

# THE CLOCK IS TICKING FOR THE SUSTAINABLE DEVELOPMENT GOALS: A GEOGRAPHICAL INDICATIONS-BASED INTERVENTION IN THE QUEST TO END POVERTY

TENDAI MIKIONI\*

*Doctoral Researcher, South African Research Chair: Intellectual Property, Innovation and Development, University of Cape Town*

## ABSTRACT

With less than five years remaining before the 2030 deadline, the world finds itself significantly off-track, particularly in realising Sustainable Development Goal 1: Ending poverty in all its forms everywhere. This paper investigates how intellectual property (IP) law, specifically geographical indications (GIs), can be leveraged as a strategic tool in the fight against poverty. By focusing on GIs, a unique form of IP that links products to their geographic origin and associated qualities, the paper highlights their developmental potential beyond commercial protection. Through a multi-jurisdictional analysis, including Penja Pepper (Cameroon), Gambian cashews, Darjeeling tea (India), and Karoo Lamb (South Africa), the study demonstrates both the realised and unrealised opportunities of GIs in uplifting communities and fostering local economies. While acknowledging that GIs alone cannot eradicate poverty, the paper argues that they can play a meaningful role in its alleviation by enabling sustainable livelihoods and economic resilience. One highlights the need to harness GIs as part of a broader strategy to meet SDG 1.

## 1. INTRODUCTION

Time is both an ally and an adversary in pursuit of development. It is the measure by which progress is judged and the force against which urgency is defined. Proverbs often capture complex truths in simple language. With respect to global development, time is not merely a philosophical concern but a critical operational variable. The United Nations' Sustainable Development Goals (SDGs) were envisioned to be realised by the year 2030. At the time of writing this paper, the global community is less than five years from this deadline. However, the 2024 Sustainable Development Goals Report paints a grim picture: progress remains significantly off-track to realise the 2030 Agenda.<sup>1</sup> The window of opportunity is narrowing, and the time for passive optimism has passed. Poverty extends beyond the lack of income or productive resources

\* LLB (UFH) and LLM (UCT).

1 United Nations *The Sustainable Development Goals Report* (2024) 4.

needed for sustainable livelihoods.<sup>2</sup> It is reflected in various forms, including hunger, malnutrition, limited access to education and basic services, social discrimination and exclusion, and the inability to participate meaningfully in decision-making processes.<sup>3</sup> This concept is intimately engaged in section 2 below.

SDGs represent a global agenda for achieving sustainable development.<sup>4</sup> They are universal in nature, setting targets for all countries, not only those developing.<sup>5</sup> In total, there are seventeen SDGs, encompassing goals such as ending poverty, achieving gender equality, and ensuring quality education, among others.<sup>6</sup> SDGs differ significantly from their predecessors, the Millennium Development Goals (MDGs). First, the MDGs were primarily relevant to developing countries and reflected a North–South aid agenda.<sup>7</sup> In this regard, they were effective in communicating a clear purpose of development aid to mobilise public support.<sup>8</sup> Second, while the MDGs focused mainly on eradicating extreme poverty, the SDGs broadened this mandate to encompass environmental, social, and economic sustainability.<sup>9</sup> Third, the MDGs were drafted by technocrats, with limited consultation with other sources of knowledge and expertise, an approach widely regarded as a major weakness. Adopted in 2015 to replace the MDGs, the SDGs aimed to address these limitations; however, reports indicate that poverty remains a persistent reality.<sup>10</sup>

It is imperative to understand GIs as they are a recurring theme throughout this paper. GIs refer to products with specific characteristics, qualities or reputation resulting essentially from their geographical origin.<sup>11</sup> GIs can protect products where at least one production, processing or preparation activity takes place within the delimited area. This is known as protected geographical

2 United Nations ‘Addressing poverty’, available at: <https://www.un.org/en/academic-impact/addressing-poverty> (viewed on 10 October 2025).

3 United Nations ‘Addressing poverty’, available at: <https://www.un.org/en/academic-impact/addressing-poverty> (viewed on 10 October 2025).

4 S Fukuda-Parr ‘From the Millennium Development Goals to the Sustainable Development Goals: Shifts in purpose, concept, and politics of global goal setting for development’ (2016) 24 *Gender & Development* 43–44.

5 Ibid.

6 United Nations ‘Transforming our world: The 2030 Agenda for Sustainable Development’, available at: <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (viewed on 10 October 2025).

