285856
([3]) The Geneva Act of the Lisbon Agreement entered into force in February 2020. For more information, find the analysis of the treaty conducted by oriGIn at https://www.origin-gi.com/content-page/item/14917-26-02-2020-the-wipo-geneva-act-of-the-lisbon-agreement-

reproduces the TRIPS Agreement definition (Article 2) **([4])**. While for AOs, the link between the product and its geographical environment is stronger than for GIs in general (AOs can be considered a subcategory of GIs), the underlying idea is that geographical names identify products which cannot be reproduced elsewhere with the same characteristics **([5])**.

Section 2 – Legal and economic considerations

From a legal perspective, GIs are Intellectual Property Rights (IPR). *Sui generis* systems - in which GIs are treated as an independent IP category **([6])** - set precise criteria concerning registration, third-party opposition and length of protection. Following the request for protection by producers, producer groups or associations of producers (usually through a technical document called the "product specifications" in which, among others, the relevant geographical area, production methods and the good's characteristics and the link between these elements are explained) and the approval by the competent public authority, an exclusive right over the use of the geographical name (or a traditional name that has acquired geographical significance through use) is granted. The rationale behind this is the preservation of the unique qualities and tradition that go into these products, which may be the result of decades (and in some cases, centuries) of effort, and which require investment to cover the costs associated with respecting the specific production rules and controls, as well as carrying out monitoring and enforcement activities.

The exclusive right over a geographical name established by a GI is not a right over a category of product. The name can be used by all producers/operators who comply with the product specifications. However, the scheme excludes producers/operators inside the geographical area from using the protected name - including its translations - if they do not respect the specifications associated with the same category of products. In certain jurisdictions, for instance, the European Union (EU), as per Article 13(1)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs, this may even be the case in a different category of goods, if there is an attempt to exploit the GI's reputation **([7])**.

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enters-into-force-today-the-long-awaited-international-register-for-geographical-indications-is-now-a-reality.html

([4]) See the full text of the Geneva Act at https://wipolex.wipo.int/en/treaties/textdetails/12586

([5]) As a result, all AOs are considered GIs.

([6]) A large majority of jurisdictions around the world protect GIs via independent systems (*sui generis*). A few countries still rely exclusively on trade marks (including certification and collective marks) for this purpose. The TRIPS Agreement and the Geneva Act of the Lisbon Agreement do not require a specific system to protect GIs.

([7]) See the EUIPO Opposition Division's decision concerning the international trade mark registration designating the European Union 22/05/2019,1 474 686, 'CHAMPAWS' in Class 31.

GIs do not confer individual rights (as is the case with patents and trade marks). Upon registration, the right to use a geographical name belongs to the community of producers in a given geographical area, the ones that respect the product specifications submitted to request protection.

From a commercial perspective, GIs mean the products can be differentiated based on their geographical origin. As markets become more and more globalised and trade regulations shift towards traceability, producers around the world are viewing the GI scheme with increasing interest to position their goods in specific market segments. As a result, GIs create value for millions of producers, processors, and distributors around the world. In the EU, the GI sector has made a tremendous contribution to the economy, representing a sales value of more than EUR 75 billion and some 15.5 % of total EU food and drink exports **([8])**. The average premium rate ensured by GIs - estimated at 2.07 in the EU in 2017 - gives concrete opportunities to producers in rural areas, creating long-lasting jobs and thereby preventing the rural exodus. Likewise, spill over effects in related sectors, such as the tourism and 'oeno-gastronomic' industries, contribute to maintaining vibrant rural areas.

Meanwhile, consumers worldwide are increasingly demanding authentic stories behind the products they wish to buy. Through GIs, they benefit from a wider range of choice and diversity, increased market transparency, and reduced transaction costs in their search for 'niche products'.

Section 3 – Conditions for GIs to be successful

If the GI scheme is to be successful and produce the abovementioned results, some conditions are needed.

Firstly, a certain quality linked to the product's geographical environment is required. GIs are not merely marketing schemes. This is normally a requirement of national laws.
Secondly, GIs require the collective efforts of producers and other relevant participants within the value chain. While this is not necessarily required by national laws, practice shows that this increases the chances of being successful. In the early stage of GI development, it is crucial that producers:

- 'codify' the unique product characteristics linked to the geographical environment.

([8]) Study on the economic value of EU quality schemes, geographical indications (GIs) and traditional specialities guaranteed (TSGs), by AND International and ECORYS, published by the Directorate-General for Agriculture and Rural Development (European Commission), 2019.

- establish a common platform (a structure representing producers and other relevant participants).
- give it functional governance rules.

This represents tremendous potential in terms of income distribution among those involved in the value chains([9]). When the GI is recognised/registered/protected, the established common platform must carry out a few tasks, including promotional campaigns and, above all, protection, and enforcement activities. The collective approach generates economies of scale that are beneficial for producers, especially for small businesses that do not have the critical mass to carry out such activities on their own.

Likewise, for a GI to be successful, a robust system of protection and enforcement is also required. Contracting private firms to monitor markets and ensure enforcement can be difficult for associations and producers, especially those representing small GIs. In this respect, under *sui generis* systems, public authorities provide some level of administrative protection (referred to as *ex officio*), with various degrees of involvement and effectiveness.

The credibility of a GI system also depends on controls, which must ensure the promise made to consumers is respected and the product's authenticity guaranteed. Both internal (supervised by the association of producers) and external controls are possible, ideally a combination of both. Third-party controls represent a further guarantee of impartiality. In the latter case, public authorities tend to carry out these controls or accredit qualified bodies in line with international ISO standards. This is mandatory to register a GI in the EU system.

While not yet a legal requirement, an emerging issue for the success of GIs concerns the emerging issues related to sustainability. With a growing world population (projected to reach 9.8 billion by 2050, according to the United Nations), and its implications in terms of quantity and quality of available food, use of water and the overall impact on the environment, agriculture today faces the challenges associated with sustainability with all its economic, environmental, and social components. In other words, value chains are rethinking their business model to be able to continue to generate value, and to provide for the needs of a growing world population, taking social and environmental objectives into account, so that the ability of future generations to meet their own needs is not compromised. Ensuring sustainability is not just a 'moral' obligation, commercial considerations play an important role in the debate. The generational shift represented by 'millennials' becoming the major driver of change in consumer behaviour, refocused the attention of big companies and retailers onto smaller, authentic, local producers that can be

([9]) See also the considerations on GIs and sustainability later in the paragraph.

trusted. Boston Consulting Group estimates that between 2011 and 2016, large US consumer groups lost USD 22 billion in sales to smaller brands.

Sustainability is becoming a major factor influencing consumer behaviour. Long before the civil society started to question companies and brands and their impact on the environment and the social welfare of their employees and communities, GI products have been sensitive to issues such as gender equality, decent working conditions and climate and environmental damage. Firstly, with respect to environmental issues, GI products cannot switch production elsewhere, as delocalisation is not compatible. Resources and natural capital in a given geographical area must be conserved for GIs to continue to exist and thrive in the long term. Therefore, several quality products deeply rooted in a given geographical area, while adapting to consumer tastes, have been able to exist for centuries. Moreover, from a social and economic perspective, GI products are an integral part of their communities. Their ability to generate and distribute value fairly to all the relevant stakeholders along the chain is a key factor in their success. This is achieved through 'local value chain governance', which allows relevant stakeholders to be represented within associations of producers and other participants in the value chains, such as *Consejos reguladores*, *Associations interprofessionnelles*, *Consorzi*, etc. In this respect, local stakeholders are in a privileged position to develop alliances in their respective territories, creating the appropriate environment for collaboration between the economic stakeholders, regulators, and local authorities.

From a more general point of view, as independent controls are fundamental in the implementation of any rigorous sustainability policy, GIs fit the new mindset that emerging societal demands requires. Economic stakeholders in GI value chains - farmers, producers, processors, and distributors – are, in fact, used to independent audits. These audits are required before products are put on the market/commercialised to make sure that their quality conforms to the products' specifications. Therefore, adapting to sustainability audits might prove to be easier for GIs.

For all these reasons, GIs are in a good position to respond to the sustainability challenges of our time, and even represent a model for other economic sectors embarking on such a process. This does not mean that GIs are sustainable by nature. An effort to understand the needs of each value chain, considering the specificities of the sector in which they operate, as well as the priorities of consumers, is required.

Chapter 2 – The current situation of GIs in Africa

This chapter will focus on the GI landscape in Africa. An overview allows us to identify the key stakeholders involved in the development of African GIs (Section 1). Coordinated efforts by these stakeholders are continuously contributing to the substantial progress observed on the continent regarding GI success factors: the modernisation of the legal and institutional frameworks, the identification of specific qualities and characteristics linking products to their respective geographical environments and the drafting of solid product specifications. The combination of these elements has led to an increase in the recognition/registration of GIs in African countries (Section 2). Meanwhile, there has been limited progress in certain crucial fields, like establishing effective and functioning producers' groups as well as transparent frameworks for control (Section 3).

Section 1 – The GI landscape in African countries

On 1 January 1995, the WTO's Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) entered into force **([10])**. TRIPS obligations were then incorporated into national law in the WTO member states, with a transition period of 5 years for developing countries and 11 years for the least developed countries. Considering most African countries belong to one of these two categories, between 2000 and 2006, several initiatives were launched to reform the domestic legal frameworks at national or regional level The present section describes the GI landscape in Africa, from the institutions empowered to oversee GIs by African countries (A) to the international partners providing technical assistance in various ways (B).

A. Stakeholders invested with mandates on GIs at continental level

To understand GIs from a continental perspective, the starting point would usually be their registration and legal protection. Nonetheless, it is interesting to observe that the key institutions at stake are increasingly mandated beyond these aspects.

([10]) WTO, Trade-Related Aspects of Intellectual Property Rights, signed in Marrakesh, Morocco on 15 April 1994 - https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm.

a) OAPI's mandate on GIs

i. The registration mandate.

The Organisation Africaine de la Propriété Intellectuelle (OAPI) has always acted, for each of its member states ([11]), as the national service for the registration of geographical indications ([12]) according to the Bangui Agreement creating an African Organisation for Intellectual Property (Annex VI). In this respect, OAPI oversees the examination of GI applications and their registration and publication. Key features of the OAPI framework for GI registration are the double-level of procedure for registration (national and regional), the large scope of application ([13]), the large scope of protection granted to registered names ([14]), the single registration of GIs in the system, the administration of transborder GIs ([15]), the existence of a special register for GIs ([16]), the existence of an applicant's guide ([17]), and the availability of a specific logo reserved for recognised GI products. Once registered, the protection provided by the Bangui Agreement is deemed valid in all the 17 member states.

ii. The promotion mandate.

OAPI activities to promote GIs in the region date back to the early 2000s. To develop GI activities, OAPI had first relied on French technical assistance. The French National Institute for Intellectual Property, the French Ministries of Agriculture and Fisheries and foreign affairs and the WIPO have provided training for national officials on the identification of products potentially suitable for GI protection. The objectives were to support OAPI in the proper involvement of experts from the different Ministries of Agriculture, in the

([11]) The member countries of OAPI are: Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Comoros, the Republic of the Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.
([12]) The Bangui Agreement Relating to the Creation of an African Intellectual Property Organization, 2 March 1977 applies directly to all the OAPI member countries.
([13]) Article 2.b of the Bangui Agreement Relating to the Creation of an African Intellectual Property Organization, 2 March 1977, amended in December 2020.
([14]) In the OAPI system, GIs may apply to agricultural, natural, industrial or craft products. See Article 6 of Annex VI Rights conferred by the registration of a geographical indication.
([15]) A GI may concern two or more States, and, in this respect, the revised Bangui Agreement of 2015 makes provisions for the joint registration of GIs by two member states (Article 2 and 9 of Annex VI of the agreement).
([16]) See Article 18 of the Bangui Agreement Relating to the Creation of an African Intellectual Property Organization, 2 March 1977, amended in December 2015.
([17]) See OAPI, Le guide du demandeur en indication géographique dans la zone OAPI, 2011.

identification of pilot GI and to contribute to the preparation of an OAPI Ministerial Conference on GIs scheduled in Ouagadougou in 2005 ([18]).

Subsequently, in the Ouagadougou Declaration (7 December 2005), the OAPI member states urged the organisation to 'intensify its efforts to promote geographical indications in the region including by seeking funding and mobilising technical assistance'. Thanks to this political framework, OAPI now has the capacity to directly engage in partnerships with international donors on behalf of its member states as evidenced by the direct partnership with the French Development Agency to implement the so-called PAMPIG project. Interestingly, within the revised Bangui Agreement (signed in Bamako, 14 December 2015 ([19])) the promotion of GIs has become an official mandate of OAPI ([20]).

Despite its youth, the OAPI has proven to be the most accomplished and experienced regional system for GI protection on the African continent. By November 2021, OAPI has registered 6 *sui generis* GIs – **Poivre de Penja**, **Oku White honey** (Cameroon), **Café Ziama Macenta** (Guinea-Conakry), **Ananas du Pain de sucre du Plateau d'Allada-Bénin**, **Kilichi du Niger**, **Oignon Violet de Galmi** – and a few collective geographical trade marks ([21]) in its system.

ARIPO's mandate on GIs

i. The registration mandate.

In the absence of a specific framework for the registration of GIs at the regional level, it is assumed that ARIPO member states[22] rely upon the Banjul protocol on the protection of marks (19 November 1993). The Banjul protocol empowers ARIPO to receive and process trade mark applications on behalf of states

([18]) See Denis Sautier – CIRAD, Eric Champion et Claude Sarfati – INAO, Indications géographiques en Afrique francophone: actions d'appui 2005 de l'INAO et du CIRAD auprès de l'Organisation Africaine de la Propriété Intellectuelle: https://agritrop.cirad.fr/539864/1/document_539864.pdf

([19]) This agreement entered into force on 14 December, 2020.

([20]) See Article 2(i) of the Bangui Agreement Relating to the Creation of an African Intellectual Property Organization, 2 March 1977, amended in December 2015: http://www.oapi.int/Ressources/accord_bangui/2020/anglais.pdf

([21]) Some examples are : Violet de Galmi (Niger), Belle de Guinée, Riz Bora Malé and Tchoukou du Niger and la Peau de chèvre rousse de Maradi.

([22]) ARIPO member states are: Botswana, Kingdom of Eswatini, The Gambia, Ghana, Kenya, Kingdom of Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Sudan, Tanzania, Uganda, Zambia, Zimbabwe.

parties to the Protocol ([23]). According to the Banjul Protocol, an applicant may file a single application for the protection of a trade mark either with one of the contracting states, or directly with ARIPO, designating the states where protection is sought ([24]). However, in 2021, no application for the regional protection of a geographical trade mark has been received by ARIPO secretariat.

Nonetheless, some steps have been taken towards the improvement of the ARIPO mandate on GIs.

As a point in fact, during its 13th Session held in Accra (Ghana,2011), the ARIPO Council of Ministers approved that GIs be included in the overall mandate on Intellectual Property. The Council tasked the Secretariat to work towards the adoption of an appropriate regional legal framework on Geographical Indications; and in addition to assist her Member States to adopt appropriate national legislations on Geographical Indications.

Thereafter, a draft legal framework was prepared in 2014 by the Secretariat and circulated to Member States and other Stakeholders (EU and WIPO and others) for comments and recommendations. A roadmap for the adoption of the draft legal framework was designed and was meant to be rolled out from January 2014. However, for many reasons, it was not possible to implement this roadmap.

Nonetheless, it is significant that many countries in the ARIPO region have recently adopted *sui generis* legislations for the protection of GIs. On the other hand, ARIPO is committed to developing a more comprehensive legal framework for GIs in the region as evidenced by the recommendation of the Technical Committee of the ARIPO Administrative Council on (7th Session, held in Harare in 2017) that the Secretariat conducts a comprehensive study on the best approach to implement the mandate on geographical indications in the region. The recommendation was endorsed by the Administrative Council at its 46th session that was held in Lilongwe, Malawi from 20 to 22 November 2017.

ii. Other activities promoting GIs in the ARIPO region

During the 36th Session of the ARIPO Administrative Council that was held in Zanzibar in November 2012, a Memorandum of Understanding was signed between ARIPO and the Directorate General for Agriculture and Rural

([23]) The members to the Banjul Protocol are: Botswana, Eswantini, Gambia, Lesotho, Liberia, Malawi, Mozambique, Namibia, Sào Tomé and Príncipe, Uganda, United Republic of Tanzania and Zimbabwe.
([24]) GI protection in Africa: https://www.origin-gi.com/component/content/article.html?id=3107

Development of the European Commission. As part of the implementation of the said memorandum, a series of workshops on Geographical Indications were held in some ARIPO Member States, namely Kenya, Uganda, Zambia and Zimbabwe. Further workshops were jointly organized in 2014 by ARIPO and EU in Botswana and Mozambique under the theme: "GIs in Africa: from Theory to Practice".

The recent implementation of the 'Intellectual Property Rights and Innovation in Africa' project (AfrIPI) - whose GI component is being hosted at ARIPO's premises - creates momentum and an enabling environment for the protection and support of individual GIs in the region. More is expected in the coming years.

b) The administration of GIs in non-OAPI and non-ARIPO countries

The great majority of countries that do not rely on the OAPI or ARIPO systems of protection, register GIs through their national services for intellectual property. Except for Algeria ([25]), Burundi ([26]), Cabo Verde ([27]), Djibouti ([28]), the Democratic Republic of Congo ([29]), Morocco ([30]), Tunisia ([31]) and South Africa ([32]), who have adopted *sui generis* systems of protection for their GIs, most of the other countries ([33]) protect their GIs through collective and/or certification trade marks.

Like the OAPI countries, few of these countries (Morocco, Tunisia) apply a 'double level of procedure to register GIs' in which there is a task distribution between legal practitioners (IP office) and other specialists sometimes gathered in a state commission (often called "National Committee on GIs").

([25]) Décret exécutif N° 13-260 du 7 juillet 2013 fixant le système de qualité des produits agricoles ou d'origine agricole.
([26]) Law No 1/13 of 28 July 2009, relating to Industrial Property in Burundi - Ministerial Order No.540/2047 of 24 December 2012, on Procedures for Filing and Registration of Geographical Indications.
([27]) Industrial Property Code (approved by Decree-Law No.4/2007 of 20 August 2007).
([28]) Law No.50/AN/09/6th L of 19 July 2009, on the Protection of Industrial Property.
([29]) Law No.82-001 of 7 January 1982 on Industrial Property.
([30]) Code de la propriété intellectuelle (version consolidée au 1er janvier 2021).
([31]) Law No.99-57 of 28 June 1999 on Registered Appellations of Origin and Indications of Source of Agricultural Products - Law No.2007-68 of 27 December 2007 on Appellations of Origin, Geographical Indications, and Indications of Source for Handicrafts.
([32]) Department of agriculture and fisheries N°R.447, 22 March 2019, Regulations Relating to the Protection of Geographical Indications used on Agricultural Products intended for sale in the Republic of South Africa 42324.
([33]) Among these countries, some do not have any system of registration in place. Examples are Eritrea, Libya or even Southern Sudan.

c) The GI-related activities of the African Union

Apart from the Comprehensive Africa Agriculture Development Programme (CAADP, 2003), which constitutes Africa's policy framework (notably for agricultural transformation and economic growth), the subsequent Malabo Declaration sets concrete agricultural goals to be attained by 2025, in line with the African Union's (AU) Africa Agenda 2063 (2015).

