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Origin products from African forests: A Kenyan pathway to prosperity and green inclusive growth?

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ABSTRACT

Many tropical countries have potential for adding market value to unique forest origin products similarly to how EU gain billions of Euro's annually from registering agricultural origin products, with Protected Denomination of Origin or Protected Geographical Indication. Following analysis of the renaissance for the global Geographical Indication (GI) regime, this article provides case-studies from Kenya – on Mwingi Honey, Kakamega Silk and institutional conditions under which producers may incorporate territory specific cultural, environmental, and social qualities of their unique products. We investigate prospects for Kenyan producers to create and capture additional monetary value for their forest related origin products, allowing smallholders to build livelihood, while stewarding natural environments. The origin products are investigated for their potential for protection with a GI, within five different dimensions of and links with the social and natural world. Our study shows that Mwingi Honey and Kakamega Silk have potential for registration under a GI regime based mainly on close links between local environment, flora and product quality, and product specificity. The institutional environment presents major challenges for the development of GI products and markets, exemplified by the Kenyan GI bill which is not yet enacted after almost a decade in the making.

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1. Introduction

Origin products, i.e. products with specific quality traits attributed to their geographical origin, from forests and other unmanaged areas can create substantial monetary values to households in rural areas in developing countries, provided the origin qualities can be protected and marketed under registered product labels. One opportunity for protection is afforded by Geographical Indication (GI), which originates from the French concept *terroir* and is based on the link between a product's quality and the geographical and human environment in which it has been produced. GI is a special type of intellectual property right, recognized by the World Trade Organization in 1994, which reflects the monetary value of cultural and social qualities of a particular production landscape, including its shaping by producers, i.e. local landscape custodians (Dougnet and O'Connor, 2003). Some of the most famous GI products include Parmigiano-Reggiano cheese, Parma ham, Darjeeling tea, Champagne and Tequila. The GI regime in the EU has added billions of

Euro worth of monetary value to an exclusive selection of high quality European food products (EC, 2012). A renaissance for GI products (Egelyng et al., 2015) provides the global south with both challenges and opportunities, translating into a second chance for nations not already benefitting from GIs as economic policy instruments and institutional vehicle for rural development through value addition to small scale food producers. Grounded in development studies and drawing on recent studies of the global regime for geographical indications, this paper investigates two forest products in Kenya - Kakamega Forest Silk and Mwingi Honey – and draw out options for countries and stakeholders to use the international GI regime to pursue among them a virtuous circle of sustainable development of forest communities and livelihoods, of the kind theoretically envisioned by proponents of GIs, e.g. Teshager (2015:2), seeing GI's as instruments to pursue 'economic, biodiversity, cultural and food security objectives'. The case studies aim to illustrate why and how the introduction of GIs may be expected to positively impact producer livelihoods as well as biodiversity in Kenya. The paper concludes the analysis by summing up the challenges of globalization and presenting an agenda for development researchers and agencies to identify and overcome institutional, technical, and other barriers for stakeholders wishing to adopt GIs in their struggle for local livelihoods and sustainable rural development.

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2. Theoretical framework

Often confused with brands and trademarks, GIs are quite opposite; where brands and trademarks provide for individual legal entities, GIs are collectively owned and aim to protect collective values and public goods (Augustin-Jean et al., 2012). Where, from an ecological economics perspective, application of the Fordist industrial model to agriculture has perhaps de-valored many a cultural and natural landscape, GIs represent a theoretical promise of re-valoring such landscapes, the realization of which is however challenged by many institutional factors. According to Izac et al. (2009), GIs can be seen as economic policy instruments for sustainable development. The wider implementation of GIs in the global South is expected to impact conservation of culturally and environmentally important landscapes and biodiversity, traditional knowledge and handicrafts, consumer and producer alliances favoring shorter value chains, redistribution of value added, and food sovereignty¹ (Dagne, 2015; Ilbert, 2012).

The development of institutional and policy environments for valorization of origin products via GIs can be theoretically explained by the special nature of food markets (Steiner, 2012), the multidimensionality of food quality (Allaire, 2012) and arrival of the modern ‘quality turn’ consumer, for which food origin provides identity and ‘consumer power’ articulated as ‘market preference’ for specialty products; all factors which in some cases have existed for centuries and in some cases have emerged or re-emerged recently.

An analysis of the concrete potential of any origin product to be registered under a GI regime, such as the EU quality regime, may be structured based on the requirements listed in existing legislation and GI registrations of products. Fig. 1 shows the major elements of GI potential, identified through a review of products that are registered in the EU DOOR database with Denomination of Origin (PDO) or Protected Geographical Indication (PGI), case studies of GI products outside the EU, and the FAO/SINER-GI report ‘Linking People, Places and Products’ (Vandecandelaere et al., 2010).