7 S Fukuda-Parr ‘From the Millennium Development Goals to the Sustainable Development Goals: shifts in purpose, concept, and politics of global goal setting for development’ (2016) 24 *Gender & Development* 43–45.

8 Ibid.

9 Ibid.

10 United Nations *The Sustainable Development Goals Report* (2025) 8.

11 E Vandecastelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development 2018 1. See also: V Ingram, ME Hansen & A Skovmand Bosselmann ‘To label or not? Governing the costs and benefits of geographic indication of an African forest honey value chain’ (2020) 3 *Frontiers in Forests and Global Change* 1–2.

indication (PGI).<sup>12</sup> In addition, GIs can offer protection to products where all three stages, namely production, processing or preparation activity, should take place within the region possessing the specific characteristics.<sup>13</sup>

This paper explores how GIs can be strategically harnessed to advance SDG 1: End poverty in all its forms everywhere.<sup>14</sup> While the SDG framework comprises seventeen interrelated goals,<sup>15</sup> this paper narrows its focus to SDG 1. The fight against poverty is also reflected in the Agenda 2063.<sup>16</sup> Despite unprecedented levels of innovation and technological advancement,<sup>17</sup> poverty continues to persist across diverse contexts, for example, one in ten people is affected by extreme poverty and only one in five countries is projected to have halved its national poverty by 2030.<sup>18</sup> As time continues to elapse, there is an urgent need to explore innovative tools, including intellectual property law, as potential catalysts for development. Poverty is a multifaceted challenge that requires a comprehensive, multi-front response. In this regard, one employs intellectual property law as a critical yet often overlooked intervention mechanism. One can argue that far from being a peripheral or purely commercial concern, IP has the potential to act as a transformative force in addressing poverty and achieving SDG 1.

The structure of the paper is as follows: introduction which unpacks SDG 1; the discussion of the role of GIs, a form of IP in alleviating poverty and the realisation of SDG 1. Examples of four products in Africa and India, ie Penja Pepper from Cameroon, Karoo Lamb from South Africa and Gambian cashews and Darjeeling tea from India, are used to show the impact of GIs in various forms. These cases were carefully selected because they share similarities with a South African context, a jurisdiction where the author is situated in. In addition, the chosen cases are situated in the Global South, hence they share successes and struggles. The paper concludes with reflections on the broader implications of GIs versus the realisation of SDG 1 and attempts to make recommendations on the topic.

12 V Ingram, ME Hansen & A Skovmand Bosselmann 'To label or not? Governing the costs and benefits of geographic indication of an African forest honey value chain' (2020) 3 *Frontiers in Forests and Global Change* 1 2.

13 Ibid.

14 United Nations 'Transforming our world: The 2030 Agenda for Sustainable Development', available at: <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (viewed on 9 July 2025).

15 United Nations 'Transforming our world: The 2030 Agenda for Sustainable Development', available at: <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (viewed on 9 July 2025).

16 Clauses 7 and 72(a) of the African Union Agenda 2063.

17 United Nations *The Sustainable Development Goals Report* (2025) 26.

18 United Nations *The Sustainable Development Goals Report* (2025) 8.

## 2. UNDERSTANDING SDG 1: END POVERTY IN ALL ITS FORMS EVERYWHERE

Poverty is a variable concept because it can be understood spiritually,<sup>19</sup> economically,<sup>20</sup> socially, environmentally and politically.<sup>21</sup> Economically, poverty is a lack of financial means, resources and lack of assets.<sup>22</sup> Politically, poverty is the inability to access political power or participate actively in governance or influence government decisions.<sup>23</sup> Socially, poverty is inadequate access to basic human needs such as food and non-food to the sustenance of a socially acceptable minimum standard of living in a given society.<sup>24</sup> Spiritual poverty refers to when one is poor in terms of spiritual understanding, for example, an individual with abundant wealth but a lack of religious understanding can lead to corruption, bribery and other actions that are detrimental to others.<sup>25</sup> Since 2022, the World Bank updated the global poverty lines with the new extreme poverty line of US\$2.15<sup>26</sup> per person per day, which replaced the previous US\$1.90 poverty line<sup>27</sup> for low-income countries. The World Bank uses US\$3.20 and US\$5.50 a day as the poverty lines in lower-middle-income and upper-middle-income countries, respectively.<sup>28</sup>