On the other hand, the Agreement establishing the African Continental Free Trade Area (AfCFTA) was negotiated between 2016 to 2018. It was opened for signature on 21 March 2018, at the 10th Extraordinary Summit of the AU. The Agreement entered into force on 30 May 2019 and, by September 2021, 38 countries ([34]) had signed and deposited their instruments of AfCFTA ratification with the AU Commission Chairperson ([35]).Article 4 of the AfCFTA Agreement prescribes the cooperation of state parties on investment, intellectual property rights and competition policy, topics that are part of the second phase of the negotiations of the agreement ([36]). Therefore, the negotiations in Phase II should concentrate on obtaining a single continental market for goods and services.

Broadly speaking, this is also the context in which the Continental Strategy for Geographical Indications in Africa 2018-2023 is introduced in the African panorama.

Commissioned by the AU, the final version of the abovementioned strategy **([37])** was endorsed in October 2017 by the AU Commission and a plan of action was

([34]) As at February 2023, 46 of the 54 signatories (85.2%) have deposited their instruments of AfCFTA ratification (ordered by date):

Ghana, Kenya, Rwanda, Niger, Chad, Eswatini, Guinea, Côte d'Ivoire, Mali, Namibia, South Africa, Congo, Rep., Djibouti, Mauritania, Uganda, Senegal, Togo, Egypt, Ethiopia, Gambia, Sahrawi Arab Democratic Rep., Sierra Leone, Zimbabwe, Burkina Faso, São Tomé & Príncipe, Equatorial Guinea, Gabon, Mauritius, Central African Rep., Angola, Lesotho, Tunisia, Cameroon, Nigeria, Malawi, Zambia, Algeria, Burundi, Seychelles, Tanzania, Cabo Verde, Democratic Republic of the Congo, Morocco, Guinea-Bissau, Botswana and Comoros.

([35]) Of the 55 AU member states, only Eritrea has yet signed.

([36]) Agreement establishing the African continental free trade area, https://au.int/sites/default/files/treaties/36437-treaty-consolidated_text_on_cfta_-_en.pdf

([37]) African Union, Continental Strategy for Geographical Indications in Africa 2018-2023, https://au.int/en/documents/20190214/continental-strategy-geographical-indications-africa-2018-2023

approved in Yaoundé on 18 October 2018 by the consultative committee **([38]),** composed of the African Union Commission (AUC), the two African Intellectual Property Offices (OAPI and ARIPO) and the European Commission. FAO, WIPO and EUIPO are invited as observers.

The six following strategic outcomes are expected **([39])**.

- ***Outcome 1:*** an African vision on GIs as a tool contributing to sustainable rural development and food security and an African approach to GIs are developed and shared.
- ***Outcome 2:*** a legal and institutional framework is enabled at national and regional levels for the protection of GIs.
- ***Outcome 3:*** the development and registration of GIs as pilot schemes and drivers for rural and sustainable development are supported, to provide learning and demonstrate the effects.
- ***Outcome 4:*** market development for GI products is promoted through innovative approaches on local markets, through regional trade among Regional Economic Communities (RECs) and on export markets (particularly in the EU, since GIs are an established market tool there).
- ***Outcome 5:*** research, training programmes and extension are encouraged to ensure the identification, development, and diffusion of the best African-tailored practices and to contribute to the African approach in the context of climate change. Since a great deal of research has been undertaken by non-African institutions, cooperation between African and non-African experienced institutions should be facilitated.
- ***Outcome 6:*** awareness of all stakeholders, including consumers, is created, and communication among stakeholders and diffusion of information to a wider audience are ensured.

AfrIPI will contribute to the implementation of these four strategic outcomes for the next 4 years ([40]).

([38]) The Consultative Committee has as a major objective the coordination of GI-related activities in Africa. It will be the vehicle used to guide the implementation of the AU Continental Strategy. Its concrete activities would cover:
- coordinate and launch common initiatives in line with the AU Continental Strategy on GIs;
- exchange information about their activities and projects relating to GIs in Africa;
- provide orientations for the priority actions to be jointly supported;
- create synergies among the initiatives and avoid overlapping.

([39]) On this, see: https://africa-gi.com/en/pan-african-gi/strategy

([40]) For more information, see Activities | EU Funded IP Projects (internationalipcooperation.eu)

B. Other driving forces for GIs in Africa

This subsection presents some of the key partners involved in funding and providing technical assistance on GIs in Africa.

The French Government

i. The French Ministry of Agriculture

The INAO

In partnership with the Ministry of Agriculture, the Institut national de l'origine et de la qualité (National Institute of Origin and Quality) (INAO) shares certain international relations activities: receiving foreign delegations, participation in seminars, conferences, and other events abroad; technical support, support for cooperation projects. These activities are part of the Ministry of Agriculture's strategy of influence and meet the guidelines set by the INAO: work with countries where cases of counterfeiting are detected or that have potential in terms of alliance through negotiations. To carry out these activities, a network of experts has been set up coordinated by the INAO and its legal service ([41]).

Advisers for agricultural affairs based at the French Embassies

The network of agricultural affairs advisers, hosted by the economic services within the embassies, offers rooms for cooperation on the promotion of GIs. Indeed, the first webinar on GIs in Nigeria was hosted by the French Embassy ([42]).

ii. The French Development Agency

The Agence Française de Développement (the French Development Agency, "AFD") supports the development of GIs under the Trade Capacity Building Program (PRCC) as part of its mission to reduce poverty and promote sustainable development. The PRCC is the French bilateral aid for trade program initiated in 2002 by the Directorate General of the Treasury and Economic Policy (DGTPE) and the French Ministry of Europe and Foreign Affairs and implemented by AFD.

([41]) INAO website – International cooperation: https://www.inao.gouv.fr/Institut-national-de-l-origine-et-de-la-qualite/Les-missions-de-l-INAO/Cooperation-internationale

([42]) The list of agricultural affairs advisers in Africa may be found at: https://agriculture.gouv.fr/les-conseillers-aux-affaires-agricoles-un-reseau-dexperts-en-europe-et-linternational

Since 2004, AFD funded 13 projects to support the creation or strengthening of more than 20 GIs worldwide, amongst which at least three successful global GI projects in Morocco – which led to the registration of the first African GI – one in Tunisia (PA-IG)[43]and PAMPIG in OAPI countries.

One of the priorities of the 2020-2022 PRCC programme is support to quality process in the agricultural sector, through fair trade and GIs. Thus, in 2021, the Centre for International Cooperation in Agricultural Research for Development (CIRAD), with the support of AFD, launched the GI Support Fund[44], a financing tool available to project leaders who wish to promote and develop GIs in ACP countries.

The facility, with 5 million euros of funding, will provide support for “small” projects (100 000 euros) to “medium” projects (500 000 euros and exceptionally up to 1 000 000 euros) in two potentially cumulative ways:

- through technical or scientific assistance, in particular from CIRAD and its partners.
- through direct financial support.

This budget should provide support for eight to 15 projects, for a maximum of 36 months. A call for projects is open until all available funds have been allocated. Several selection committees (COSEL) are held annually to review and select projects. Projects must contribute to at least one of the following objectives:

- Development of a legal and institutional framework to help develop GIs
- Capacity building of GI value chains stakeholders and GI support networks or
- Registration of pilot GIs and development of the relevant GI value chains.

AFD also has a publication on GIs: "*Geographical indications: quality of products, environment and cultures*" available online ([45]). It has just launched an evaluation of a cluster of projects in the field of geographical indications (GI). This evaluation aims at determining the extent to which the Geographical Indication contributes to sustainable development[46].

([43]) For more information on the PA-IG project, see: http://www.aoc-ip.tn/index.php/professionnels/pa-ig
([44]) For more information, see: https://www.facilite-ig.fr/en
([45]) Voir : https://www.afd.fr/fr/savoirs-communs-9-les-indications-geographiques
([46]) Acknowledgements to Ms Chetaille Anne, a professional of AFD and other AFD colleagues for the information provided.

The Swiss Government

Based on its legal mandate, the Swiss Federal Institute of Intellectual Property (IPI) also takes part in international cooperation in intellectual property. This cooperation takes place either independently or in collaboration with other national and international organisations. The IPI works closely with other competent federal offices in this area. In Africa, projects relating to the development of GIs have been implemented in Ghana and Kenya, a new project has been started with South Africa, and new projects are currently being planned with Morocco and Tunisia and Benin[47].

The European Union

i. Support by the European Union

The Pan-African Programme

The EU supports better protection of GIs internationally in various ways ([48]). To complement support that the EU has been providing in the field of GIs via capacity-building events, studies and support to pilot GIs focusing on countries, the Pan-African Programme (established in 2014) provides dedicated support to the Africa-EU Strategic Partnership and is an EU programme for development and cooperation that covers Africa as a whole. The **Abidjan Declaration**, adopted at the 5th AU-EU Summit ([49]) (November 2017), united African and EU states in supporting the implementation of the AU's 'Continental Strategy for Geographical Indications in Africa 2018-2023' as one of the joint Africa-EU strategic priorities. The second phase of the Pan-African Multiannual Indicative Programme (2018-2020), as an operational tool to implement these priorities, has identified IPR, including GIs, as one of the priority strands of work within the objective of economic continental integration and facilitation of intra African trade and Africa EU trade.

Between 2021-2027, a new cooperation instrument has been adopted: the **Neighbourhood, Development, and International Cooperation Instrument** (NDICI). This instrument proposes to radically overhaul the way EU external

[47] Acknowledgements to Ms Nathalie Hirsig, a professional from Swiss Federal Institute of Intellectual Property, for the information provided to write this paragraph.

([48]) The EU dedicates around 10 % of its budget to external action. It provides funding in the form of grants, contracts and budget support to partner countries. The EU also works together with international organisations, private bodies and EU Member States to increase the impact of this support.

([49]) Africa-Europe Youth Summit, The Abidjan declaration, 4th Africa-Europe Youth Summit 9 - 11 October 2017, Abidjan, Côte d'Ivoire : https://africa-eu-partnership.org/sites/default/files/userfiles/4th_africa-europe_youth_summit_-_abidjan_declaration_2017.pdf

action is administered. The mission of the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) is to take forward the EU's neighbourhood and enlargement policies. The Commission's Directorate-General for International Partnerships (DG INTPA) is responsible for designing European international cooperation and development policy and delivering aid throughout the world.

The Economic Partnership Agreements

The EU, as a supporter of better protection for GIs internationally is active in multilateral and bilateral economic agreements ([50]).

In this context, it is worth mentioning the **Economic Partnership Agreements (EPAs)** which are trade and development agreements negotiated between the EU and African, Caribbean, or Pacific (ACP) partners engaged in regional economic integration processes ([51]). Most African countries are either in the process of negotiating, implementing, or have recently concluded an EPA. While some countries have negotiated 'rendezvous clauses' to further discuss intellectual property **([52])**, others have already managed to secure substantial provisions for GIs. This is the case for South Africa who, under Protocol 3 to the South African Development Community (SADC)-EU EPA, protects 251 EU GIs covering food, wines, and spirits. In return, the EU protects 105 GI names from South Africa. These include 102 wine GIs **([53])** plus three additional non-

([50]) See: https://ec.europa.eu/trade/policy/accessing-markets/intellectual-property/geographical-indications/#:~:text=A%20geographical%20indication%20%28GI%29%20is%20a%20distinctive%20sign,EU%20geographical%20indications.%20The%20EU%27s%20agricultural%20product%20

([51]) The aim of the EPAs is to promote ACP-EU trade and to contribute, through trade and investment, to sustainable development and poverty reduction. The discussions on EPAs started in 2002 and were based on the trade chapter of the 2000 Cotonou Agreement. It turns out that the EPAs go beyond conventional free-trade agreements and focus on ACP development by considering their socio-economic circumstances and by including cooperation to benefit from the Agreement. As the EU is the main destination for agricultural and transformed goods from the ACP partners, the EPAs intend to support trade diversification by shifting ACP countries' reliance on commodities to higher-value products and services. Within the EPA, one chapter is usually dedicated to IPRs including GIs.

([52]) See the Official Journal of the European Union, Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States (Comoros, Madagascar, Mauritius, Seychelles, Zambia, and Zimbabwe), on the one part, and the European Community and its Member States, on the other, 24 April 2012, Article 53. Cameroon is also one of these countries.

([53]) Prior to finalising the SADC-EU EPA, only EU GI names for certain wines and spirits were protected following the bilateral Agreement on Trade in Wines and Spirits signed with South Africa in 2002. Following the EPA negotiations, South Africa and the EU concluded a bilateral protocol on the protection of GIs and on trade in wines and spirits. See, European Union, South Africa, SADC-EU EPA for geographical indications, November 2017.

wine agricultural products (**Karoo Meat of Origin**, **Rooibos** and **Honeybush** ([54])).

The Intellectual Property Rights and Innovation Project in Africa (2020-2024)

Under the Pan-African Programme, one specific action targets support to IPRs in Africa, implemented by the EUIPO: the AfrIPI project has four main objectives, including the implementation of the work plan activities linked to the **AU's Continental Strategy for Geographical Indications in Africa**.

To achieve these activities, the overall work plan outlines a multiannual framework for thematic and geographic priorities, complemented by plans to be developed each year containing detailed activities. As a Pan-African Action targeting many countries and sub-regions, a geographical balance for activity implementation is sought. Activities are identified each year in close coordination with stakeholders and are developed in the following main areas of work: technical assistance to the development of GI legal frameworks, technical support to pilot GI projects, capacity building to national and regional organisations responsible for GIs, GI awareness and promotion, including through a GI database for Africa called, the GI-hub ([55]).

International Organisations

i. The United Nations Food and Agriculture Organization (FAO)

Since 2007, FAO has been working with several partners to leverage GIs as a tool for fostering sustainable development and sustainable food systems through:

- Developing and disseminating knowledge, practical guidance and information products. Some examples are presented below:
    - FAO published the guide ''Linking peoples, places and products'' widely known and used by national and international partners working on GIs[56]
    - FAO organizes national, regional and international events to discuss and promote the contribution of GIs to sustainable food systems and sustainable development goals.

([54]) The South Africa GIs protected by the EU and the EU GIs protected by SA are all listed in Annex I to Protocol 3. See European Union, South Africa, SADC-EU EPA for geographical indications, November 2017.
([55]) For more information on AfrIPI, see: https://euipoeuf.eu/en/afripi/activities
[56] See, https://www.fao.org/3/i1760e/i1760e.pdf

- FAO collaborates with oriGIn to design and implement a sustainability strategy for GI as a pathway for GI associations to identify their sustainability issues and engage with relevant partners to increase their GI system sustainability.

All FAO knowledge products are available on the thematic website on GIs[57] to share FAO's approach on GIs, activities including specific projects supported by FAO and publications (guides and methodologies, case studies)

- Supporting the formulation and implementation of regional and national strategies, policies for the sustainable development of GIs. An important example is the African Union's Continental Strategy for Geographical Indications in Africa 2018-2023 which was endorsed by the African Union in 2017. This strategy was prepared in close collaboration with the partner organizations involved in GIs: African Union Commission, Organisation Africaine pour la Propriété Intellectuelle, African Regional Intellectual Property Organization, World Intellectual Property Organization, European Commission, Agence Française de développement).
- Providing technical support to pilot projects around the world, in collaboration with countries and partners such as AFD and the European Bank for Reconstruction and Development, for increased investment support. FAO, with its partners, is now contributing to the implementation of the Continental Strategy for GIs in Africa through supporting projects in several countries such as the GI projects on **Madd from Casamance** in Sénégal or **Oignon violet de Galmi** in Niger[58].

ii. WIPO assistance on GIs

WIPO offers technical assistance development support both to governments and users of the intellectual property (IP) system. WIPO activities are divided into four main areas: national IP strategies, policy and legislative advice, IP office business solutions and projects. The projects – such as projects in the field of geographical indications – may be also directly targeted to the users of the intellectual property (IP) system.

Mainly through the Regional and National Development Sector, and its Division for Africa and Division for Arab Countries, WIPO promotes the use of GIs for development in Africa. Several projects have targeted African countries in the form of support for developing an enabling environment or for the registration of pilot GIs such as **Cabrito de Tete** (Mozambique), **Vinho de Fogo** (Cabo

[57] For more information on this website, see: https://www.fao.org/geographical-indications/en
[58] Acknowledgements to Ms Sibylle Slattery and Florence Tartanac, both professionals from the FAO, for the information provided in this paragraph.

Verde), **Madd de Casamance** (Senegal), **Riz de Kovie** (Togo), **Mukono Vanilla** (Uganda), **Taita Basket** (Kenya), or **Baie rose du Bongolava** (Madagascar)[59].

iii. The United Nations Conference on Trade and Development (UNCTAD)

The UNCTAD supports the least developed countries in identifying regions and product pairs to assess the potential of GIs as rural development tools to alleviate poverty. It also raises awareness about GIs among policymakers, advises Geneva-based WTO delegates on strategies to advocate for GIs in multilateral negotiations, and supports small producers in rural communities through the application of GIs to add value and enhance the export potential of their products ([60]).

iv. The United Nations Industrial Development Organization (UNIDO)

The United Nations Industrial Development Organization (UNIDO) is the specialised agency of the United Nations that promotes industrial development to reduce poverty, inclusive globalisation and environmental sustainability. UNIDO has over two decades of experience implementing technical assistance projects in value chain development: fostering business linkages, improving quality compliance, enhancing productivity and promoting market access. In the field of GIs, UNIDO has written an important document on collective organisation for GIs. It also undertook a study to assess the potential for protecting Attiéké, a traditional Ivorian product made from cassava, with a GI. Finally, UNIDO has implemented the *Projet d'Accès aux Marchés des Produits Agroalimentaires et du Terroir* (PAMPAT) ([61]). Financed by the Swiss Secretariat for Economic Affairs (SECO), the project has assisted the Tunisian Ministry of Industry and the public-private Tunisian Group for Canned Food Products (GICA) to set up the certification and control system of the voluntary labelling standard 'Food Quality Label Tunisia' (FQL). UNIDO also established a task force, bringing the Ministry of Industry, GICA and the harissa companies together to develop a shared vision and joint action plan for the promotion of FQL harissa in international markets ([62]).

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[59] Acknowledgements to Ms Alexandra Grazioli, a professional from the WIPO for the information provided in this paragraph.