In Fig. 1, GI potential is made up of i) the natural link, i.e. the natural setting, environmental and climatic conditions etc. of the area of production which is held to affect the quality attributes of an origin product; ii) the human link, i.e. the cultural environment, cultural heritage, traditions and history, and local know-how that affects the product, e.g. though certain production and processing activities; iii) social ties, such as trust and cooperation among producers, and collective efforts found in cooperative or other types of producer associations and groups; iv) reputation and specificity of the product, linking consumer awareness of the product to its specific quality and characteristics, which is an important prerequisite for GI success; and v) institutions, which refer to formal and informal rules governing the production and marketing of the product, and is affected by the presence of local NGOs, state authorities issuing regulations, extension staff, research bodies etc. Together, the natural and human links align with ‘place and people’ or the concept of *terroir*, resulting in tangible and intangible product quality attributes that cannot be reproduced outside the original area (Mancini, 2013).

As shown by a wealth of European studies, and recently by Filoche & Pinton (2014) in the case of Brazilian guaraná, the conditions for appropriation and use of an origin product is a very complex matter institutionally, with many stakeholders, legal plurality and political and economic circumstances often favoring actors within global value chains who are committed to strategies of so-called agricultural modernization and industrial processing. These actors stand in contrast to actors committed to ‘ecologization’ of agriculture/forestry and proliferation of instruments (fair trade, organic certification and GIs) aiming for redistribution of value in existing value chains, diversification of

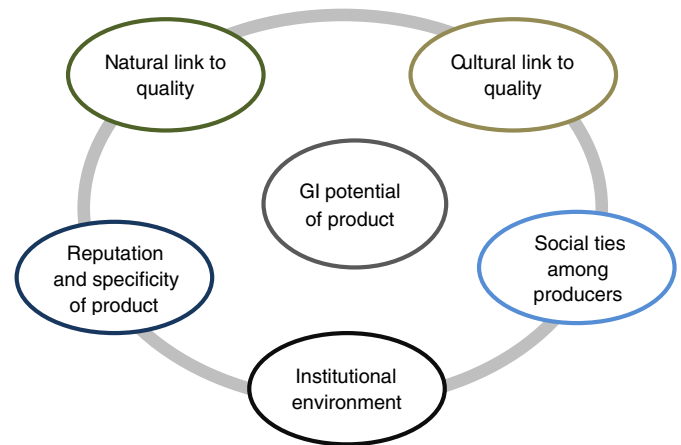


Fig. 1. A simplified representation of the five major elements of GI potential.

production and markets, and generation of shorter value chains. The assessment of the institutional component of GI's may be structured as an analysis of the broader institutional environment, presenting barriers, challenges and opportunities for a GI to succeed in a given nation or case. Institutional theory is core to such an approach. While developed in the different context of organic product certification, an example of such a broader institutional approach can be found in Egelyng et al. (2013), providing an analytical framework for analyzing the institutional environment of certified organic production displaying five dimensions: i) overall policies, ii) regulation – in particular conformity assessment systems; iii) research, education and extension that targets certified organic agriculture; iv) agency and roles of the private sector and Civil Society Organizations (CSOs); and v) a broader contextual analysis, i.e. the overall agrarian and rural development strategy. For this paper, the focus is mainly on i) and iv).

3. The GI renaissance - a new global regime for geographical indications has emerged

The milestone for the new international GI regime is after 1992, when EU created its mechanisms for registration of Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) within the European Union and after 1995, when the WTO gave its 154 member states a single definition of GIs (article 22.1). Geographical indication, as a concept, traces much further back. The academic literature often traces origin products back in history to ancient Egypt and Greece, before also mentioning France and China; a 1915 international exposition gold medal winning product originating from Zhejiang province in South East China, tracing its history a thousand years back (Guihong, 2012). Similarly, an international GI regime goes back to the Paris Convention for the Protection of Industrial Property (1883) and Madrid agreement for the Repression of False or Deceptive Indications of Source on Goods (1891).

Agricultural development is at a global crossroads and choosing agricultural institutional pathways is an imperative (Izac et al., 2009). It is not only that achieving food sovereignty without seriously compromising critically important ecosystem services remains a global concern (Grafton et al., 2015); and not only that the World Bank already called for a “visible hand” to create “markets for environmental services” (World Bank, 2007). It is also that African countries are called upon to exploit markets for origin products (AU-EC 2012). In November 2012, the African Regional Intellectual Property Organization (ARIPO) and the European Commission signed a cooperation agreement to improve the legal protection of traditional agricultural products in Africa (ARIPO and EU, 2012). In 2013, Oku White Honey and Penja pepper from Cameroon and Ziama-Macenta coffee from Guinea were the first three African food products to be awarded PGI by the African

¹ The concept of food sovereignty ‘speaks to the right of states to maintain and develop their own capacity to produce their basic foods, respecting cultural and productive diversity’ and is a ‘precondition to genuine food security’ (Dagne 2015, 81)

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