Inadequate incomes and living standards serve to define poverty.<sup>29</sup> The United Nations define poverty to be more than the lack of income and productive resources to ensure sustainable livelihoods, whose manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion, as well as the lack of participation in decision-making.<sup>30</sup> Poverty is the incapability to gain access to the essential needs of life, such as food, clothing, shelter and the inability to

- 19 AY Mafruhah, W Riani & M Hav 'The determinants of spiritual poverty in Bandung' (2020) 409 *Advances in Social Science, Education and Humanities Research* 53.
- 20 S Okalaw (World Vision) 'What is poverty? It's not as simple as you think', available at: <https://www.worldvision.ca/en/stories/what-is-poverty-definition-of-poverty> (viewed on 18 July 2025). See also: GE Olotu 'Poverty and poverty alleviation policies in the North Central Zone of Nigeria' (2022) 1 *African Journal of Public Administration and Environmental Studies* 115 119.
- 21 GE Olotu 'Poverty and poverty alleviation policies in the North Central Zone of Nigeria' (2022) 1 *African Journal of Public Administration and Environmental Studies* 115 119.
- 22 GE Olotu 'Poverty and poverty alleviation policies in the North Central Zone of Nigeria' (2022) 1 *African Journal of Public Administration and Environmental Studies* 115 118.
- 23 Ibid.
- 24 Ibid.
- 25 AY Mafruhah, W Riani & M Hav 'The determinants of spiritual poverty in Bandung' (2020) 409 *Advances in Social Science, Education and Humanities Research* 53.
- 26 Equivalent of R38,11, See Xe Currency Converter '2.15 USD to ZAR - Convert US Dollars to South African Rand', available at: <https://www.xe.com/currencyconverter/convert/?Amount=2.15&From=USD&To=ZAR> (viewed on 18 July 2025).
- 27 World Bank Group 'Fact Sheet: An adjustment to global poverty lines', available at: <https://www.worldbank.org/en/news/factsheet/2022/05/02/fact-sheet-an-adjustment-to-global-poverty-lines#1> (viewed on 18 July 2025).
- 28 R Steyn 'Poverty, agency and suicide: Men and women' (2023) 5 *African Journal of Inter/Multidisciplinary Studies* 1.
- 29 R Lister 'Power, not pity': Poverty and human rights' (2013) 7 *Ethics & Social Welfare* 109 112.
- 30 United Nations 'Ending poverty', available at: <https://www.un.org/en/global-issues/ending-poverty#:~:text=What%20is%20Poverty?,in%20extreme%20poverty%20by%202030> (viewed on 18 July 2025).

meet other social and economic responsibilities.<sup>31</sup> There are schools of thought that argue that poverty includes ‘inadequate infrastructure, nutrition, health, self-esteem, intellectual underdevelopment, inability to articulate and low per head income’.<sup>32</sup> Poverty is often viewed two-fold, namely, absolute and relative poverty.<sup>33</sup> On one hand, absolute poverty refers to the inability of the poor to afford basic or minimal necessities of life such as food or shelter.<sup>34</sup> On the other hand, relative poverty is based on a more explicit socially constructed belief about the universality of a certain level of standard of living for every member of society.<sup>35</sup>

In South Africa, the National Poverty Lines set out the food poverty line, lower-bound poverty line and upper-bound poverty line.<sup>36</sup> These poverty lines contain both food and non-food components of household consumption expenditure.<sup>37</sup> First, the food poverty line, which is R796 per person per month, is the extreme poverty line.<sup>38</sup> Second, the lower-bound poverty line of R1,109 per person per month which is the food poverty line plus the average amount derived from non-food items of households whose total expenditure is equal to the food poverty line; and finally the upper-bound poverty line R1,634 per person per month which is the food poverty line plus the average amount derived from non-food items of households whose food expenditure is equal to the food poverty line.<sup>39</sup>

31 GE Olotu ‘Poverty and poverty alleviation policies in the North Central Zone of Nigeria’ (2022) 1 *African Journal of Public Administration and Environmental Studies* 115 118. See also: A Durokifa & D Uwizeyimana ‘Achieving Sustainable Development Goal 1 in Ogun State, Nigeria: Lessons from the Millennium Development Goals Poverty Reduction Strategy’ (2021) 11 *African Journal of Development Studies* 79 84.