([60]) UNCTAD: https://unctad.org/topic/least-developed-countries/geographical-indications

([61]) The PAMPAT program is funded by SECO and implemented by UNIDO. For more information on this project, see: https://pampat.tn/en/

([61]) See: http://pampat.tn/en/harissa-avec-food-quality-label-tunisia/

([62]) UNIDO, Market Access for Origin-linked Products & Geographical Indications: An Integrated Approach, https://hub.unido.org/sites/default/files/publications/Market%20Access%20for%20origin%20linked%20products%20and%20GI%20.pdf#:~:text=Geographical%20Indications%20%28GIs%29

Non-governmental organisations, international bureau and consultancies

i. CIRAD

CIRAD is the French agricultural research and international cooperation organisation working for the sustainable development of tropical and Mediterranean regions. CIRAD supports decision-making by generating knowledge and development processes within agricultural and food systems including GIs. Through its research unit 'Innovation and Development in Agriculture and Food', CIRAD has provided technical assistance on GIs in several African countries including the consultancy hired to support the implementation of PAMPIG I and PAMPIG II.

Additionally, CIRAD participates in regular trainings on GIs organized with the Réseau Échanges et Développement Durables (REDD Switzerland) since 2007. The first edition of a training session called Africa-GI was co-organized in French with OAPI in Yaoundé (2019). The first online edition in English is scheduled for March 2022.

In July 2022, CIRAD will co-organize with FAO and host in Montpellier (France) an international conference on Geographical indications for researchers, policymakers and practitioners.

Recently, CIRAD and AFD launched the 'Geographical Indications Support Fund', to run for a period of 4 years from 2021. Its goal is to provide stakeholders in African, Caribbean and Pacific countries with technical and financial support for the development of GIs ([63]).

ii. REDD – Réseaux Echanges et Développement Durable

REDD was created in 2010 by agro-economist experts engaged in contributing to sustainable development through quality food products. Their expertise and

%2C%20quality%20labels%20and%20origin%20consortia,Nations%20that%20promotes%20industrial%20development%20for%20poverty%20reduction%2C

([63]) The facility, with EUR 5 million in funding, will provide support for 'small' projects (EUR 100 000) to 'medium' projects (EUR 500 000 up to EUR 1 000 000) in three potentially cumulative ways:

- through aid for project design;
- through technical or scientific assistance, from CIRAD and its partners;
- through direct financial support.

This budget should provide support for 8 to 15 projects, for a maximum of 36 months. The project leaders may be producer organisations, NGOs, states, intellectual property organisations or institutions in charge of GIs.For more information, see https://www.facilite-ig.fr/en

international reputation in quality labels and signs allows them to support public administrations and producers in different countries in the implementation of systems for the protection of products of origin. Recently, REDD was commissioned by the Swiss Federal Institute to perform the screening of GIs in Ghana and assist 3 different value chain stakeholders in protecting and promoting their GI ([64]).

iii. Economie, Territoires et Développement Services (ETDS)

ETDS is a research and development, study and advisory body created in 2012 in Senegal. ETDS aims to contribute to the socio-economic development of the territories in Senegal by relying on the mobilisation of local resources and the creation of national and international alliances and networks. ETDS is extremely active in GI projects supported by national and international stakeholders. It has supported the national screening of GIs in Senegal ([65]). On the other hand, ETSD is the main technical assistant to support the valorisation of **Madd de Casamance** as a GI.

iv. Organization for an International Geographical Indications Network - OriGIn

In the international arena, the Organization for an International Geographical Indications Network (oriGIn) is an entity that can also provide valuable information and networking opportunities, presenting suggestions and initiatives that can be replicated in different geographies, providing toolkits and resources. OriGIn is also developing a strategy to develop 'national or regional antennas' that can also create additional opportunities for learning and implementing programmes that can optimise GI resources and effectiveness ([66]).

v. Origin for sustainability forum (O4S)

O4S is an international community of practices and knowledge on the interactions between cultural and biological diversities, the dynamics of territories and products whose quality is linked to their origin. The Forum brings together a global panel of stakeholders (territorial participants, academics, policymakers, researchers, etc.), all engaged in a new way of thinking and developing, where the identity, origin, quality and local diversities are the catalysts for inclusive territorial development.

([64]) For more information on REDD, see: https://www.redd.pro/
([65]) ETDS is managed by Mr Pape Tahirou, an agroeconomist and quality field expert, who is also a GI expert with extensive experience. For more information on ETDS, see: http://etds.sn.c51.previewmysite.eu/?page_id=209
([66]) For more information on OriGIn, see: https://www.origin-gi.com/

The main objective of the Forum is the co-construction and capitalisation of knowledge about origin, diversity and territory with the long-term perspective of dialogue between stakeholders from all backgrounds and from all continents ([67]).

vi. Qualité Afrique

Qualité Afrique (Organisation for Cooperation for the Promotion of Sustainable Development, Geographical Indications and Fair Trade in Africa), is an association that aims to contribute to the improvement of the quality of life of people in Africa through the promotion of agricultural value chains, the enhancement and promotion of the specific quality of local products and their certification ([68]). Qualité Afrique is based in Lomé, Togo.

Section 2 – Substantial progress in the crucial factors for GI success

The abovementioned actors and their initiatives have generated significant progress in African countries in terms of the modernisation of legal and institutional frameworks (A), the identification of GIs (B), the codification of the link between products and their geographical environment in product specifications (C) and the registration of GIs at national/regional level (D). While further progress is possible and necessary with renewed commitment and resources, the results achieved show that technical assistance programmes in those areas have adopted the right approach.

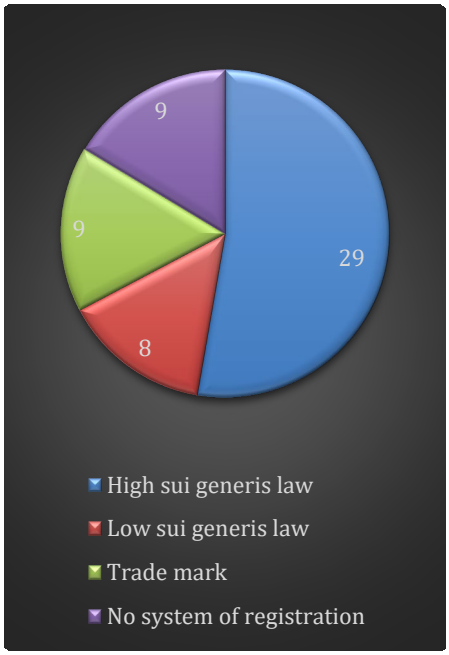
A. Modernisation of legal and institutional frameworks

While a decade ago, only a few countries enjoyed a *sui generis* system of protection for GIs – including the OAPI member countries, Algeria, Djibouti and Morocco - over the last few years, several ARIPO member countries have also followed this path namely Botswana, Cabo Verde, Ghana ([69]), Malawi, Mauritius, Rwanda ([70]), Uganda ([71]), Sao Tome et Principe, Seychelles ([72]),

([67]) For more information on Origin for Sustainability: https://origin-for-sustainability.org/en/the-forum/
([68]) The President of Qualité Afrique is Dr Emmanuel Glé, who is also a GI expert from Togo with extensive experience notably on Riz de Kovié. For more information, see: http://qualite-afrique.org/
([69]) Ghana Geographical Act 659 (2003).
([70]) See, GI law n°31/2009.
([71]) Geographical Indications Act N°8 of 2013 and the Geographical Indications Regulations N°42 of 2018.
([72]) Industrial Property Act 2014 (Act No.7 of 2014).

Zambia, Zanzibar[73] and Zimbabwe[74]. For others, it is work in progress: Kenya, Liberia, Namibia, Sierra Leone, Tanzania (except for Zanzibar), and the Gambia.

Chart 2.1 Type of protection[75]



For countries outside ARIPO and OAPI, Angola, Burundi, Democratic Republic of the Congo, Egypt and Madagascar have either recently adopted *sui generis* systems or are working on the setting-up of such a scheme.

In a nutshell, there is a clear tendency to adopt special means of protection for GIs, which indicates an enhanced awareness that African GIs need to enjoy additional protection i.e., the protection of the name as such as opposed to the mere protection against the confusion of the consumer.

However, there are still some discrepancies in the content of the protection provided for GIs even between countries that have adopted the *sui generis* system of protection.

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(73) The Zanzibar Intellectual Property Act N°4 of 2008.
(74) Zimbabwe's Geographical Indications Act of 2001.
75 The chart is based on information as of April 2023:
Countries where there is no registration system for GIs: Angola, Eritrea, Eswatini, Lybia, Sahara Democratic Republic, Somalia, Sudan, South Sudan, Tanzania

Collective and certification trademarks system of registration: Kenya, Namibia

Collective trademark system of registration OR certification system: Ethiopia, Gambia, Lesotho, Madagascar, Sierra Leonne, Liberia, Nigeria

High level sui generis system*:* Algeria, Benin, Botswana, Burkina Faso, Cabo Verde, Cameroon, Central Africa, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Equatorial Guinea, Gabon, Ghana, Guinea Conakry, Guinea Bissau, Malawi, Mali, Mauritania, Morocco, Mozambique, Niger, Sao Tome and Principe, Senegal, South Africa, Togo, Tunisia, Uganda

Low level sui generis system*:* Burundi, Democratic Republic of Congo, Egypt, Mauritius, Rwanda, Seychelles, Zimbabwe, Zambia

Minor differences concern the provisions for the protection for AOs on top of GIs, a greater or lesser scope of application (which sometimes excludes handicrafts).

Major differences exist between countries that provided a low *sui generis* system whereby the separate legislation does not provide additional protection for all GIs - being restricted only to wines and spirits (see the chart2.1). Also, some countries grant *sui generis* protection to GIs whether they are registered or not ([76]). Finally, some *sui generis* legislations have been adopted but are not in force in the absence of secondary legislations.

If we look at the way GI systems are structured within countries, from an institutional point of view, the peculiarity of GIs lies in their double nature as a sign of quality as well as an intellectual property right. As a result, registration procedures must consider both aspects. Some African countries, like Morocco, have chosen this approach, assigning an *ad hoc* public body – the National Commission for Distinctive Signs of Origin and Quality – to handle the examination of application for the protection of agricultural GIs **([77])**.

Likewise, in the OAPI countries, the system is managed upstream, by the national IP offices **([78])** and technical advisory committees - the so-called National Committees on GIs – before transmission to the OAPI Secretariat for examination and regional registration.

Product specifications are further analysed by the National Committee on GIs, which is responsible for their technical review and will give an opinion on the legitimacy to grant the exclusive use of the name to the applicant, focusing its analysis on the link between the product's characteristics and its geographical origin. This opinion is extremely useful for the GIs Registrar (the OAPI Secretariat) when issuing its final decision.

The creation of the National Committee for GIs is a commitment from each OAPI member state: 'In each Member State, there is a national committee which validates the specifications and ensures a mission of coordination and monitoring of protected geographical indications and groups' (Article 3 and 21 Regulations for the use of the OAPI logo on PGI). In 2021, 9 out of 17 National Committees have been created ([79]). The four countries which have so far

([76]) Example, Rwanda, in Article 165 of Law n°31/2009 of 26/10/2009 on the protection of intellectual property.
([77]) On the other hand, handicraft GIs are administered by the Ministry of Handicrafts.
([78]) In the OAPI region, each member state has a special structure to liaise with OAPI, the so-called "Structure Nationale de Liaison".
([79]) Michel Gonomy, Chargé du Programme des indications géographiques à l'Organisation Africaine de la Propriété Intellectuelle (OAPI), Aspects institutionnels concernant l'administration des indications géographiques dans l'espace OAPI.

benefited from the PAMPIG project (Benin, Cameroon, Côte D'Ivoire and Guinea) all have a National Committee, with budgets for their functioning costs. In Cameroon, the Ministry of Agriculture (MINADER) has provided a budget of around XOF 60 million **([80])** (unofficial data); in Benin, the initial budget was of XOF 150 million **([81])**. Despite the difficulty sometimes observed in releasing these funds, the existence of these committees and the granting of a budget is a sign of the operational nature of the system in some OAPI States.

B. Identification of GIs

GIs link people, places, and products **([82])**. The identification of a GI relies on the formalisation of these interactions, which are embodied by the concepts of 'quality', 'reputation' and 'other characteristics. In recent years, these core elements of the definition have been clarified among stakeholders in African countries (a). Subsequently, national GI lists have been drawn up directly by local stakeholders (b) or with the direct support of technical assistance projects (c).

a) Clarifying the concepts of 'quality', 'reputation' and 'other characteristics'

While GIs usually pre-exist recognition by the law and institutions, their identification as such is at the heart of the process. Not so long ago, this critical phase was carried out without having grasped the very notion of 'geographical indication'. Therefore, identification efforts were mostly descriptive of the history of the product and of its production process, but they brought little insight on the quality, reputation and other characteristics linked to the origin of the product.

By defining a GI as a sign that identify a product having a quality, a reputation and other characteristics that are specifically linked to the origin, the TRIPS Agreement remained blurred on the exact content of 'quality', 'reputation' and 'any other characteristics' that qualify a GI. Since then, this oversight has been corrected and studies corroborating the concepts of 'quality', 'reputation' and 'other characteristics' have been finalised and have contributed to raising inventories of GIs in African countries **([83])**.

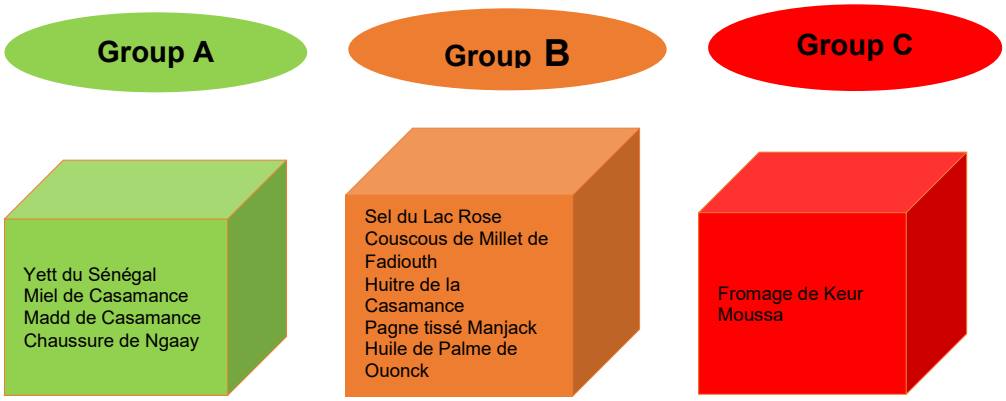
([80]) XAF 60 million is equivalent to approximately EUR 90 000.
([81]) XOF 150 million is equivalent to approximately EUR 225 000.
([82]) FAO Guide. *Linking people, places and products, a guide for promoting quality linked to geographical origin and sustainable geographical indications*, 2009, http://www.fao.org/3/i1760e/i1760e00.htm
([83]) AFD, Savoir communs N°9, Indications Géographiques : qualité des produits, environnement et cultures, https://www.afd.fr/fr/ressources/savoirs-communs-ndeg9-les-indications-geographiques

b) Methodologies for inventories

i. The selection of 'preliminary GIs' in OAPI countries: the example of Côte d'Ivoire and Senegal

In 2010, the Trade.com Facility commissioned a preliminary report on the potential of GIs in Côte d'Ivoire([84]). Based on this experience, the FAO produced a similar report for Senegalese GIs in 2019. The rationale of these reports is to identify potential products, based on a predefined methodology, and classify them according to their readiness for the GI scheme. Mainly based on the existing literature and on-the-ground contacts, this approach focuses on names, natural and human factors, as well as any other specific characteristic linking these products to their origin, the existence of collective organisations and potential markets.

Box 2.1 Classification of pre-identified Senegalese GIs, 2018



The products selected as potential GIs have been screened using an "information sheet" or "product fiche". Each product sheet includes the following headings: 'Product name', 'Traditional product name (if applicable)', 'Product type', 'Geographical areas of production', 'Quality-origin link', ('Natural factors', 'Human factors', 'Reputation', 'Other characteristics, if applicable'), 'Use of a logo, trademark and/or other promotional labels', 'Collective organisation', 'Markets', 'Existence of a generic quality standard at national level for the product concerned', 'Social/ environmental impacts'. Sometimes an 'Other information' line has been added to give information on the potential technical facilitation provided by public or private stakeholders. Each heading receives a

([84]) Monique Bagal, Massimo Vittori, *Preliminary report on the potential for geographical indications in Cote d'Ivoire and the Relevant Legal Framework*, https://www.origin-gi.com/images/stories/PDFs/country%20paper_cte%20divoire_origin1.pdf

mark from 1 to 3 and products with the most points are considered 'champion GIs' (in green in Box 2.1)([85]).

ii. The selection of 'champion GIs' in ARIPO countries

Unlike the OAPI area, the ARIPO zone is at an early stage in developing GIs, at the institutional level as well as at the producers' level([86]).

Nevertheless, screening initiatives have been observed recently in this region.

Through projects implemented by the Swiss Federal Institute on Intellectual Property in Ghana (2016-2019)**([87]),** the methodology applied for selection consisted of three steps:

STEP 1 identification of existing GIs – extensive (but not exhaustive) list of GI products;
STEP 2 selection of the 10 most promising GIs with a balance between the northern and southern parts of the country.
STEP 3 proposed shortlist of five or six GIs that the project could support.

As a result, **Shea butter from Ghana** for cosmetic purposes and **Bolga Baskets** (non-agricultural GIs) were recommended as champion GIs.

Later, as part of its support for the development and protection of GIs, the EUIPO has conducted a screening of potential GI products in ARIPO countries.

The report provides a ranking of 10 potential products in different ARIPO countries based on distance consultations with national stakeholders and online information**([88])**. According to this report, the champions in ARIPO at the moment are: **Anlo shallots** from Ghana, **Kisii soapstone** from Kenya, **Gisovu Tea** from Rwanda, **Kenema Kola Nut** from Sierra Leone and **Cabrito de Tete** from Mozambique.

([85]) Pape Tahirou, Monique Bagal, Sibylle Slaterry, *Rapport sur les IG au Sénégal*, http://etds.sn.c51.previewmysite.eu/wp-content/uploads/2021/05/Etude-potentielles-IG-au-Senegal_Bagal-Kanoute.pdf

([86]) EUIPO, Catherine Teyssier, *Support to the development and protection of geographical indications in view of an upcoming EU-funded project in Africa - Screening of potential geographical indication products within the ARIPO area*, June 2019.

([87]) See, Swiss-Ghanaian Intellectual Property Project, Phase II (SGIP II), January 2016 – December 2019: https://www.ige.ch/en/law-and-policy/development-cooperation/current-projects/ghana

([88]) EUIPO, Catherine Teyssier, *Support to the development and protection of geographical indications in view of an Upcoming EU-funded project in Africa – Screening of the potential Geographical Indication products within the ARIPO*, June 2019.

iii. The selection of champions by AfrIPI

With the objective of supporting pilot GIs, the AfrIPI project came up with a set of criteria to select African origin-products at the start of project. Within the classic elements of definition of a GI, a peculiar importance is granted to the reputation associated with the selected GI. Therefore, the priority is given to GIs having an established reputation.

