Supporting small farmers *through the establishment* of geographical indications *in southern Africa*

From Agropolis International thematic directory n°11 - "DURAS project: Innovative partnerships for sustainable development" (June 2010 - 48 p.)

Global markets show a growing interest in local produce with high cultural value, or "terroir" products. While many emerging countries do have the necessary resources to compete on that market, few have a proper legal protection framework. In southern Africa, cooperation between scientists and small farmers having specific knowledge of this kind has been undertaken in an attempt to set up a system for the recognition of geographical indications. The potential impact is at once economic, cultural, social and environmental.

In southern Africa there is no specific public regulatory system for the protection of geographical indications (GIs). Protection can be granted based on trademarks law (for collective trademarks or certifications)[1].

This lack of public recognition of the specificity of the GI instrument and of its potential for market access and rural development for local communities penalises farmers and endangers local resources, threatened by biopiracy. In an effort to assess the value of establishing a specific institutional framework to support GIs in South Africa and Namibia, the project **"Linking farmers to markets through valorization of local resources: The case for intellectual property rights of indigenous resources"** was initiated. It focuses on two central questions:

- How can local communities protect their resources and differentiate their products through GIs?
- What is the nature of the requisite institutional and legal framework?

The project had two main objectives: to improve farmers' income by allowing them to enter the GI *niche* market, and to protect indigenous resources and knowledge.
Four pilot products were selected for South Africa (Rooibos tea, Honeybush tea, Karoo lamb, Nguni cowhides) and two for Namibia (Kalahari melon seed oil, Karakul pelts).

In the absence of any *public system, small* farmers are penalised

To meet the GI differentiation criteria, products must have three characteristics: unique qualities, recognized by scientists and consumers, and association with a defined territory and with specific skills.

While the GI concept was not unknown in South Africa[2], it was new to Namibia. In both countries, there was an acute need for awareness and reflection on the importance of protecting local resources. So the challenge was to get stakeholders and policymakers to realise the potential of these resources and their fragility. The relevance and feasibility of such a concept in these countries also needed to be determined, while close co-operation was essential between scientists and all industry stakeholders, including small farmers with little involvement in business organisations who had hitherto had difficulty entering the market.

1. The law provides for GI protection under trademarks law (for collective trademarks or certifications). In this context, however, no local products have been registered under GIs in Southern Africa.
2. There is, in particular, a special system to protect wines and spirits.

A collaborative approach *in the call for proposals,* knowledge management *and capacity building*

Emphasis was placed on capacity building and information sharing. An inventory of specific local knowledge and resources was produced. To ensure that the potential of GIs was thoroughly investigated, a call for proposals was sent, via the media (i.e. radio and specialized agricultural newspapers) and the partners' network, to NGOs, ministries, farmers' organizations and industry bodies.

The project's first stage was the establishment of workshops to build stakeholders' capacity with respect to four flagship products (Rooibos, Honeybush, Karoo lamb and Nguni hides, later replaced by Camdeboo mohair) that had potential to meet the GI criteria of distinction. Briefing sessions were held on the other two cases selected (Karoo lamb and Kalahari melon seed oil).

The methodology used in that process was inspired by a textbook written by the *American Association for the Advancement of Science*[3]. An outreach guide for farmers was produced by adapting the textbook to the context of southern Africa[4] and distributed at training workshops.

A differentiated approach *that involves farmers* in preserving their *traditional knowledge* and biodiversity

In the next phase of the project, the research team and the stakeholders agreed on the process linkage. GI committees representing industries were set up for some pilot cases (Rooibos, Honeybush, Karoo lamb). The committees ensured that information would be shared between research teams and industry, and studied the possibility of drafting a code of GI practice and specifications. For each of the other pilot products, one member of the research team acted as the primary industry contact and documented the case.

The pilot cases were thoroughly worked up and all key elements of the GI strategy were analysed: product characteristics and links to the *"terroir"* market plus legal and organisational aspects.

Among the cases studied, the Rooibos case is the initiative that goes furthest in protecting intellectual property, and hence is driving GIs forward in South Africa. Having been exposed to the risks of intellectual property rights misuse by an attempt from an American company's attempt to reserve the name "Rooibos" through an individual trademark, industry stakeholders and provincial governments worked to gain recognition for Rooibos as a GI within South Africa, but also to register it with the European Union as a Protected Denomination of Origin (PDO).