32 GE Olotu ‘Poverty and poverty alleviation policies in the North Central Zone of Nigeria’ (2022) 1 *African Journal of Public Administration and Environmental Studies* 115 118. See also: A Durokifa & D Uwizeyimana ‘Achieving Sustainable Development Goal 1 in Ogun State, Nigeria: Lessons from the Millennium Development Goals Poverty Reduction Strategy’ (2021) 11 *African Journal of Development Studies* 79 119.

33 P Khumalo ‘The dynamics of poverty and poverty alleviation in South Africa’ (2013) 11 *Gender & Behaviour* 5643 5644. See also: S Okalow (World Vision) ‘What is poverty? It’s not as simple as you think’, available at: <https://www.worldvision.ca/en/stories/what-is-poverty-definition-of-poverty> (viewed on 18 July 2025).

34 P Khumalo ‘The dynamics of poverty and poverty alleviation in South Africa’ (2013) 11 *Gender & Behaviour* 5643 5644.

35 P Khumalo ‘The dynamics of poverty and poverty alleviation in South Africa’ (2013) 11 *Gender & Behaviour* 5643 5644.

36 Statistics South Africa ‘National Poverty Lines 2024’, available at: <https://www.statssa.gov.za/publications/P03101/P031012024.pdf#page=7.64> (viewed on 18 July 2025).

37 Ibid.

38 Ibid.

39 Ibid.

### 3. GEOGRAPHICAL INDICATIONS AND POVERTY ALLEVIATION

As indicated above, GIs refer to products with specific characteristics, qualities or reputation resulting essentially from their geographical origin.<sup>40</sup> GIs can protect products where at least one production, processing or preparation activity takes place within the delimited area. This is known as protected geographical indication (PGI).<sup>41</sup> In order to function as a GI, a sign must identify a product as originating in a given place.<sup>42</sup> GIs can offer protection to products where all three stages, namely production, processing or preparation activity, should take place within the region possessing the specific characteristics.<sup>43</sup> GIs are based on the principle that specific geographic locations yield product qualities that cannot be replicated elsewhere.<sup>44</sup> Due to the place being essential to the product, proponents argue that producers outside a specified region cannot be permitted to use its place name in marketing and on product labels.

The Agreement on Trade-Related Aspects of Intellectual Property Rights (hereafter TRIPS Agreement) is instructive on GIs. Article 22(1) of the TRIPS Agreement provides that GIs are 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.<sup>45</sup>

GIs are significant in that the promotion of origin products can be of considerable benefit to the rural economy, particularly in less favoured or remote areas, by improving the incomes of farmers and by retaining the rural population in these areas.<sup>46</sup> It is observed that consumers are willing to pay a premium price for products identified by their geographical origin, and this premium will increase as consumer recognition of the origin label increases.<sup>47</sup> Throughout this paper, one argues that GIs can be harnessed to end poverty mainly because the premium paid by consumers for products because of their

40 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development 2018 1. See also: V Ingram, ME Hansen & A Skovmand Bosselmann 'To label or not? Governing the costs and benefits of geographic indication of an African forest honey value chain' (2020) 3 *Frontiers in Forests and Global Change* 1 2.

41 V Ingram, ME Hansen & A Skovmand Bosselmann 'To label or not? Governing the costs and benefits of geographic indication of an African forest honey value chain' (2020) 3 *Frontiers in Forests and Global Change* 1 2.

42 WIPO 'Geographical Indications', available at: <https://www.wipo.int/en/web/geographical-indications> (viewed on 10 October 2025).

43 V Ingram, ME Hansen & A Skovmand Bosselmann 'To label or not? Governing the costs and benefits of geographic indication of an African forest honey value chain' (2020) 3 *Frontiers in Forests and Global Change* 1 2.

44 K Raustiala & SR Munzer 'The global struggle over Geographic Indications' (2007) 18 *The European Journal of International Law* 338.

45 Agreement on Trade-Related Aspects of Intellectual Property Rights 1994.

46 G Mengistie & M Blakeney 'Geographical indications in Africa-opportunities, experiences and challenges' (2017) 38 *European Intellectual Property Review* 1.

47 G Mengistie & M Blakeney 'Geographical indications in Africa-opportunities, experiences and challenges' (2017) 38 *European Intellectual Property Review* 1.

origin can benefit the local producers of the regions where such products originate from. Below are selected case studies.