In addition, among the success factors of GIs (collective organization and existence of markets), the impact that the product as a GI would have on sustainability is also evaluated in any of its three dimensions:

- Environmental: linked to the impact of the GI approach on the environment. The GI approach must be compatible with or even aim for environmental preservation objectives. **And/or**
- Social: linked to the potential of the GI approach on the involved community i.e in terms of emancipation, equity, social cohesion, improved sense of belonging. **And/or**
- Economic: linked to the capacity of the GI scheme to allow a significant improvement in the marketing and price of the product.

About the last criterion, the potential of an identified GI to achieve outcome 4 (innovative approaches for the development of the GI market) is considered in the support policy ([89]).

iv. The FAO Web tool

The FAO's 'Quality&Origin' identification tool is intended to facilitate the identification of the link between a product and its geographical origin and the different stages necessary to develop a GI process and enter the virtuous quality circle. The identification tool is an online-offline tool which can help:

- identify whether a product has a quality linked to its geographical origin (questionnaire 1: identification) ([90]).

([89]) Résultat 4 : le développement du marché des produits IG est encouragé par des approches innovantes sur les marchés locaux, par le commerce régional entre les CER et sur les marchés d'exportation (en particulier dans l'UE puisque les IG y sont un outil de marché établi).
([90]) Soft copies of questionnaire 1 on identification of GIs may be accessed in English at: http://www.fao.org/fileadmin/templates/olq/documents/Questionnaire_1_-EN.pdf
The questionnaire is currently being reviewed and a new version will soon be available on the Quality and Origin Program's website. http://www.fao.org/in-action/quality-and-origin-program/background/what-is-it/fr/

- facilitate the comprehension of all the factors that must be considered to develop a GI process and enter the virtuous circle (questionnaires 2 and 3) ([91]).

The proposed methodology has two levels (see figure below): the first encompasses the main steps when drafting an inventory as part of a general strategy (blue arrows); the second encompasses the analyses to be carried out regarding a product under consideration (yellow arrows). These two levels also correspond to two possible points of entry depending on the user.

This methodology was first tested in the Kindia Region in Guinea and led to an inventory of products from the region, whose quality were linked to their origin. In total, 13 products have been identified as having a strong link to the territory ([92]). The web-tool methodology is still used by project-implementers in Africa. Stakeholders in several countries including Benin, Burkina Faso, Côte d'Ivoire, Guinea, Senegal and The Gambia have revealed that this methodology has been useful for identifying the potential of the GI, or the opposite in some cases. In-depth product knowledge is required to provide full answers. The person completing the questionnaires (the user) must gather all the necessary information relating to the product, and to do this, they must know it well and be able to easily collect information from local stakeholders, and, if necessary, from experts.

C. First efforts towards drafting sound product specifications

Once potential GIs are identified, the next step consists of codifying the rules which make a product unique to its geographical environment. The product specification is the key document to achieve this. While product specification requirements may be different from one jurisdiction to another, they always seek to demonstrate a genuine link between the product and its territory of production. Nonetheless, the idea is to convince the registrar and make the exclusive use of the name acceptable for the society. Therefore, a mere allusion to the specificity of the product may turn out to be insufficient. Some activities support the drafting of sound product specifications.

([91]) Soft copies of Questionnaire 2 and 3 on the identification of GIs may be accessed in French at:
http://www.fao.org/fileadmin/templates/olq/documents/Questionnaire2_FR.pdf AND
http://www.fao.org/fileadmin/templates/olq/documents/Questionnaire3_FR.pdf
The questionnaire is currently being reviewed and a new version will soon be available on the Quality and Origin Program's website: http://www.fao.org/in-action/quality-and-origin-program/background/what-is-it/fr/

([92]) The products were: Kantigny syrup, Pamelap tenis, Wonkifong rice, salt from Coyah, okra from Kaali, bananas and avocados from Samaya, pineapples from Mafèrinya, pineapples from Friguiagbé, mangoes from Komoya, and pigeon peas, chilli peppers and oranges from Benna.

a) Comprehensive studies

Over the past few years, comprehensive studies from scholars and agronomic research institutions in African countries have looked at these links. Their conclusions have been useful in stakeholders' efforts to come up with solid product specifications.

In 2012, the study on the **Dogon Shallot** in Mali **([93])**highlighted the local resources involved in obtaining the product (landscape, plant species), the climate, the type of soil, the actors and finally the weaknesses of the sector about GI registration

The FAO study on the 'Relevance of a Geographical Indication for Salt from Senegal's Pink Lake' focused on strengthening collective action and the coordination of stakeholders, improving quality, raising the awareness of consumers and the recognition and credibility of the monitoring and traceability system of the product **([94])**. It provided preliminary information on the elements to prove the link between quality and origin.

Other FAO studies have focused on the codification of the link between quality and origin for **Miel de Casamance** **([95])** (Senegal), **Violet de Galmi** (Niger) **([96])** and **Madd de Casamance** (Senegal) **([97])**. Doctoral research from Niger (**Violet de Galmi**), Togo (**Riz de Kovié** **([98])**) and Côte d'Ivoire (**Attiéké de Grand-Lahou** **([99])**) are also worth a mention.

In the absence of in-depth studies, tasting panels to characterize the GI have also been used on the continent.

([93]) FAO, *La démarche de qualité liée à l'origine de l'échalote du pays Dogon au Mali*, 2 January 2012, http://www.fao.org/in-action/quality-and-origin-program/resources/detail/ar/c/433639/
([94]) FAO, *Relevance of a Geographical Indication for Salt from Senegal's Pink Lake*, 19 April 2018, http://www.fao.org/3/a-i7938f.pdf
([95]) FAO, *La démarche de qualité liée à l'origine du Casamance, Sénégal*, 3 January 2012, http://www.fao.org/in-action/quality-and-origin-program/resources/detail/ar/c/433640/
([96]) FAO, Violet de Galmi, 2011: http://www.fao.org/in-action/quality-and-origin-program/resources/detail/ar/c/433498/
([97]) Léa Bermond, *Etude ex ante de la création d'une IG sur le madd* (Saba senegalensis) *dans la région naturelle de Casamance au Sénégal*, 2017.
([98]) Glé Koffi Emmanuel, *Qualification des produits agricoles locaux et indications géographiques en Afrique de l'ouest: cas du riz de Kovie au Togo*, 2010 (Université de Rennes).
([99]) See: Centre Suisse de Recherche Scientifique, *Indicateur Géographique (IG) pour les produits terroir ivoirien: Accroitre l'impact socioéconomique et culturel de l'Attiéké en Côte d'Ivoire*, 7 janvier 2016, https://www.csrs.ch/detail_articles.php?idArt=12

b) Tasting panels

As part of the PAMPIG I (2010-2013), tasting panels were organized to identify and qualify the Ziama-Macenta Coffee (Guinea-Conakry) mainly conducted by the Agricultural Research Institute of Guinea.

On 23 November 2020, Mozambique officially registered the **Cabrito de Tete GI** – a local goat breed from the Tete province in Mozambique – the first one within ARIPO. A tasting panel was set up to support the drafting of the product's specifications. The tasting panel was made up of 29 participants: creators, traders, technicians, goat meat producers and consumers residing in Tete. Among the 29 participants in the test, a total of 15 were able to identify the correct number of samples between three different plates. This meant that they were able to affirm, with a margin of error of less than 5 % (i.e. a level of confidence greater than 95 %), that consumers perceive the difference between Cabrito de Tete and Angônia kid ([100]).

D. The registration of GIs at national/regional level and their enforcement

As a result of the improvements mentioned in the paragraphs above, the number of registered GIs in African countries has increased over the years under both systems.
Today, there are around 190 GIs ([101]) protected on the African continent either within a *sui generis* system, or as collective or certification trade marks.

Documented best practices include:

- The introduction of an application guide to improve the understanding of the OAPI registration procedure
- The introduction of a manual of procedures for the examiners of the National Commission on GIs ([102])
- The existence of a free and accessible online register ([103])
- The creation of national logos for registered GIs to facilitate the recognition of registered GIs

([100]) See Denis Sautier, *O Cabrito de Tete Fase 2 – Teste de degustação e formação de um Agrupamento, Relatório da missão realizada de 29 Novembro a 8 Dezembro de 2017*, https://agritrop.cirad.fr/590321/1/2017%20Mo%C3%A7ambique%202a%20fase_Indica%C3%A7ao%20Geografica%20Cabrito%20de%20Tete_12%202017_D%20Sautier%20OMPI.pdf
([101]) In 2020, the origin database on GIs reported 186 registered in Africa. For more information, see: https://www.origin-gi.com/i-gi-origin-worldwide-gi-compilation-uk.html
([102]) FAO-Ministère de l'Agriculture et de la Pêche du Royaume du Maroc, *Manuel de Procédures pour la Commission Nationale des Signes Distinctifs d'Origine et de Qualité*, Février 2010.
([103]) Link to the national register for GIs and AOs on agricultural products and foodstuffs in Morocco: http://www.ompic.org.ma/sites/default/files/Registre%20National%20IG%20xlsx.pdf

Box 2.2 Examples of registered GIs in Africa, 2021

COUNTRIES	*Sui generis* system	Collective or certification trade marks	International protection
Algeria	Ain-bessem-bouira Bouhezza Coteaux de Mascara Coteaux de Tlemcen Coteaux du Zaccar Dahra Datte "Deglet Nour" de Tolga Figue sèche de Béni Maouche Médéa Monts du Tessala		Ain-bessem-bouira Coteaux de Mascara Dahra Coteaux du Zaccar Coteaux de Tlemcen Médéa Monts du Tessala *Registered through the Lisbon Agreement*
Benin	Ananas Pin de sucre du Plateau d'Allada		
Burkina Faso	Chapeau de Saponé	Faso Dan Fani	
Cabo Verde	Chã das caldeiras – vinho do fogo		
Cameroon	Poivre de Penja Miel blanc d'Oku		Poivre de Penja is now protected under the EU Regulation 1151/2012
Egypt	Black grapes from Baranni Matrouh Olives Figs from Matrouh	Egyptian Cotton	The Egyptian Cotton logo is internationally protected through the Madrid protocol on the international registration of marks (Madrid registration No. 756059)
Ethiopia		Harar Yirgacheffe Sidamo	

Guinea	Café Ziama-Macenta	Belle de Guinée Riz Bora Molé	
Kenya		Coffee Kenya, So rich, so Kenyan The Finest Kenyan tea Taita Baskets	
Morocco	Argane Huile d'olive Tyout Chiadma Safran de Taliouine Dattes Majhoul de Tafilalet Clémentine de Berkane Grenade Sefri Ouled Abdellah Viande Agneau Béni Guil Rose kelât M'gouna Dades Figue de Barbarie d'Ait Bâamrane Fromage de Chèvre Chefchaouen Miel d'Euphorbe Tadla Azilal Amande de Tafraout Dattes Boufeggous Dattes Aziza Bouzid de Figuig Pomme de Midelt Nèfles de Zegzel Dattes Bouittob de Tata Miel d'Arbousier Jbal My Abdessalam Keskes Khoumassi ou Keskes Moukhamess Huile D'Olive Vierge Extra Ouezzane Noix d'Azilal Câpres de Safi Dattes Jihel de Drâa Huile d'Olive Vierge Extra Aghmat Aylane		

	Huile Essentielle de Lavandin d'Oulmès Raisin Doukkali Amandes du Rif Henné d'Ait Ouabelli Figue sèche Nabout de Taounate Lentille de Zaer Miel d'Euphorbe du Sahara Huile d'olive Outat El Haj Huile d'olive de Tafersite Coing Oued El Maleh Feuilles Séchées du Romarin de l'Oriental Huile Essentielle du Romarin de l'Oriental Henné de Foum Zguid Cumin Beldi de Rhamna Ammandes d'Amellago – Assoul Figue de Barbarie Dellahia d'Al-Hoceima Amande d'Aknoul Huile d'Olive de Sefrou Lait de Chamelle du Sahara Miel de Zendaz du Massif Bouiblane Huile d'Olive de Zerhoune Huile d'Olive d'Ait Attab Miel de Thym de Souss Massa Dattes Outoukdim de Toudgha Tinghir Huile d'Olive Lemta Fés Miel d'Euphorbe de Souss Massa Miel du Romarin de l'Oriental Dattes Bousthammi noire de Draa Piment Fort Zenatya Huile d'Olive d'Amizmiz Huile d'Olive Dir Béni Mellal Eau de rose de Kelaat M'gouna-Dadés		

	Agneau de Bejaad Dattes Assiane de Figuig Figue Ouled Frej Huile d'Olive Ziz Guir Noix de l'Atlas Haouz Marrakech Pomme du Haouz Pomme d'Ifrane Abricot de Midelt Chevreau de l'Atlas Henné du Bassin Maider Huile d'olive Tadiynit Nador		
Mozambique	Cabrito de Tete		
Niger	Violet de Galmi Kilichi du Niger	Violet de Galmi Peau rousse de la chèvre de Maradi Tchoukou du Niger	
Sao Tome et Principe	Cacau de Sao Tome		
South Africa	Backsberg Bamboes Bay (Bamboesbaai) Boberg Bonnievale Bot River Bottelary Breede River Valley (Breëriviervallei) Breedekloof Calitzdorp Cape Agulhas (Kaap Agulhas) Cape South Coast / Kaap Suidkus Cederberg Central Orange River / Sentraal Oranjerivie Ceres Citrusdal Mountain / Citrusdalberg Citrusdal Valley / Citrusdalvallei		106 GIs have been protected through an agreement with the EU ((SADC-EU EPA) including Rooibos. On the other hand, Rooibos was recently protected directly through the EU regulation 1151/2012 (July 2021).

	Coastal Region / Kusstreek Constantia Darling Devon Valley Rooibos Karoo meat of origin Honey bush		
Tunisia	Figues Deglet Coteaux d'Utique Coteaux de Tebourba Dattes Deglet Nour de Nefzaoua Deglet Ennour Tunisienne Figues de Djebba Grand Cru Mornag Grenade de Gabès Huile de lentisque Kroumirie Mogod Huile d'olive de Monastir Huile d'olive de Teboursouk Miel de Kroumirie Mogod Menthe « El Ferch » Mornag Muscat de Thibar Pomme de Sbiba Sidi		Figues de Djebba *Registered through the Lisbon Agreement*
Uganda		Mukono vanilla	

However, the registration of GIs in Africa is still at an early stage: in the absence of measures to eliminate fraud, or in those cases where existing GIs are not performing as planned, operators inside or outside the field can unfairly benefit from the acquired reputation of the registered GI ([104]) while offering a product of lower quality. On the other hand, the registration of GIs at national or regional level does not always tackle the creative ways used by free riders to benefit from the reputation of authentic GIs.

Below are some examples of infringements of African GIs to demonstrate the limits of the current enforcement measures available and highlight the need for additional measures to efficiently protect African GIs.

Authentic Egyptian Cotton TM

Evocation of 'Egyptian cotton' in its translated form on a different product than the product used in the application (perfume).

([104]) https://www.fao.org/3/I8737EN/i8737en.pdf

Picture of a fraudulent use of a registered GI **([105]).**

Evocation of Poivre de Penja as an ingredient of other products.

Poivre de Penja-DUCROS: GI or non-GI?

Use of the name poivre de Penja with delocalisers: 'Poivre blanc type Penja Cameroun' **([106])**.

Another problem relates to the fact that several African GIs are commodities, such as sell coffee and cocoa. Even though a GI is registered in the country of origin, the GI holders cannot control how their registered names are used by manufacturers abroad. It turns out that cocoa and especially coffee names are used abroad as mere indications of provenance, while at the same time being the object of genuine nationally registered GIs. To what extent does the use of these names in this way constitute deception of the consumer and/or damage or dilution of the product's reputation? **([107])**.

([105]) Credit photo: Claude Metomo.
([106]) Credit photo: Monique Bagal.
([107]) Like the wording of Article 11-1 a) ii) of the Geneva Act would suggest:' […] each Contracting Party shall provide the legal means to prevent: use of the appellation of origin or the geographical indication […] (ii) in respect of goods that are not of the same kind as those to which the appellation of origin or geographical indication applies, or services, if such use would indicate or suggest a connection between those goods or services and the beneficiaries of the appellation of origin or the geographical indication, and would be likely to damage their interests, or, where

Even when the names are registered as certification marks, and may be the object of licences, the bargaining power of the growers is low, making it impossible to quantify the value. In other words, one can say that in the case of coffee (and cocoa), 'extra' strategic efforts are needed to obtain a premium price even after registering the GI. This is supported by the fact that the market has been demanding more sustainable coffee and cocoa. Therefore, major coffee roasters and chocolate houses have set a goal to increase global sustainable coffee sales from 8 % to 25 % by 2015 **([108])**. This ambitious target has stimulated producers to invest in UTZ, Rainforest and 4C labels, sometimes to the detriment of the enforcement of the GI rules. There is a concern that the names associated with coffee and cocoa-growing zones will eventually be deemed generic or may fall under the regime of safeguards of prior trade marks registered or used by industrials.

Logo of the certification mark Coffee Kenya: 'So rich, so Kenyan'

Use of the name 'Kenya' on coffee as an indication of provenance

applicable, because of the reputation of the appellation of origin or geographical indication in the Contracting Party concerned, such use would be likely to impair or dilute in an unfair manner, or take unfair advantage of, that reputation; […]'

([108]) More information on this trend can be found on various articles including the following: Sustainable food news, Can certified-sustainable coffee reach 25% of global trade by 2015? https://sustainablefoodnews.com/can-certified-sustainable-coffee-reach-25-of-global-trade-by-2015/

The Geneva Act – which modernises the Lisbon Agreement ([109]) – may be one way for African countries to efficiently protect their GIs especially against the use of their names on dissimilar products or against those uses that amount to 'imitation' of the registered GI ([110]).

The Geneva Act

- Introduced GIs under the treaty scope of application (Article 2), previously limited to AOs.
- Provided a solid level of protection (strengthened compared to the Lisbon Agreement) for both GIs and AOs (Article 11). The protection of names now extends to their use on goods that are not of the same kind as those to which the AO or GI applies, and on services, provided that this use impairs or dilutes in an unfair manner or takes unfair advantage of the reputation of an AO or GI.
- Kept the principle of one unique application for an AO or GI – made through WIPO – following which, contracting parties have 1 year to analyse and decide whether to extend or refuse protection in their jurisdictions (Article 5).
- Clarified the relations with prior trade mark rights, in line with international norms and jurisprudence (Article 13).
- Gave the possibility to intergovernmental organisations such as OAPI to become contracting parties under certain conditions (Article 28(1)(iii)).
- Introduced more flexibility in terms of filing applications (groups and beneficiaries are now allowed to file an international application under certain circumstances, Article 5.3) and fees, which make the Geneva Act an attractive treaty for a variety of legal systems and traditions.