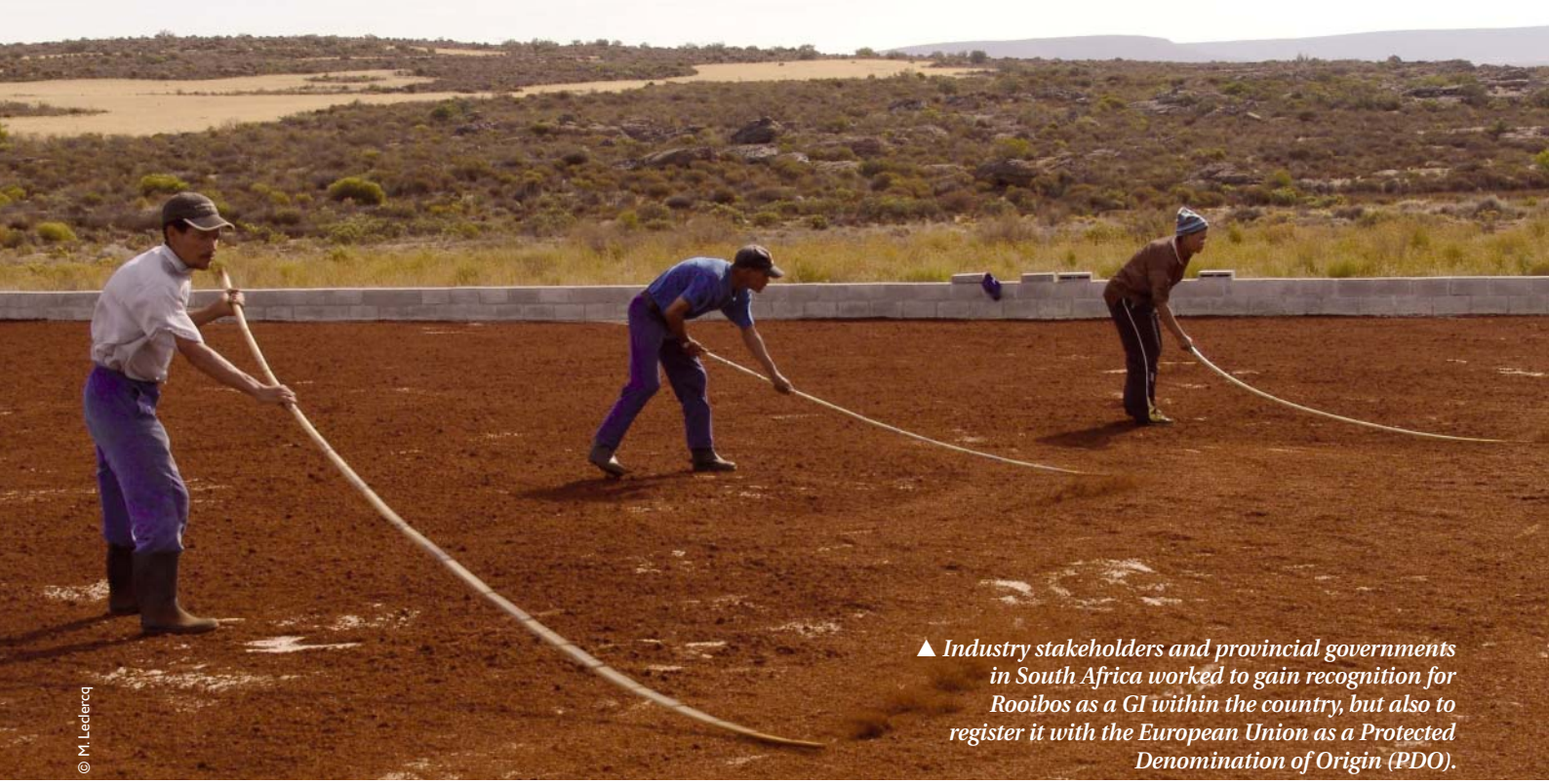
The *South African Rooibos Council* (SARC), which since 2005 has brought together farmers, processors and traders, is the industry representative. Following discussions and learning workshops, SARC appointed a dedicated GI working committee whose activities consist mainly of:
- consideration of appropriate means for defending intellectual property;
- ensuring better quality control;
- the drafting (now under way) of a biodiversity-conscious specification.