In November 2021, 12 contracting parties (Albania, Cambodia, Côte d'Ivoire, Democratic People's Republic of Korea, European Union, France, Ghana, Hungary, Lao People's Democratic Republic, Oman, Samoa and Switzerland) had joined the Geneva Act, which entered into force on 26 February 2020.

As a member state of the OAPI, the Geneva Act of the Lisbon Agreement will enter into force, with respect to the Republic of Côte d'Ivoire, 3 months after

([109]) The Lisbon Agreement has been modernised recently. There are 30 states that are currently parties to the Lisbon Agreement: Albania, Algeria, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Costa Rica, Cuba, Czech Republic, the Democratic Republic of the Congo, Dominican Republic, France, Gabon, Georgia, Haiti, Hungary, Iran, Israel, Italy, Mexico, Moldova, Montenegro, Nicaragua, the Democratic People's Republic of Korea, North Macedonia, Peru, Portugal, Serbia, Slovakia, Togo and Tunisia.
Following 6 years of discussions within the Working Group on the development of the Lisbon System, the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications was adopted in 2015.
([110]) See Article 11 of the Geneva Act on the appellations of origin and geographical indications.

the date on which OAPI deposits its instrument of accession to this Act, in accordance with Articles 28 and 29 of the Geneva Act of the Lisbon Agreement. However, while awaiting the accession of OAPI to the Geneva Act, a member of OAPI may always decide to accede to the Lisbon Agreement and to the Geneva Act at the same time to benefit at once from the protection provided by the Geneva Act and the Lisbon Agreement in the Contracting Parties of both Acts. Outside OAPI, Tunisia and Cabo Verde are finalizing their accession to the Geneva Act. Ghana has just acceded the Geneva Act (November 3, 2021).

The Lisbon System is a practical and cost-effective solution for the international registration and protection of appellations of origin (AOs) and geographical indications (GIs), offering protection in 36 Contracting Parties, covering up to 56 countries, through a single registration procedure and one set of fees([111]).

Section 3 – Limited progress in areas crucial to the success of GIs

The progress described above does not mean that no additional efforts need to be made in these areas, but rather that national and international stakeholders can build upon it to further develop the GI sector in Africa.

On another note, this section will look at the limited improvements made in two areas crucial to the success of GIs: the creation of functional producers' organisations (A) and the establishment of transparent control mechanisms for product specifications (B). In these areas, the limited number of examples available in Africa show that a change of strategy and paradigm should be adopted by national stakeholders and technical assistance projects.

A. Producer organisations

GIs are the results of a collective effort. Producer organisations therefore play a key role not only before a GI is recognised (in drafting the product specifications for instance) but also after the registration process is concluded, for instance, by carrying out the promotional and legal protection activities as well as offering a platform to deal with the issues that might arise among the stakeholders of a given value chain.

Legal texts in African countries have increasingly made it mandatory for producers to constitute a collective organisation **([112])**. In OAPI countries, for instance, producer organisations must be representative of the producers involved in each GI. However, only a few of these organisations are currently

([111]) https://www.wipo.int/lisbon/en/
([112]) This is true for most countries that apply a *sui generis* system.

operational, and only a few of them have managed to define internal rules for decision-making (ii). Finally, a limited number are in a position to offer services to their members (iii).

a) The obligation to be representative

As a way of example, the product specifications of the OAPI registered Poivre de Penja states: "*The applicant is an association that is **representative** of the players in the Penja pepper industry. It brings together large producers (category I), small producers (category II) traders, processors, and nurserymen*. […] *This group, which brings together most **identified actors** (large and small producers), processors, traders, nurserymen, aims at initiating and ensuring the control of the geographical indication Poivre de Penja"* ***([113])***.

In addition, the specifications indicate that GI "*remains accessible to all natural or legal persons other than the founding members, who comply with the conditions and the admission procedure provided for by the internal regulations and who comply with the specifications set forth for the use of the name Poivre de Penja"* ***([114])***. That is to say that producers who wish to be involved, can do so if they respect the product's specifications. In other words, the legislation encourages the collective group to gradually engage producers that have not been identified or interested at the beginning of the process.

In return, each operator must sign a commitment to respect the specifications and to be inspected randomly. Upon the operator's engagement, the collective organization commits to providing the member with a copy of their engagement, the association's statutes, specifications, and control plan **([115])**. Therefore, while there is still some progress margin **([116])**, the OAPI legislation opens real scope for promoting democratic governance.

Within ARIPO, Uganda has inscribed in its GIs law the obligation of the group of producers to be representative. Section 8 of the Geographical Indications Act states: *"(3) The following shall have the right to file an application to register a geographical indication—(a) a legal entity carrying on an activity as producers, farmers, artisans or whatever the case may be in the geographical area specified in the application, with respect to the product specified in the application; (b) a group of representative producers; or (c) In respect to an*

([113]) Agro-PME, Florent NKOUASSEU Cahier des charges de l'IG Poivre de Penja, Juillet 2012, p.3

([114]) Agro-PME, Florent NKOUASSEU Cahier des charges de l'IG Poivre de Penja, Juillet 2012, p.4

([115]) These provisions are contained in the draft specifications for GI ananas pin de sucre du Bénin.

([116]) It is, inter alia, the object of the PAMPIG II.

indication with national character, any competent authority as provided for under the regulations" […][117].

b) The definition of internal rules within the collective organization

The OAPI internal rules for the registration of GIs[118] provides that the group or association requesting the registration of a GI is formally constituted. Copies of this formal constitution must be placed in the application form. Communications with OAPI make it necessary to notify an address and a contact number.

The level of formalization requires the constitution of statutes and, supposedly, the definition of internal rules for decision-making within the collective GI organization (transparency of information, modalities of vote, majority requirements).

The Association de Défense du **Café Ziama Macenta** (ADECAM), established with the support of the "Maison Guinéenne de l'Entrepreneur"[119], is an interesting example. The bodies of ADECAM are the General Assembly which is the supreme decision-making body of the organization of actor; the Board of Directors is the body for proposing and executing decisions of the General Assembly assisted by an internal technical unit; the Supervisory Committee is the body for monitoring and evaluating implementation and the Quality Control Commission is the internal control body[120].

c) Services offered

Services offered by GI collective organizations range from protection and promotional activities to controls. The group representing **Poivre de Penja** is responsible of keeping the list of the GI producers up to date, transferring knowledge to help maintain the GI typicity, carrying out controls and inspections plans, promoting the GI.

More results can be observed with respect to the GI **Argane.** They are due to the work of the group representing the producers – AMIGHA – as we as the "Association Nationale des Coopératives d'Argane" (ANCA). Over the years, ANCA has implemented literacy programs to the benefit of women involved in

(117) The Geographical Indications Act, 11 October 2013
(118) Guide du demandeur d'Indication géographique, Document de travail pour les administrations et les producteurs Version 2.1 – avril 2011, p10.
(119) The Maison Guinéenne de l'Entrepreneur is a non-governmental organization based in Guinea-Conkary. For more information, see: http://www.mge-guinee.org/
(120) Sidiki CAMARA, Président de L'ADECAM, Séminaire régional sur les IG en Afrique de l'Ouest, Cap *Skirring-Sénégal du 20 au 22 Novembre 2017*.

the production, has produced educational materials in the form of comic strips. In terms of social coverage, women in cooperatives are covered by an agreement with the national "Mutuelle Générale". On the other hand, AMIGHA has designed a common graphic charter for food and cosmetic products and has promoted the GI through its participation in national and international exhibitions in Bordeaux, Berlin, Paris and Geneva.

B. Control mechanisms

Controls to verify that the products commercialized correspond to a given product's specifications are crucial for the credibility of the GI itself. Controls are normally based on a control plan, a document which specifies how each requirement of the product's specifications is verified. The control plan is a management tool used to identify and monitor the activity requires to control critical inputs and/or key outputs for a process ([121]). Controls might take the form of self-verification (auto-control by producers), second party-verification (internal control by producers' association) and third-party verification. Also, in this field, limited progress and examples are to be reported concerning African GIs.

A control system is mandatory to register GIs in the OAPI region. The product's specifications drafted in the context of the PAMPIG I projects, provided for internal controls to be carried out by the GI groups ([122]).

In this context, a contract is signed by the producers, in which they engage themselves to respect the rules laid down in the product's specifications and to accept, at any time, inspections carried out by the inspectors appointed in accordance with the applicable control plan, which includes the sanctions associated with non-compliance. These sanctions can range from a simple remark to temporary or definitive exclusion from the use of the GI. The PAMPIG I project had also the merit to raise awareness among local stakeholders on the need to provide – together with auto and internal controls – some sort of external verification schemes, carried out by independent bodies.

Some good practice in the field of controls can be noted in Morocco with respect to agricultural GIs (handicraft GIs are not yet concerned by this). In several

([121]) FAO Guide, Linking people, places and products, a guide for promoting quality linked to geographical origin and sustainable geographical indications, 2009, http://www.fao.org/3/i1760e/i1760e00.htm

([122]) Article 3 of the regulations for the use of the OAPI logo
For each PGI there is a guaranteed system to ensure that all actors using GI to market their products comply with the requirements defined in the specifications, to prevent the deception of the consumer and to protect honest producers against unfair competition. This system may be based to a very large extent on the representative grouping of the GI and the monitoring carried out by the National Committee, provided, however, that an external body is involved to ensure that the control exercised by the representative group is effective.

cases, producers carry out self-control, cooperatives handle internal control, and certification bodies (such as Normacert and Bureau Veritas, accredited by the Ministry of Agriculture) oversee external independent controls - that is to say controls that are carried by independent and impartial bodies ideally accredited with the norm ISO 17065. The fact that Morocco enforce third-party verification must not hide the fact that the costs are supported by the State so far and are expected to be borne by the producers in the long term.

As far as external controls are concerned, it should be noted that accreditation of the control and certification bodies is relevant to GI products that are seeking to penetrate international markets. Costs linked to external controls may be minimise by a strong system of internal control([123]) and external controls carried out by governmental bodies.

However, it is to be noted that a frequent confusion between the respect of the standards of food safety and the respect of the GI specifications is observed.

([123]) In Morocco, the system of control is based on a bar code for each producer. Also, each pack of a given product sold must indicate the name of the producer, the address, and the phone number.

Chapter 3: The way forward

The previous chapter suggested a number of key priorities for African and international stakeholders to enable African GIs to realise their full potential.

This chapter will focus on the two urgent needs identified in Chapter 2: **Creating the conditions for successful producer organisations to be established or strengthened** (Section 1) **as well as to support the GI in the long term through internal governance** (Section 2); and **developing appropriate control mechanisms to enforce the GI requirements stated in the product's specification** (Section 3). This chapter will refer to both the literature and practical success stories to offer concrete tools to African stakeholders to work on these urgent needs for the success of GIs.

Additionally, this chapter will show that having strong producer organisations and control systems might also facilitate progress in the fifth GI success factor mentioned in Chapter 1 ([124]), which consists in taking into account the emerging sustainability challenges.

The African Union's 'Continental Strategy for Geographical Indications in Africa 2018-2023', described in Chapter 2 ([125]), identifies outcomes such as sustainable rural development (Outcome 1), market development (Outcome 4) and awareness and communication to stakeholders, including consumers (Outcome 6). Making progress in the field of GI producer organisations and controls in Africa, as well as in the challenges of sustainability, will help achieve those outcomes.

Section 1: Understanding Collective Action as a Value Generator

This section highlights the key learnings from the literature and practical cases as a reference for those interested in building or strengthening successful collective action models through GI organisations.

A. The Need for a Strategy for GI organisations

a) Economies of scale for individual producers

GI organisations can be a tremendous tool to generate value for their members. This is because they can carry out activities with high transaction costs for

([124]) See Chapter 1, Section 3 of this manual: "Conditions to be successful".
([125]) See Chapter 2, Section 1-A, d) of this manual: "The GI related activities of the African Union".

individual producers. However, as with any other initiative involving coordination among various parties, creating them is a challenging task. Tackling this issue as part of a long-term strategy developed by the relevant GI stakeholders – producers, processors and other relevant parties in a given geographical area – increases the probability of establishing efficient GI organisations.

By establishing (or strengthening if already in existence) producer organisations, GI stakeholders will be in a better position to face challenges, such as market access, implementing quality standards, carrying out marketing and legal protection activities, and working towards improving sustainability.

Box 3.1. Economies of scales with the South African Rooibos Council (SARC)

In 1993, the Tea Board was privatised and became Rooibos Limited, a company which is one of eight processors of rooibos tea in South Africa and is today by far the largest and most established. In April 2005, several rooibos industry players – including producers, processors, and other interested parties – collaborated to form the South African Rooibos Council (SARC). At this stage SARC was a voluntary organisation with voluntary membership levies. It continued with its activities – focused on production and the promotion of rooibos – until 2014, at which stage the voluntary levy system no longer generated sufficient funds to ensure its viability. In late 2014, SARC was reconstituted with the following packer/brander members: Rooibos Limited, Annique Health and Beauty, Cape Dry Products, Cape Natural Tea Products, National Brands Limited, Joekels Tea Packers, The Red T Company, and Unilever South Africa. Today, SARC is an independent, non-profit organisation that responsibly promotes the interests of the South African rooibos industry locally and internationally. Through their collective efforts, SARC members have been able to engage and cooperate with key industry stakeholders through research and communication – such as the dissemination of information regarding the benefits of rooibos to consumers – for the benefit of the industry. Research and development, food safety, and certification also play important roles in the activities of SARC to protect the interests of consumers.

b) Understanding Value Chains and Power Dynamics

To define a sound strategy, GI stakeholders must have a thorough understanding of the product's value chain, trading practices and power dynamics. There are different types of GI organisations according to the product's transactional complexity, specificities, standards and supplier capabilities. GI stakeholders' chances and ability to capture more value from their differentiation efforts will vary depending on the type of GI organisation.

Key Learnings

- When defining a long-term strategy, there must be a thorough understanding of current value chain dynamics, to improve the conditions for capturing more value for the product.
- Commercial partners must be identified, particularly for GIs which are part of an international value chain.
- Changing the power relations along a value chain requires strategic thinking. This may involve segmenting product specifications and adapting the specifications to new market environments or specific market niches.

Key Learnings

- Cultural aspects and local context are a key factor for collective processes. A sound GI strategy must take cultural aspects fully into account.
- GI organisations can arise from existing ones or be created in the context of the recognition of a given GI.
- If a pre-existing local organisation is chosen, those interested in leading the effort should have credibility and respect, the ability to reach out to producers and stakeholders, and the necessary soft and hard skills to obtain consensus among diverse individuals and interests.
- By working in organisations, GI stakeholders will reduce transaction costs.
- Collective action has to take into account that individuals may face temptations to free-ride or act opportunistically. Building trust and a common long-term vision are key areas of work to deter free-riders.

c) Alliances and Knowledge Agenda

The list of potential allies for GI organisations includes government agencies in charge of intellectual property and GIs, as well as local and territorial authorities ([126]). Other government entities include those in charge of consumer protection programmes (in particular labelling authorities), agriculture, foreign affairs (in case protection is sought overseas) or quality accreditation services (among many others, depending on the product and the country). GI organisations must strive to maintain good relations with these entities, irrespective of the possible changes of officials in charge of them. Not only may they be able to fund certain projects, but they could also expedite administrative and legal procedures associated with GI initiatives.

Other key potential allies are domestic and international academic and research institutions. They can provide invaluable support during the process of developing the GI initiative, the definition and understanding of intrinsic product qualities associated with the origin and possible detection of infringing products. Domestic research institutions can become crucial allies in developing a 'knowledge agenda', which should include research projects that can document in a technical and scientific way the origin product's qualities that can justify the GI product a higher price not just with emotional but also with rational attributes ([127]). Deep knowledge of their own product ([128]) can empower GI associations and their members, leading to the development of a knowledge agenda and narratives that provide technical support to differentiate the origin product. This is not only a key component of promotion but also an important asset to designing control plans.

([127]) UNIDO (2010) suggests that R&D alliances are a key factor for GI success. We go further by suggesting a knowledge agenda to thoroughly understand the rational benefits associated with the product that buyers and consumers can value over the long term. See for example Lozano et al. (2011).
([127]) UNIDO (2010) suggests that R&D alliances are a key factor for GI success. We go further by suggesting a knowledge agenda to thoroughly understand the rational benefits associated with the product that buyers and consumers can value over the long term. See for example Lozano et al. (2011).
([128]) Belletti et al. (2017) support this concept.

Key Learnings

- The network of partners for GI organisations can be large and can include, among others, governmental entities, organisations with similar objectives, value chain actors, funding and cooperation agencies, and academic and research institutions.
- To attract allies, GI organisations need to be credible, representative and effective.
- A sound long-term GI strategy will help attract potential partners.

B. Defining Long-Term Objectives

Defining long-term objectives requires to take into account the following characteristics of a given GI.

a) The territory

For complex value chains (for example, for coffee and cocoa), the elaboration of a long-term strategy may involve a relatively large number of local stakeholders, from producers to processors and distributors. In other contexts

Box 3.2 Elements of a long-term strategy in the Managing group of the GI Ananas Pain de Sucre du Plateau d'Allada-Bénin

Ananas Pain de sucre du Plateau d'Allada-Bénin is a famous pineapple in the sub-region and sought after for its organoleptic characteristics.

With a view to preparing the filing of the name for protection as a GI, the representative group adopted statutes that state, in particular, the purpose of the grouping and its composition. Objectives of territorial scope provided by the group in defence and management of the GI are, in particular '*to develop a quality product, as natural as possible*' or '*to represent and defend the product before the administration, the elected officials and any power of supervision to defend its members*' [...] (See Article 5 of the Statutes).

Furthermore, it is interesting to note that the integration of a territorial dimension and of long-term objectives also emerges from the composition of the grouping which brings together 'founding members' (who participated in the creation of the grouping), 'active members' (members using the GI) and members who are simply adherents (i.e. not or no longer using the GI yet located in the geographical area concerned by the GI). These three categories may be convened to the Administrative Committee, which is the body responsible for deciding on the technical and economic conditions of the activity surrounding the product as well as prospects for the future (see Article 20 of the Statutes).

(fresh fruits and vegetables for instance), the involvement of primary producers may be sufficient in developing the strategy. However, in both cases it is crucial that the resulting vision and strategy is appropriated by the producers involved in the geographical area at issue ([129]), so that it does not depend on a small group of individuals ([130]).

b) The product

The GI strategy's expected impact should not only ensure the quality standards but also protect and enhance the reputation of the product. In this way it will create the market conditions and the promotional narratives that justify a higher price paid to producers. Developing these narratives and ensuring other value chain stakeholders outside of the territory use them is called 'bottom-up differentiation'.

When the product is a raw material for a processor, marketing professionals call it 'ingredient branding'.

In both terms, when applied to GIs, it means that the product should not only comply with quality specifications but that these specifications should be meaningful to buyers and end consumers through origin differentiation narratives or origin branding. By way of example, the national GI for coffee in Kenya is a figurative trade mark indicating **Coffee Kenya, So Rich, So Kenyan**.

([129]) See Unido (2010), Bienabe et al. (2013), Vandecandelaere et al. 2018, Lourenzani et al. 2020 among others.
([130]) A number of authors emphasise the need to take into account territorial stakeholders. They include Lourenzani et al. (2020) and Quiñones-Ruiz et al. (2020).

c) The objectives and impact sought

Collective action initiatives in rural areas can have several objectives that have proved achievable by GI initiatives such as ([131]):

- Reducing asymmetrical information between producers and consumers. This will result in higher demand for the GI product and as a result higher price for producers.

- Modifying value chain governance through the creation of captive markets or buyers that will consistently purchase the product over many years. Furthermore, this can positively affect prices.

- Improving quality and hygiene product standards. This can result in developing (or improving) the GI product's reputation, market access and market opportunities, as well as generating additional demand that can strengthen producer's negotiation opportunities and higher prices (impact).

- Ensuring that there are long-term economic opportunities for locals through the creation or development of an economic cluster centred around a GI product that can enhance long-term attractiveness of the territory. **Poivre de Penja**, with its inter-professional association, is an interesting example of the capacity of private stakeholders from different stages in the value chain to agree on a minimum price for producers, which is of vital importance for small-scale producers ([132]). Indeed, the GI registration in 2013 was accompanied in 2013-2015 by an average price increase of 120-130 % over the period 1995-2013 ([133]).

([131]) Some of the objectives listed are drawn from Bienabe and Marie-Vivien (2017), Vandecandelaere et al. (2018), and Belletti and Marescotti (2018).
([132]) See, FAO-BERD, Strengthening sustainable food systems through geographical indications, an analysis of economic impacts, 2018.
([133]) See, FAO-BERD, Strengthening sustainable food systems through geographical indications, an analysis of economic impacts, 2018.

Box 3.3. Café de Colombia, Tequila, Banano de Costa Rica – Unity is strength

GI organisations might arise from existing institutions or be created for the purpose of managing the GI:
Since 1927, the Colombian Coffee Growers Federation (FNC) has been providing services to local coffee farmers. In 2005, the FNC was selected to design and implement the recognition, promotion and protection strategy for the GI **Café de Colombia**. The recognition in foreign markets obtained by the FNC was crucial to avoid labelling authorities considering that Colombian coffee was a generic designation.

The Costa Rican Banana GI (**Banano de Costa Rica**) is another example of an initiative deriving from existing institutions. In this case, the GI functions are carried out by Corbana (originally incorporated in 1971 as Asbana), an entity whose shareholders are the government, public banks and banana producers. Corbana, a non-commercial stakeholder, assumed the GI association's functions into its existing administrative structure.

In contrast, the Tequila Regulatory Council (CRT) was established in 1994 because of the dire need of the **Tequila** value chain stakeholders to manage the GI, which had been previously recognised in Mexico (in 1974). The Regional Chamber of the Tequila Industry, founded in 1959, felt the need to develop the industry, further protect the Tequila name internationally and ensure quality controls. As a result, the Chamber was behind the effort of creating the CRT as the organisation dedicated to verifying and certifying compliance with the Official Tequila Standard, as well as defending and promoting the quality and culture of the spirit drink.

Collective action must make economic sense for individual members:
Within the FNC, Colombian coffee producers have joined forces to launch initiatives, such as tailored research to local market conditions, international promotional efforts or competitive local prices available to all producers, that they would not have been able to carry out individually. This strategic thinking has created demand for Colombian coffee in foreign markets and at the same time forced local traders to pay domestic prices that reflect the value international stakeholders are willing to pay for Colombian coffee beans.

GI organisations need to be credible and well-run to be able to foster alliances and defend their interests:
Over the years, the CRT has established several alliances and working relations with the Mexican government, the World Customs Organization, international entities such as oriGIn or Origen España, and fellow GI organisations specialised in wines and spirits, such as the Rioja Wine Council, the Comité Champagne and the Scotch Whisky Association. These relations have enhanced the CRT's ability to protect the Tequila GI in several countries by detecting infractions and enforcing its rules while benefiting from the experience of fellow GI organisations on the knowledge to improve its protection strategy.

Key Learnings

- When defining a long-term strategy for a GI, there is a need to gather the support of the relevant stakeholders in the geographical area, taking into account the complexity of the value chain as well as the need to ensure quality and develop a narrative to communicate the product's characteristics.
- Collective action focusing on raw materials – such as coffee or cocoa beans – should consider ingredient branding strategies that can be leveraged by other stakeholders in the chain. They must be conceived as win-win strategies to all value chain stakeholders, especially if producers lack distribution or processing capabilities.

Section 2: Governance as a key success factor for GIs

This section will focus on the main attributes that organisations should have to maximise the probability of long-term success for the GIs they represent.

Strong organisations that do not depend on a single leader or group of leaders will have to provide equitable and transparent distribution of costs and benefits to key stakeholders, as well as allowing for changes if necessary. Likewise, strong GI organisations should be able to develop partnerships and alliances to effectively defend the reputation of the GI product using the legal means at their disposal ([134]).

A. Governance as a Catalyst for Collective Action

Among the challenges GI organisations face are the need to coordinate transactions between producers (horizontal or vertical coordination ([135])), ensuring product quality, legal protection, monitoring GI specifications, developing marketing strategies, reviewing supply-side obstacles, and ensuring an equitable distribution of benefits and costs among members. If they are successful with governance, GI organisations will encourage ever more collective action to expand and provide further services to their members ([136]).

([134]) Based on a review of the literature, Giovannucci et al. (2009), that concluded that these were the key elements for GI success.
([135]) See Unido (2010) and Skilton and Wu (2013) for more details on vertical and horizontal cooperation.
([136]) See Unido (2010) for a detailed description of basic services.

a) Defining Governance

Governance may be defined as the system by which organisations are directed, controlled and held accountable ([137]). In the case of GI organisations, they should articulate interests that go beyond the purely private sphere. In this sense, a GI organisation governance deals with '*complex systems covering mechanisms, processes, relationships and institutions through which individuals and groups articulate their interests, exercise their rights and obligations, and mediate their differences*' ([138]).

Given that the governance of a GI organisation necessarily must deal with regulations that could be, depending on the local legislation, public, private, or semi-public, it should have the capacity to define quality standard rules, processes and conditions, as well as being capable of implementing the necessary monitoring and enforcement of the rules and establishing the conditions to access and interact with the stakeholders involved ([139]).

Sound organisational governance should be able to deal with the conflicts and tensions inside and outside the GI system without having to fall back on the authority of government to resolve differences ([140]).

Clearly these are not easy tasks. During the collective action process the resulting GI organisation not only needs to consider that the rules and structure they build are viable ([141]) and consistent with achieving strategic objectives, but that they execute the strategy diligently and that they conform to the interests and requirements of their diverse stakeholders.

This requires constant management and evaluation, engagement with diverse internal and external stakeholders ([142]), and the ability to explain and document the decisions and progress made during the setting-up of the GI.

b) Governance Requirements

To properly function, collective action organisations must develop appropriate governance protocols that reflect their own organisational needs and wider objectives. In the case of GI organisations, their board of directors are meant to be accountable to many groups in society with different interests. Therefore, they should be able to incorporate in their decision-making processes not only the interests of the producer or primary beneficiary, but also other members

([137]) Definition taken from Comforth (2003), cited by van Puyvelde et al. (2016).
([138]) Vandecandelaere et al., 2009, Linking People, Places and Products, p. 187.
([139]) See Grabs et al. 2020.
([140]) See Stoker (1998), cited by Kizos et al. (2017).
([141]) A useful test is the Ostrom IAD framework referred to in the previous section.
([142]) See Kizos et al. (2017).

that may have a stake in the decisions to be made, which may include government or other value chain stakeholders. Therefore, an important role of the GI board is to take into account not only internal but also external stakeholder views (mainly government and other value chain stakeholders) in their decision-making.

Clearly, the nature of the governance of GI organisations is complex. However, it stands as a general rule that will necessarily be adapted to specific products and local conditions. Several desirable governance features of a GI organisation can be summarised as follows (see Boxes 3.4 and 3.5):

i. Representativeness and Participation

The first reason why a collective organisation exists is to represent the joint interests of those having a legitimate claim to use a collective resource. In the case of GIs, the collective resource is the origin product's reputation, which must be maintained and managed for the long-term benefit of both producers and the community.

A confusion may arise with the use of sectoral indicators as a guide for progress. For example, additional sales at lower prices may be interpreted as positive news for economic statistics, even when the prices are not financially rewarding for producers. Therefore, GI organisations must be aware that a GI differentiation strategy addresses producer and consumer needs rather than abstract product needs. In the case of a GI association, the primary beneficiaries of such a strategy are the producers and the GI association must adequately represent their interests.

The representativeness of an organisation depends on how many producer beneficiaries belong to the organisation ([143]) as a share of the potential beneficiaries that could theoretically belong to it. An appropriate share of producer representation will depend on the specific conditions related to the product and the territory, but clearly a small share would go against the claim that the GI is a representative organisation. Other metrics of representation include regional or geographic provenance, activity, gender or age. GI organisations should strive to achieve a balance in these attributes. In any event, and as indicated above (Chapter 2), being representative constitutes on some occasions a requisite for GI recognition in certain legislations, so efforts should be made to optimise representation.

([143]) The definition of formally or informally belonging to an organisation may vary according to the context. Ideally individuals or enterprises that could belong to the organisation should be identified and formally submit in a document their interest to belong and submit to the rules established for belonging to the organisation. In some cases, indirect membership might be acceptable. In this scenario, producers may accredit themselves to be producers in order to receive services or government support, with GI benefits being one of those services.

However, a GI organisation that has significant levels of producer representativeness may have very low levels of producer participation in its decision-making bodies. Participation requires involvement in terms of the GI having established lines of communications with its members, and members being able to participate in decision-making, directly or indirectly, through their representatives in the different bodies of the organisation. Participation can be informal or formal.

Informal participation can take place at forums, events, academic workshops, or other occasions where GI organisations' members share their progress, objectives and allow questions and suggestions which must be replied to or addressed by the relevant bodies. This will constitute a desirable two-way informal or formal communication channel. Nevertheless, GI organisations should not limit themselves to face-to-face gatherings to maintain communication with their members. They should strive to keep their members informed through relevant media, including text messages, social networks, or traditional communication channels, which will optimise and help create more effective channels of informal and formal participation.

Box 3.4. The Regulatory Council of Tequila (CRT) Governance

Even though the beverage Tequila has been recognised as a denomination of origin under Mexican law since the early 1970s, it was only after the creation of the Regulatory Council of Tequila (CRT) that such recognition began to make a difference. The CRT is an example of a vertical, inter-professional organisation where agricultural agave producers and Tequila processors and bottlers participate. Therefore, all value chain stakeholders plus key allies are represented in the CRT:

- Sector A: Industrial Tequila producers (158 companies producing Tequila).
- Sector B: Agave producers (13 500 Agave producers).
- Sector C: Packers and marketers (5 companies).
- Sector D: Government representation (Economy, Agriculture, Health, etc.).

Under the CRT all stakeholders have a voice, but only sectors A, B and C have a vote. Sector D does not have a vote but does have a veto, as the Government of Mexico is the holder of the denomination of origin Tequila.

To maintain an equilibrium among the different interests, the President of the Board of Directors is a key stakeholder. This person has to be recognised as impartial and independent (i.e. not having economic interests in the value chain), with moral solvency and respected by all. The Board of Directors is composed equally of agave producers and Tequila representatives. The President of CRT has a casting vote in the event of a tie in a decision of the Board of Directors. In this way, based on balance and participation, credibility and trust are generated in the entire Agave-Tequila value chain.

In addition to presenting reports and performing some certification and accreditation services, the CRT promotes the prestige of Tequila through research and specialised studies, promoting a knowledge agenda that helps disseminate all the elements that give Tequila value and recreate its associated culture. To strengthen its accountability, the CRT also has a quality assurance system that guarantees the reliability of its services.

Formal participation deals with decision-making in official meetings. In large organisations this means producers participating in regular elections to choose representatives at local, regional, or even national levels, who will then be in charge of making the appropriate decisions on their behalf in such meetings. For smaller GI organisations, it implies producers participating in assemblies or other formal meetings to make decisions.

ii. Legitimacy

Legitimacy is the ‘generalised perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed

system of norms, values, beliefs, and definitions' ([144]). However, this perception needs to be based on an actual practice of making decisions according to the prescribed norms and rules that govern the organisation. In other words, the question is not only to reach optimal decisions, but to ensure that the process in which those decisions are made follows the prescribed protocols, making those decisions not only useful but also legitimate.

Usually, these structures and systems of management require certain decisions to be made by the highest authority of the organisation, for example a congress or a general assembly of producers that may meet once a year. Other rules may require consultations or even formal approval by government agencies. Certain decisions may be delegated to boards which should be created according to prescribed rules. In any event, following the GI organisation's protocols to make decisions will legitimise those decisions, even if they are not universally accepted.

iii. Transparency

Transparency deals with openness. GI organisations are open membership organisations for those producers or value chain stakeholders that comply with the product's specifications. Hence, new producers should be treated equally and in a non-discriminatory way, having the capacity to accede to decision-making bodies and participate in formal or informal forums.

Openness also means that as a minimum annual managerial reports should be made available to members. Making them public, easily accessible and understandable, and presenting them for open debate in formal and informal venues is another key transparency requisite.

It is advisable that decision-making bodies and boards composed of producers establish policies covering regular formal election or re-election of members. Furthermore, there should be policies regarding the renovation of members, for example in a rotating way, in order to ensure access of different producers and avoid that power concentrates in the same individuals over a long period of time. This will ensure that democratically elected members can perform communal control and effectively supervise managers of the GI organisation. Furthermore, it will avoid the risks suggested by public choice theory advocates who caution that organisations tend to protect those achieving organisational power instead of those they were meant to represent.

There should be clearly established and publicly available anti-corruption policies applicable to staff and those producers participating in decision-making. Ideally, they should be read out loud in formal gatherings. Conflicts of

([144]) Suchman (1995), cited by van Puyvelde (2016).

interest should be declared, and specific rules to prohibit contracts being made with decision makers and close relatives should be enacted, including for a reasonable period after they cease their functions.

Box 3.5. Café de Colombia- Key Governance Features

The Colombian Coffee Growers Federation (FNC) acts as the GI organisation for Café de Colombia (CdC). Founded in 1927 as a not-for-profit organisation to represent coffee farmers' interests, the FNC's vision is to ensure the well-being of the Colombian coffee grower through an effective, democratic, and representative organisation. It is an example of a horizontal collective action organisation focusing on coffee farmers. It is an apolitical organisation, and its managers and directors cannot participate in partisan politics or demonstrations.

As a Federation, the FNC has local representative bodies where the over half a million coffee growers are established. These bodies are called coffee committees, which can be both local (at the municipal level) or regional (at province level). Coffee committees meet regularly (weekly, biweekly, or at least monthly). Their members are elected every four years in coffee elections in which farmers owning or working on coffee plots of at least half a hectare or at least 1 500 coffee trees can participate. Farmer participation in coffee elections is very high based on international standards. This ensures a representative and legitimate organisation where farmers participate in decision making. Provincial coffee committee members are also delegates to Colombia's national coffee congress, the maximum authority of the organisation, composed of 90 members. The congress elects FNC's CEO and approves the policy and program priorities.

According to FNC's by-laws, there are decisions made at local and regional level and others made at national level. For national decisions, each provincial committee elects a representative (who may not be a coffee farmer) to be part of the FNC Board of Directors, which meets twice a month. Each coffee province submits to the Congress its candidate for the Board, ensuring that all members have a working relationship.

As a transparency measure, the FNC's CEO must submit an annual written report to Congress, as well as biweekly reports to the Board. In addition, progress reports at regional and local level are also made available by FNC's administration. Financial reports are audited and presented to the Board for its approval.

The GI strategy is one of the many coffee programs and activities led by FNC. They are financed in different ways, but mostly by a 6 US-cent per lb contribution made for every coffee export. This contribution is enforceable by law and requires government participation. This is one of the reasons why the FNC has a long-standing policy of working with national and provincial governments and several government agencies. Funds are complemented by a network of allies, which include, among many others, international cooperation agencies, ministries, and Colombian coffee clients.

Extreme caution should be given to the use of monetary resources. Management reports should be clear as to the policies, income and expenses, assets and any other financial account, including possible contingencies. It is advisable that an independent and certified financial accountant performs a regular review of financial accounts. Those contributions and their benefits should be clearly stated.

iv. Apolitical is Best

GI organisations are established for implementing the long-term project of GI differentiation. Therefore, they should be prepared to work and maintain channels of communications with several agencies and entities over a long time, making it possible to work with whomever is in power. A partisan GI organisation would probably enjoy the cooperation of the politicians it openly supports but will run the risk of losing the cooperation and influence or even being subject to attack when agency managers from different political parties take over. It is therefore a sound policy to define the GI organisation as apolitical. Being an apolitical GI organisation means that those that have responsibilities in its management and decision-making should behave accordingly.

v. Tracking Governance

It is important that the GI organisation's management be autonomous and independent enough to manage according to the organisation's rules. Nonetheless, supervisory bodies are in charge of supervising – not co-managing. The GI organisation's leader and the staff should have the necessary hard skills for attaining the vision through the implementation of a business and management plan with short and long-term objectives, which must be approved and followed through a relevant set of indicators.

As an example, the internal regulations of the managing group of the GI **Kilichi du Niger** states that the functioning of the group is based on the following nine fundamental principles:

- consensus and, failing that, an absolute majority;
- representativeness;
- parity;
- subsidiarity;
- good governance;
- the unicity of the inter-profession;
- self-financing;
- utility;
- neutrality.

This makes the management accountable.

Nonetheless, it is highly advisable to monitor the performance an organisation's governance. This is even more so in the case of a GI organisation, a type of organisation that is highly dependent on effective governance. Conscious of this fact, the Sustainability Strategy for Geographical Indications (SSGI), a project jointly developed by oriGIn and the FAO, has incorporated priority topics to be constantly followed and measured to track the performance of a GI organisation's governance ([145]).

c) The benefits of Governance

In a GI organisational context, a well-designed and strong system of governance can lead to significant benefits for the producers involved, those working for the entity and to external stakeholders. Some of those benefits can be summarised as follows.

i. Economic Benefits

Long-term economic benefits and incentives are the core of collective action. In fact, most of the research on collective action schemes, such as GI organisations, assess the success or failure of the collective effort for the participants based on the cost and benefit ratio for those participating ([146]).

The process of de-commodification or avoiding that the product's geographical origin becomes a generic term used by any economic actor is a key objective of a GI process. GI organisations will need to be prepared to implement different supply-side and demand-side initiatives to obtain long-term economic benefits for their members.