The situation remains complex. Though protection against any encroachment on the name Rooibos may protect against international competition and spur agricultural development in South Africa, that success is also likely to cause adverse effects. The economic incentive may prompt farmers to expand the production area—as is indeed called for in the specification being negotiated—to the detriment of product quality and biodiversity. •••

3. AAAS, 2003. *Issues and Options for Traditional Knowledge Holders in Protecting their Intellectual Property and Maintaining Biological Diversity.*
4. *Rights, Resources, Markets and Development – A South African / Namibian Farmer's Guide to Using Intellectual Property.*
5. In the case of Rooibos, they were indeed called upon to do the drafting.

© D.Troskie

▲ *The Honeybush tea industry is still emerging, but the value of (GI) geographical indications certification is unanimously recognized.*



© M. Leclercq

▲ *Industry stakeholders and provincial governments in South Africa worked to gain recognition for Rooibos as a GI within the country, but also to register it with the European Union as a Protected Denomination of Origin (PDO).*

Karoo lamb has been part of South African culture for a hundred years. The traditional use of the name "Karoo lamb" on the façades of restaurants and local guesthouses points to strong cultural and geographical ties. At present, however, there is no collective system to guarantee its origin. To determine the product's commercial potential and its eligibility for a GI, its quality and unique taste were scientifically tested. The results showed that the Karoo grazing plants did give the meat a special flavour. However, these specific plants are not limited to the traditionally recognized Karoo lamb area, nor do they grow throughout that area. That problem points out the need to properly address the question of specific expertise, which calls for delicate negotiation and for which recognition may be difficult to achieve given the local industry's disorganisation.

The Honeybush tea industry is still emerging, but the value of GI certification is unanimously recognized. Because of the great differences in the manner of cultivating and processing Honeybush, the working committee has chosen to expand its remit to the issue of product standardisation.

As the process developed, certification for Nguni hides came to be seen as inappropriate: GI was not the best option for developing that sector, which was replaced by Camdeboo mohair. For mohair and Karakul pelts, research showed that these products had been able to use the GI philosophy to establish themselves as recognisable brands. Their modus operandi was however very different: state involvement is very important for Karakul, while Camdeboo mohair is under totally private management.

A partnership was established with CRIAA[6], an NGO deeply involved in the production of Kalahari melon seed oil. The industry is at a very early stage of organization and marketing, but a start has been made on structuring it: participants have been informed of the implications of GIs and a forum has been established.

A mechanism for *interaction between GIs,* trade and biodiversity

This project has clearly been enriched by the active participation of the various industry stakeholders and the trust built up between them and the scientists. Hence, it has been possible to do regular reassessments of the participatory research processes and to do research at a local level while maintaining a global vision of the benefits of GIs in southern Africa.

The program is also strongly connected to the political system, helping to open a public debate on GIs. The drafters of the new intellectual property law participated in the seminars, and the pilot industries will soon test the applicability of the legislation. That political commitment encourages people to take an open attitude to the cumbersome qualification process required by GIs.

On the ground, good collaboration has contributed to a better understanding of GIs' potential to improve small farmers' market access. It has also facilitated the establishment of a partnership between local organizations, researchers, government institutions and NGOs. Work teams' activities were also kept going after the end of the project. In conclusion, GIs have potential that goes beyond name reservation and quality guarantee: the collective actions they imply may also be beneficial to biodiversity, collective channel management and marketing. ■

6. Centre for Research Information in Africa.

Partnership

Project leader: University of Pretoria, Dept. Agricultural Economics, Rural Development and extension (South Africa)

Partners: "Environment and Society" Department of CIRAD (Agricultural Research for Development, France), Western Cape Department of Agriculture (WCDA) Namibian Ministry of Agriculture, Indigenous Plant Task Team (Namibia), Scientific Roets (South Africa)

Countries involved: Namibia, South Africa

Contacts: Johann Kirsten, johann.kirsten@up.ac.za & Estelle Biénabe, bienabe@cirad.fr