([145]) For more information on the SSGI, see https://www.origin-gi.com/wp-content/uploads/2017/06/2017-08-31_oriGIn_Sustainability_Strategy_for_GIs_adoptedGA.pdf

([146]) For more detail on short- and long-term benefits see Bienabe and Marie-Vivien (2017) and Kizos et al. (2017).

Box 3.6. Premium price for Oku White honey (Cameroon)

Oku's honey stands out because of its unique characteristics: beside the associated ancestral know-how linked to beekeeping in this distinctive environment, Oku white honey is white and has a soft, creamy, and slightly grainy texture. The fresh taste, marked by a touch of acidity, and the aromas of flowers and citrus fruits have also supported its recognition as a GI for the product by the OAPI in 2013.

In 2014, Mr Bang George, director of the Oku Honey Cooperative (OHC), indicated that the annual production of white Oku honey protected by the geographical indication was between 8 and 10 tons and made it possible to make an annual injection of around 40 million CFA francs (approximately US $75 000 in 2014) in the local economy.

In just a few years, since the registration of the protected geographical indication, the price per kilo of Oku white honey has increased by nearly 40 %, and hundreds of new non-governmental organisations, SMEs and other beekeeping groups have emerged (Center for International Forestry Research, 2010). The price per converted litre has also appreciated considerably – it was 4000 CFA francs (about US $7.50) in 2014, compared to just 1500 CFA francs (about US $2.83) before.

All producers of the Oku White Honey Producers Association, which manages the GI, benefit from a higher income thanks to the more lucrative prices made possible by the registered geographical designation. This has had the effect of improving the economic and social situation of all participants in the marketing of this product (according to the Cameroon Tribune, 2014).

From the supply standpoint, GIs operate through a 'collective monopoly' ([147]) of a reputation attached to the quality of a product that can only be marketed if it complies with a set of conditions which limits the potential supply by territorial boundaries, and process specifications. To be effective, monopolies need to be structured, consider possible product substitutes and the value chain as a whole and distribution channels to ensure that the value generated is captured by the GI organisation's members. Therefore, collective monopolies need to be framed in terms of value generation and value capture, understanding the possible limitations and opportunities along the product's value chain and taking the necessary steps to ensure that their organisations can modify the value chain governance and harness the power of the GI.

([147]) See Thiedig and Sylvander (2000), cited by Bienabe and Marie-Vivien. (2017).

However, success will not only be based on supply-side efforts. Since a GI strategy is based on the product's differentiation and since consumers will have product substitutes available, it is important to support the GI with marketing content and storytelling that can justify a higher price over time and make the demand for the product more inelastic ([148]). Both 'emotional and rational' content, the latter based on the knowledge agenda, will need to be communicated to achieve long-term differentiation and keep justifying higher prices to buyers.

The long-term objectives may not only avoid delocalisation of production from the territory, a key feature of GIs, but also incorporate product segmentation that favours more added value in the territory, creating opportunities for economic upgrade for local stakeholders.

Another economic benefit is the opportunity to develop economic clusters through experience, and thereby empower producers on the specialisation of the product and its processing. In this sense, the value created by the GI is comparable to the cluster theory ([149]) that characterises a competitive sector located in a defined geographic region that, although maintaining traditions and quality standards, can also increase productivity by exchange and co-creation thereby generating efficiencies and innovation from agricultural and logistical perspectives.

Among these efficiencies is the potential reduction of search costs for consumers and buyers. Additionally, producers may reduce costs linked to price discovery mechanisms, logistics or other economies of scale. Collective GI management can also enhance the product's visibility and provide more accurate and reliable information ([150]).

The cost-benefit analysis of a common resource such as the collective reputation of a product may be assessed in the long run. Therefore, it is important that internal stakeholders are conscious that the expected changes will not necessarily be obtained in the short term and that agreeing on a long-term vision is crucial to ensure commitment to the differentiation strategy.

([148]) The price elasticity of demand measures the sensitivity of the change in quantity purchased of a product in relation to a change in its price. Demand is inelastic if the quantity purchased does not change much in relation to price changes, meaning that producers could charge more for their product without seeing a significant reduction in the demand for it.
([149]) See Porter (1998) for economic cluster theory.
([150]) See Unctad (2015).

ii. Non-Economic Benefits ([151])

Non-economic benefits of a GI organisation can be as important as the economic benefits and can have a significant impact in the relevant territory. When a group of producers can agree on common goals and a strategy through a collective sense of purpose, the process provides powerful arguments for current and future generations to comply with the rules and achieve progress and quality of life through self-enforcement.

GI organisations highlight community and territorial identity through quality and positive attributes of the product. This enhances the community's self-esteem and improves social cohesion thanks to frequent human interaction, collective learning and experience sharing. Inclusion, credibility, and trust can also result from vertical coordination.

Another not easily quantifiable aspect of having a GI organisation is the potential to review the product's specifications from a sustainability angle, making, where appropriate, the necessary amendments and also looking at the local context ([152]). Such changes can have a more significant impact on sustainability than trying to induce changes in the practices of individual producers. Moreover, conserving biodiversity and cultural heritage can be a significant non-economic benefit to consider.

From an individual standpoint, other not easily quantifiable benefits include the possibility for members to obtain beneficial information on market opportunities, research data or relating professional growth. Other benefits may include the satisfaction from one's own personal growth and self-actualisation, from belonging to a prestigious organisation that is a positive driver for change or the satisfaction of being influential.

iii. Other Positive Externalities

Another set of benefits that strong governance brings is the ability to leverage additional value through and the sustainability initiatives that depend on strong institutions and their credibility to be able to be launched. These mechanisms create the opportunity to develop 'territorial public goods' ([153]) that may reinforce GI product marketing and optimise the product distribution.

In this context, tourism is an obvious example of how a GI product's reputation can serve to attract visitors that want to experience first-hand how the product

([151]) Some elements from this section were adapted from Unctad (2015), Kizos et al. (2017) and van Puyvelde et al. (2018).
([152]) See Samper and Quiñones-Ruiz (2017) and Marescotti et al. (2020).
([153]) See Belletti et al. (2017).

is made and its relationship with the culture and environment. This can also be done through local cuisine and customs.

However, these examples can prove to be a double-edged sword. While they can create rural employment, they may also provide the possibility of unfairly using the reputation of the product by selling sub-standard products, experiences, and services. Therefore, there is a need for strong governance and institutions to help develop standard services and common narratives.

B. Two-way Communication

Communication is a necessary tool in the 21st century. GI organisations need to develop assertive and proactive communication, both to internal and external audiences. The risk of not developing a communication strategy is that audiences may, willingly or unwillingly, develop and position conflicting messages that may undermine confidence in the GI effort.

It is important to consider that communication evolves around narratives. Narratives should inspire internal audiences, create interest in value chain stakeholders and employees, engage leaders, and yet also connect with buyers and consumers ([154]).

The most important audience is the internal audience. Therefore, narratives should be consistent with the GI organisation's purpose, vision, and the reason why it exists, so that all producers and internal stakeholders are engaged.

Therefore, defining the main narrative of the GI organisation – its purpose – is a basic element of the communication strategy. It should be inspirational and visionary and be incorporated into any communication piece or public statement made by the GI organisation's leaders. By presenting itself as a collective action instrument to improve the well-being and quality of life of producers and their territory while adding value, the GI organisation has an opportunity to position itself as a forward-thinking, legitimate, and representative organisation, creating the conditions for becoming a relevant and frequently consulted participant in the territory.

([154]) See Bonchek (2016).

The GI organisation should not just talk. It should also be prepared to listen, establishing formal and informal links of communication with its stakeholders, and creating opportunities and events to explain its initiatives, progress, and impact. In addition, when communicating decisions, it must ensure that those decisions are not only legitimate but also take the steps to explain the 'why' of decisions, so that they can be correctly interpreted and appropriated.

Box 3.7. The FNC Communication Strategies

Within the FNC, Café de Colombia producers have developed several internal and external communication strategies to ensure farmers and clients are aware of their commitment to quality as part of their competitive strategy. Internal communication strategies develop key messaging on the importance of quality and observing the quality process to support the rural extension workers that visit farms. They also include radio shows, videos, social networks, and digital and physical newsletters targeting farmers nationwide. Similarly, several communication initiatives directed at brand owners, international roasters and foreign baristas have been created, developing, and sharing knowledge on Colombian coffee, the scientific attributes of varieties used or the controls that are in place to guarantee their authenticity.

Section 3: Designing Effective Control

A. Understanding the Value Chain

An effective system of control is a crucial element for the credibility of any strategy aimed at communicating a products' unique characteristics to consumers.

One of the main tasks of GI organisations is designing an efficient and cost-effective control system to make sure that products marketed using the GI effectively comply with the specification. As products and the context in which they are produced are very diverse, it is usual that the designed control system takes into consideration the product flow from its inputs to the final consumer (See Graph 3.1). Therefore, efficiency and cost effectiveness of controls depend both on the GI product's characteristics and its value chain.

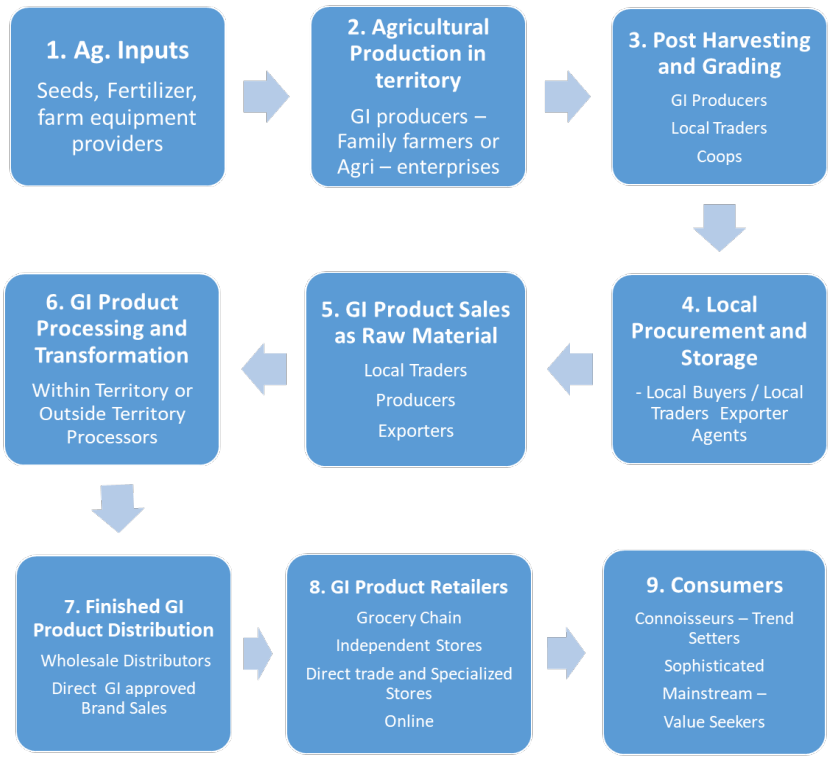
Control efficiency refers to the point(s) of required or obligatory control for the GI producer to receive a product's specification quality conformity certificate. Cost effectiveness refers to the ability to implement such controls in a way that

does not increase the transaction costs of the product to the point that such costs surpass the economic benefits of belonging to the GI system.

a) Effective control and Value Chain General Review

Designing effective control for GIs requires to consider both the product and its value chain. A typical Agriculture Value Chain is illustrated in Graph 3.1. Based on the value chain analysis, and the specific GI product's specification, the GI organisation and its control body will have to decide the points of control to be made to bona fide GI producers, as well as the sampling methodologies and *ex post* controls to be made to deter possible GI infringers.

Graph 3.1. Typical Agricultural Value Chain.



Source: oriGIn, 2021

Step 1 Agricultural inputs may be relevant items to control if the product's specifications require seeds and varieties. This control is less expensive for perennial crops (such as fruits, cocoa or coffee), whereas legumes or short-cycle crops may require a bigger control effort. Evidence of the use of the authorised variety may come from, for example, documents, *in situ* visits or satellite information.

Example from the GI control points of Ananas Pain de Sucre du Plateau d'Allada-Bénin

Points to control	Methods of control		
	Auto-control	Internal control	External control
Used variety [the product can only be obtained with the variety Pain de sucre]	Grower's book	Documentary control	Documentary control Physical control of 100% of the defects observed during the documentary control

Step 2 deals with the agricultural production of the product in a specific terrain that is part of the GI territory. The product's specifications may require certain practices to be performed, such as selective harvesting.

Example from the GI control plan of Ananas Pain de Sucre du Plateau d'Allada-Bénin

Points to control	Methods of control		
	Auto-control	Internal control	External control
Agricultural plots are in the defined geographical area	Inventory sheet of the agricultural plot	Documentary control: match between declared plots during harvesting and inventory sheet	Documentary control Physical control of 100% of the defects observed during the documentary control
Field maintenance	Grower's book	Documentary control of the compliance with the defined rules	Documentary control Physical control of 100% of the defects observed during the documentary control

Step 3 Producers may also perform post-harvest practices and contract control practices from third parties. They may also rely on buyers or local traders to whom they sell the product to perform such activities in order to obtain the GI certification.

Steps 4 and 5 deal with local procurement, through local or regional traders that buy the product, usually in sufficient volumes as to help them achieve the economies of scale needed to commercially sell the GI product. These stakeholders may also provide the necessary liquidity, help review commercial specifications and make connections to local buyers or exporters. However, they do not necessarily transform the product or own facilities in the territory, but usually have the flexibility to blend the product from different producers in order to meet certain specifications that can be GI compliant.

Step 6 deals with processing the product to get it ready for the customers. Processing ([155]) usually also involves packaging and labelling. It is worth noting that products' specifications may cover processing techniques or only the compliance with the use of the GI raw material, letting the processor define its

([155]) For example, roasting coffee or, in the case of cacao, making cocoa butter or chocolate.

own processing methods as long as they don't use non-compliant raw materials. Indeed, processors may use unauthorised raw materials for the GI in order to supply the offerings in their product portfolio. However, even if the GI product's specifications do not require processors to observe specific processing standards, they must comply with general labelling laws and GI labelling standards in markets where the GI is recognised.
Illustrations of Steps 4,5 and 6 are provided in Box 3.10: Controlling Tequila.

Distribution and Retailing (**Steps 7 and 8**) do not always involve the product transformation ([156]). These are activities mostly related to advertising and promotion. As such, distributors, and retailers, for example, may sell competing products that infringe, induce confusion of the consumer or evoke the GI for non-compliant products, while at the same time selling small quantities of genuine products to assert themselves as *bona fide* GI distributors. These cases may be more frequent in online retailing or in alternative channels.

To avoid this pitfall, the product specifications for GI **Poivre de Penja** indicates that the use of the GI name must be granted to retailers by the managing group. **Egyptian Cotton™** on the other hand, have found a way to rid the supply chain of falsely labelled goods, by introducing a revolutionary DNA testing process and an accreditation procedure which ensures that the supplier uses authentic products ([157]). In addition, the list of accredited suppliers is available on the website the Egyptian Cotton Association ([158]). The website also lists "suspended" and "blacklisted" manufacturers.

Step 9 is of course critical. Consumers must be given not only a quality and reliable product, but the content and information they receive must also reflect the GI product differentiation features and the implicit control guarantees.

([156]) There can be certain requirements associated with product temperature or conservation that may alter the product quality specifications.
([157]) See, Our Egyptian Cotton™ Accreditation Procedure, https://www.cottonegyptassociation.com/become-accredited/egyptian-cotton-accreditation-procedure/
([158]) For more information, see: https://www.cottonegyptassociation.com/accredited-manufacturers/

Box 3.8. Assurance of product's quality by consumers, the Case of Faso Dan Fani in Burkina Faso

In 2019, the **Faso Dan Fani Loincloth**, a handmade loincloth woven by women in Burkina Faso, has been protected. 400 patterns associated with this specific product has been protected by OAPI. The first certified faso dan fani loincloths are now available on the market. These loincloths stamped with the Faso Dan Fani label are accompanied by a monitoring and verification mechanism developed by the CERTIDOC system of the Maison de l'Entreprise du Burkina Faso (MEBF). This mechanism exists to prevent for the use of the protected patterns on industrial loincloth. It allows the consumer to always check and at all places the source and authenticity of the loincloth they have bought thanks to Information and Communication Techniques. In order to make no mistakes and to prevent counterfeits, consumers will be able to refer to the etiquette, which now displays several pieces of information, particularly on the quality of the fabric. They will even be able to perform these checks from their smartphones, using a QR code or a barcode that must be flashed.

On 21 April 2021, in Ouagadougou, the Mobile Brigade for Economic Control and Fraud Repression (BMCRF) seized 10,000 counterfeit industrial loincloths, imported and printed with the grounds of the **Faso Dan Fani** woven loincloth.

In addition, citizens are invited to report illegal practices in trade at the following toll-free numbers: 80 00 11 84/85/86, because protecting **Faso Dan Fani** means protecting the work of thousands of women in Burkina Faso.

b) Identifying points of control based on specific Value Chain

Despite the general example provided above, it may not be feasible to track farm harvesting or post-harvest practices for farmers or local traders, or to control blending practices for several operators, so GI organisations may instead concentrate on analysing the end product result at certain stages of the value chain. In the example above, if the number of producers is large and the focus is on a GI raw material (such as coffee or cocoa beans), quality controls can be carried out after "processing points". In this case, if the number of producers is large and processors are in different areas, controls could be designed in stages that have a degree of processing, such as after post-harvest processing, when the product is ready to be shipped to local or export markets as a raw product, or after processing, during the stages in which the GI product is being prepared for the end consumer.

While these controls focus more on the product quality than on the specific performance of individual producers, it is advisable that in every case there is a certain degree of traceability that encompasses producers and processors. To support traceability, it is important to produce documents where the identification of the subjects of a GI product transaction are clearly stated in

invoices ([159]) or digital systems, including volumes transacted, date, and if possible, batch or lot codes.

As a case in point, the product specification for Argane provides for a traceability system from collection of the almonds to commercialisation. Traceability documents are put in place and allow identification at all stages: collection, drying, crushing, roasting and packaging. Each operator must keep a record designed as shown below.

Information needed for traceability	Objectives regarding the product specification
Collecting and Drying Name of the member: …… Place of collection…….. Date of collection…… Duration of the drying……. Number of the batch of raw material: …. Date of delivery…….. Quantity delivered……. Number of bags (60Kg):…… Observations: visual appreciation of the quality of the fruit and its drying.	 Identification of the member/supplier Identification of the place of collection Identification of the pick-up date Knowledge of quantities Quality assessment

If the product has a shorter value chain, where a smaller number of producers sell directly to retailers or distributors, controls may focus more on the producers, with for example frequent visits to their facilities and specific product sampling techniques. Control points may therefore be localised elsewhere and may require sampling procedures that are adapted to the specific needs and production volumes.

Although distributors and retailers are not necessarily authorised GI users, as they sell a large product portfolio, it is also recommended to establish *ex post* or GI finished product sampling at retail venues or online marketplaces. This helps monitor what is being sold using the GI product's reputation and creates a nexus with retailers that may inadvertently be subject to sell mis-labelled or infringing products.

After reviewing the available information, key questions must be asked ([160]), hopefully together with a control specialist, to help define the most effective and cost-efficient control plan. These questions must address the needs of adequate supervision of the GI's reputation to avoid free riding and, at the same

([159]) A possible added benefit of requiring traceable documents is the proper identification of the parties involved in the transaction by formal means in an otherwise informal transaction environment that lends itself to alter or hide prices, quantities and product description. This increases the transparency of the GI sales system.
([160]) See Vandecandelaere et al. (2009) pages 78-81.

time, careful consideration of the transaction costs involved that may deter the long-term success of the GI.

B. The Control Plan

The control plan([161]) is defined as 'a specific, adaptable document that lays down how compliance with the various rules in the product's specifications is to be checked. It is a management tool identifying the control points constituting the critical stages in the production process and the means of verifying their conformity with the GI requirements' ([162]). In essence the control plan must answer the key questions summarised in Box 3.9.

To be efficient and cost effective, the control plan must reflect the realities of the product's logistics and its value chain, taking into account the product specifications' particularities and the GI product's unique characteristics that can help certifying the link between the product's quality and its origin.

Each GI user must be aware of the product's specification and the control plan to which it must comply, which means the established control points along the value chain, their role, and the protocols to be used according to tests involved. This may include the acceptance by GI producers of announced or unannounced inspections of their facilities. Therefore, to be authorised GI users and/or GI beneficiaries ([163]), specifications, documents and control plans must be made publicly available and formally accepted.

Box 3.9 Key elements of a Control Plan

- the critical point(s) to be controlled for each requirement (what).
- the method used (visual, document analysis, etc.) (how) and the moment (when).
- the document certifying the controls (especially for auto-control and traceability).
- the related sanctions depending on the seriousness of non-compliance and.
- the frequency of controls and the coverage (all producers, sampling).

Source: Vandecandelaere et al. (2009), page 76.

([161]) This section is largely based on Bagal, M. and Vittori (2011).
([162]) See Vandecandelaere et al. (2009) p. 186.
([163]) The distinction between beneficiaries and authorised users is useful for GIs where there is a large number of producers that may not be individually visited but whose product is sold for commercialisation and/or processing to other value chain stakeholders that must comply with certain specifications and may submit to regular controls.

a) Types of Controls

To maximise efficiency and cost effectiveness, GI controls can leverage existing regulations already applicable to the product involved. These practices may include among others operation permits, export regulations, taxes regulations, authorisation to commercialise the product or labelling and health and hygiene regulations. The GI product's specification may not only establish compliance with these regulations, but it may also leverage the existing points of control to complement them with GI regulations, thereby reducing possible transaction costs and time-consuming controls at a different point of the value chain.

Box 3.10. Controlling Tequila

The successful control mechanisms of the Tequila Regulatory Council (CRT) have been a key factor in the increase in the trust and confidence of the Tequila beverage among internal and external stakeholders and consumers around the world. The CRT is accredited and approved in accordance with Mexican legislation and is the body that evaluates whether the standard is being conformed to and verifies compliance to the Tequila norm as laid down in Mexican law. The CRT is therefore authorised to carry out activities as a verification unit, certification body, and testing laboratory. It is a private sector body, a non-profit entity with national and international responsibilities, with its own legal standing and impartial decision-making processes.

From an agricultural standpoint, Tequila can only be produced from a particular variety of the Agave plant (known as the Tequilana Weber blue variety) grown in registered plantations located in 181 municipalities across 5 Mexican states. The agricultural producer must register with the CRT the age of all their plantations, their area, the number of plants, the cultural practices performed and the phytosanitary status.

Tequila processors and bottlers must buy their raw material (agave of the required variety) from registered plantations, documenting and registering the transactions for eventual CRT audits. This traceability is documented with CRT forms and transportation guides. Processing facilities must be in the territory of origin, although for certain Tequila categories bottling is allowed outside the territory. Processing facilities must be inspected and approved for Tequila processing. Authorised producers must also submit their individual brands for approval and be assessed for conformity. All approved facilities and brands are published on the CRT website so that distributors and retailers can verify that their vendors have complied with the applicable regulation.

In the product knowledge area, CRT has developed a network of alliances of similar bodies around the world, as well as local alliances with research and academic entities. Sister GI organisations face similar challenges all over the world and they learn from one another. They include the Mexican association of GIs, and those GI organisations in charge of regulating Scotch Whisky, Cognac, Champagne, Prosecco, Rioja wine, Ribera del Duero wine, Jerez (Sherry wine), among others. To tackle possible infringements in international trade, the CRT has working relationships with several Mexican governmental agencies, including the Industrial Property agency (IMPI), the Ministry of Foreign Affairs, and the Mexican customs agency. International allies include the World Customs Organization, the public health laboratories of Madrid, US Alcohol and Tobacco Tax and Trade Bureau, Interpol and Europol.
Finally, the CRT has been a long-standing supporter of oriGIn, keeping abreast of regulatory changes and options to improve its enforcement programs.

National authorities may also require specific approvals before granting the authorisation to use a GI. These approvals may be delegated to specialised public or private bodies that may also verify compliance with the product's specifications, according to the control plan.

The control plan will describe the frequency of controls for different stages in the value chain. Different types of controls may be applied customarily for each production batch, which must be identifiable, or be applied with some regularity with frequent sampling practices. They may vary for first time certifications, for example requiring product tests and *in situ* visits, and may be performed randomly at different points along the value chain, or through targeted sampling procedures based on reasonable expectations of possible infringements.
The usual types of controls include documents that can certify the product traceability (such as producer invoices, transit guides, export documents), process verification (which may require visits to production or processing facilities to verify that key GI conditions are met) and/or product technical tests (which require sampling procedures and a technical analysis during production or at certain points in the value chain ([164])). These controls and tests must be standardised and impartial, following accepted protocols ([165]).

Controls may be stricter for the first time the GI is used. The control plan may then call for subsequent controls to be on a regular basis and with regular sampling procedures. The implementation of the control plan may count on producers performing self-verification (auto-control, detailing their own logs), second party-verification (internal control by the GI organisation) and/or third-party verification ([166]).

Third-party verification usually involves an accredited external or independent body or agency that assesses and verifies (in writing by issuing a certificate) the quality of the product in accordance with the established specifications, without commercial or political bias. However, care must be given in the selection of an unbiased verification process as to its cost, frequency, and control definitions. The African Union's 'Continental Strategy for Geographical Indications in Africa 2018-2023' has called for avoiding unacceptable third-party certification costs that can increase transaction costs to the point that GIs will be out of reach for local consumers. In this sense a well-defined, unbiased structure that performs the necessary controls without incurring excess fees is recommendable (See Box 3.10).

([164]) This may include, for example, quality panel tests or chemical content analysis.
([165]) In certain legislations, notably Europe, laboratories performing technical tests must comply with ISO 17025 standard, to ensure consistency of results and competences. The process of sampling and ensuring impartiality is governed by the ISO 17065 standard, which ensures impartial methods and blind testing.
([166]) See Vandecandelaere et al. 2009.

It is recommended that the list of those companies and operators that have obtained their certification be made public, usually through a website, so that bona fide buyers and operators can consult it before making transactions.

Box 3.11. Controlling Café de Colombia (CdC).

The Colombian Coffee Growers Federation (FNC) is the GI organisation for **Café de Colombia** (CdC). At the agronomic level, CdC requirements include the use of certain varieties of the *Coffeea Arabica* species. Farmers can plant those varieties in areas within the country that are defined by a list of provinces and altitude ranges within those provinces. Selective harvesting and post-harvest processes apply. Farmers and their farms are registered in FNC's Coffee Information System (SICA), which has registered over half a million farmers. They all have access to an FNC identification badge. Farms are regularly visited by over 1 000 FNC extension workers that support them with advice on yields and quality processes and update and verify SICA's information.

The value chain related to dry milling the coffee requires millers, roasters and soluble coffee makers to be registered and obtain a product certificate. The Colombian Coffee Certification Foundation (Cafecert) is an independent entity accredited under ISO 17065 standard and is responsible for certifying Café de Colombia (CdC) products in Colombia and internationally from these processors. Cafecert can use ISO 17025 accredited coffee laboratories to perform certain quality analysis in Colombia and elsewhere. The list of those millers, roasters and soluble makers that comply with the specifications is made public.

FNC also performs some activities to sample coffees using CdC in Colombia and internationally. Samples are collected in main markets, such as the US and Europe, using blind shopping practices or through targeted sampling. The collected coffees are sent to laboratories according to Cafecert's instructions. If there has been an infringement in international markets, FNC works closely with Colombia's foreign service and a network of allies, including oriGIn.

Agronomic practices and quality standards are closely linked to international standards and local research. Hence, the knowledge agenda, financed in part with local cooperation agencies and government programs, is developed through FNC's Cenicafe (its R&D arm), and its subsidiaries Almacafé (for green and roasted quality specifications) and Buencafé (for soluble coffee specifications and knowledge).

b) The implementation of Control Plans

A GI recognition and associated labelling implies a guarantee from the GI organisation and the producers involved that the product using the label complies with the quality and provenance characteristics that gave rise to its protection. Therefore, first and foremost, the GI organisation and its control entity must exercise reasonable controls with GI producers and processors through an internal control system that focuses on compliance with the

product's specifications. Non-compliance might arise for several reasons: it may be incidental, due to lack of adequate knowledge, or due to bad faith, among many other possibilities. There should always be a consequence to a non-compliance event (a remark or graduated sanctions) which must be documented and decided on its merits according to the existing GI regulations. The lack of consequences may give rise to imitating behaviour or lack of social pressure or producer/processor auto-control measures and processes ([167]), to the detriment of the overall governance of the scheme.

Verification tests must also be made on products found in the marketplace using, evoking, or imitating the GI label. This will require a system to collect samples and document how and where those samples were collected, as well as testing them. An effort must be made to avoid that internal stakeholders or GI users believe that potential infringers do not face consequences for their actions, so they must be encouraged to provide suspect samples as well. This will avoid rumours that infringers get away with bad behaviour and encourage a common responsibility to protect the collective reputation. Therefore, GI producers, users and allies can help in collecting suspect samples in local or foreign markets, provided they keep account of how the samples are collected, allowing the possibility for the GI organisations or the control bodies to collect similar samples in the same marketplace for unbiased sample collection and verification.

Apart from GI producers not complying with the product's specifications, other producers, processors, traders, distributors, or retailers may be involved in commercialising willingly or unwillingly infringing GI products. Therefore, it is important to document sampling procedures and analysis ([168]) for all cases in order to adequately substantiate cease and desist actions or complaints. Depending on the legislation and the possible costs of legal actions, in some cases it might be appropriate for specific documented infringement cases to notify the distributors or retailers involved in their commercialisation that the producers involved do not appear in the GI producer record or that they do not conform with the specifications. These communications, which can be sent by GI associations or by the GI organisation itself, might make retailers adjust their procurement processes to avoid being part of an intellectual property legal claim and avoid costly litigation.

([167]) Unido (2010) emphasises creating the conditions for auto-control through strong governance and frequent dialogue.
([168]) In many cases bad faith can only be inferred by documenting repetitive behaviour, so it might be appropriate to ensure that infringing products have different processing dates and different batch numbers.

C. The Role of Product Knowledge

As already mentioned, developing a product knowledge agenda by the GI organisation (in cooperation with research or academic institutions or other possible allies) provides significant benefits in terms of correcting possible asymmetries of information between buyers and sellers and generating rational narratives based on science that justifies a higher price to buyers and consumers.

Another benefit of a knowledge agenda is the ability to identify and detect infringing products based on the chemical composition of the raw or processed product, eliminating the reliance of quality panels or other methods that might be questioned in an infringement process. The knowledge arising from these research projects might also be incorporated in control plans and may even reduce the sampling and cost analysis in the long run.

Defining the controlling authority and the verification systems can be complex, as in many cases the experts that have the most profound knowledge about the product might be involved in the GI association and may have commercial interests, whereas third-party schemes can become very costly. External controls must be carried out ideally ISO 17 065 accredited certification bodies (public or private). As Cambodia does not yet have an accreditation system for GI or Cambodian certification bodies that would be internationally recognized, the Cambodian GIs that are controlled and certified are inspected by foreign certification bodies accredited in the EU ([169]).

Box 3.12 Government support for controls in the case of Safran de Talouine (Morocco)

Saffron has traditionally been grown in the Souss Massa Drâa (SMD) region, in the commune of Taliouine for at least four centuries. The start of the GI process dates from 2007 and now the GI is fully recognised in Morocco. Quality control is carried out in the first instance by the growers themselves, thanks to training provided by the Regional Council, which then monitors the growers once a year. A third control is carried out by Normacert, the accredited certification body, which is responsible for issuing the certificate of compliance. The checks are made once a year, randomly, on all the stages in production and processing, both in the case of the control carried out by the SMD Regional Council and in that of the one carried out by Normacert. About certification costs, cooperatives and Group of Economic Interests receive state subsidies, while private enterprises pay a fixed rate of Dh 8 000 (EUR 745) a year for it.
(Source: FAO-BERD, 2018)

([169]) Delphine Marie-Vivien, Isabelle Vagneron, One Size Fits All or Tailor-Made? Building Appropriate Certification Systems for Geographical Indications in Southeast Asia, World Food Policy, January 2016.

D. Consequences and Sanctions

As previously stated, non-compliance by GI producers due to violation of the rules or the proper production processes and specifications detailed in the product's specifications should give rise to consequences. These consequences must be gradual, from simple remarks or warnings to potential exclusion from the GI association and the withdrawal of the right to use GI associated labelling. A schedule of possible sanctions can be found in Box 3.13.

Box 3.13 Examples of sanctions for not meeting the GI requirements

Generally, there are several categories of more or less serious sanctions. The sanctions may be economic (fines, prohibition to use the collective name, product declassification) or social (exclusion from the group).

The scale of penalties and sanctions is progressive and applied according to the seriousness of the elements of non-compliance identified. For example,

If the non-compliance does not impact on the product's quality:

1. remark.
2. warning. The non-compliant elements may affect the quality of the product, but the sincerity of the operator is clearly not in question.
3. rejection of the batch of products. However, if the non-compliant elements affect the credibility of the product quality and/or the sincerity of the transaction is clearly questionable:
4. temporary exclusion from the benefits of certification.
5. definitive exclusion from the benefits of certification.

Source See Vandecandelaere et al. 2009, page 76.

Consequences and sanctions should take into account a number of factors, such as the magnitude of the actual, potential and/or ulterior damage to the GI reputation, whether it constitutes repetitive behaviour that has been detected after corrective actions should have taken place, whether the producer involved had not been made aware or had not correctly interpreted the applicable rules, or whether the actions were conscious and clearly directed at taking unfair advantage of GI labelling for economic or another type of gain. Due process must be observed in all cases, giving the involved parties an opportunity to present their arguments and explanations before a sanctions body, and therefore avoiding biased processes or personal animosities.

Sanctions may be economic ([170]) and social (informing of the behaviour once confirmed by the relevant body, which can lead to the suspension or exclusion of the GI association). It is important that processes that lead to government decisions be known for reasons of transparency but also to raise awareness of the imperative nature of compliance with the specifications ([171]).

([170]) In certain legislations sanctions can only be imposed by a government authority. In these cases, the GI association must document the sanction process and evidence before this authority for its final decision. A hybrid example of economic sanctions might be requiring the producer or processor involved to cover the extra costs involved in additional testing and administrative procedures incurred by the GI association.

([171]) See Bagal and Vittori (2011).

Conclusions and recommendations

The 'GI journey' of African countries over the last 20 years, which includes the involvement of local and international stakeholders, has produced significant results. National authorities and local producers have better understood the rationale and purpose of GIs. This is reflected in the reforms that have strengthened national and regional legal frameworks, with the adoption of *sui generis* systems, the selection of potential GIs at the national level, the finalisation of research and studies on the link between the products identified by GIs and their respective geographical environment, and the registration of a growing number of local GIs after drafting sound product specifications.

However, for a GI to be fully successful and to contribute to the development of its community, several additional conditions, together with a quality linked to a product's geographical environment and a sound legal system for recognition and protection, must be met. There need to be solid producers' associations in a position to deal with the registration process, but also carry out legal and promotional activities as well as manage potential issues that might arise among producers; independent control systems to ensure the highest level of credibility; and the full understanding of the emerging issues related to sustainability, with its social, economic and environmental component. With respect to those issues, progress in Africa is still limited. Some national regulations already require that only representative and open producer organisations can apply for GI protection. But when they exist, such bodies offer limited services. Meanwhile, when control systems have been set-up, they are mainly 'internal', carried out by the producers themselves or by their association. These weaknesses prevent African GIs from developing their full potential outside the country.

Considering the above, the following recommendations have been formulated for national and international stakeholders involved in the development of GIs in Africa, with the aim of contributing to a successful implementation of the Continental Strategy for Geographical Indications in Africa 2018 – 2023.

RECOMMENDATION 1

Strengthen the efforts aimed **at raising awareness in Africa on the rationale and purpose of GIs.** This should be done **through the allocation of additional resources and greater coordination among the stakeholders involved.** Furthermore, **the identification of GIs should continue at the national level**, also by conducting research on the link between the products identified and their respective geographical environments, and drafting sound product specifications, and encouraging the registration of local GIs.

RECOMMENDATION 2

Create the conditions and launch the procedures for the ratification of the WIPO Geneva Act of the Lisbon Agreement, which is open to regional organisations such as OAPI, **to ensure effective protection of local GIs in regional and international markets.**

RECOMMENDATION 3

Raise awareness on the role of producers' organisations, with sound governance and managerial capacities, as a key factor for successful GIs. Specific technical assistance projects should explain that – by joining forces – producers and other GI stakeholders can reach a critical mass to carry out activities related, for instance, to promotion and research that would be impossible to conduct individually. The experience of successful GI organisations in other developing countries and, when possible, an EU country, may be presented as a model to be adapted to local situations.

RECOMMENDATION 4

Raise awareness on the need to adopt independent and impartial control mechanisms accessible for producers and for the sake of the credibility of a GI as well as for communication strategies addressed to consumers. The experience of successful GIs groups in other developing countries and, when possible, an EU country, should be presented as good practices to be adapted to local situations.

RECOMMENDATION 5

Raise awareness on the need to address emerging challenges related to economic, social and environmental sustainability, in close coordination with technical assistance projects focused on collective action and controls (recommendations 3 and 4). On the one hand, progress towards more sustainable production can be scaled-up through credible producer organisations. On the other hand, once in place, control systems will also be useful to monitor the achievement of sustainability targets/requirements set by producers themselves, by policymakers and/or by the market (retailers, consumers).

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