#### 4. CASE STUDIES

##### 4.1 Penja pepper — Cameroon

###### 4.1.1 *Background and context — Penja pepper*

Penja pepper is grown in the Moundou district in Cameroon's Littoral Region, where the soil, altitude and climate are particularly suited to growing pepper.<sup>48</sup> Penja pepper is harvested by hand, and the methods of cleaning, drying, and sorting have been the same for several generations.<sup>49</sup> The Group Representing the Penja Pepper GI (GRIGPP) was established in 2011 and managed to register the GI in 2013.<sup>50</sup> The GRIGPP is made up of about 200 growers, 32 nurseries and 72 distributors.<sup>51</sup> Penja pepper was registered with the African Intellectual Property Organization (OAPI) in 2013. In March 2022, the European Commission accorded PGI status to Penja pepper — the first product from the African Intellectual Property Organization (OAPI) region, and only the second from Africa, to receive such recognition in the European Union.<sup>52</sup>

Cameroon is a member of the OAPI, which was established in 1977 following the Bangui Agreement. The OAPI defines GIs to mean an indication that serves to identify a product as originating from a place, a region, or a country, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to such geographical origin.<sup>53</sup> The OAPI is therefore instructive on the meaning of GIs, where a product's quality, reputation, or other specific characteristics are attributed to a certain origin.

###### 4.1.2. *Impacts of the Penja pepper GI*

First, longstanding wholesalers were taking advantage of the situation since farmers or Penja pepper growers did not know the market price of pepper, but with a collective effort on the part of the associations making up the GRIGPP,

48 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 102.

49 Organization for an International Geographical Indications Network '21/03/2022-Recognition of Penja Pepper as a PGI in the European Union', available at: <https://www.origin-gi.com/recognition-of-penja-pepper-as-a-pgi-in-the-european-union/> (viewed on 19 July 2025).

50 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 102.

51 Ibid.

52 European Union 'Cameroon's 'Poivre de Penja' registered in the European Union as the first protected geographical indication from the African Intellectual Property Organisation region', available at: [https://internationalipcooperation.eu/sites/default/files/17032022%20\\_Press%20Release%20on%20Penja%20Pepper\\_English.pdf](https://internationalipcooperation.eu/sites/default/files/17032022%20_Press%20Release%20on%20Penja%20Pepper_English.pdf) (viewed on 19 July 2025).

53 Article 1(a), Part I Annex VI of the Bangui Agreement Instituting an African Intellectual Property Organization 2015.



a minimum annual price has now been established by the GRIGPP.<sup>54</sup> On one hand, the longstanding wholesalers have been present in the area from the start of the *Penja pepper* production and have the advantage of large diversified supply and distribution networks of many farmers, collectors, local and national distributors, and retailers.<sup>55</sup> Their markets are domestic and subregional and include mass outlets and a domestic niche market where high quality can be maximised.

However, the entry of more new wholesalers in the value chain following a rise in pepper prices made it possible to bring relations between farmers and wholesalers into better balance.<sup>56</sup> New wholesalers supply networks are confined to the large-scale growers.<sup>57</sup> Therefore, the *Penja pepper* GI can be credited for having ensured that farmers are fairly compensated. This ensures that farmers, especially small to very small farmers, get their fair share of compensation, and it can uplift their standard of living, improve their sustenance, open doors for growth and most importantly, gradually break away from poverty. As shown earlier,<sup>58</sup> poverty is measured primarily through finances; hence, fair compensation, no matter how small, can alleviate poverty. Therefore, the impact of GIs should not be underestimated.

Second, the *Penja pepper* GI has resulted in training sessions being organised for farmers belonging to the GRIGPP, leading to an improvement in the quality of the final product, yields and selling price.<sup>59</sup> The possibility of gaining access to new techniques and the services offered by the GRIGPP has drawn a growing number of farmers into the GI.<sup>60</sup> The GRIGPP had about 200 members in 2015, in contrast to the ten recorded in 2011.<sup>61</sup> The possibility of a higher selling price also means more investment in *Penja pepper* production.<sup>62</sup> Consequently, this creates employment.

Third, the *Penja pepper* GI has resulted in the development of tourism because of the indirect effect of the growing reputation of *Penja pepper*.<sup>63</sup> It is reported that since recognition of the *Penja pepper* GI, tourist numbers have increased greatly, according to members of the GRIGPP.<sup>64</sup> A boost in tourism

54 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 106.

55 Ibid.

56 Ibid.

57 Ibid.

58 Olotu (n17) 119.

59 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 106.

60 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 106.

61 Ibid.

62 Ibid.

63 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 107.

64 Ibid.



can create employment in the tourism sector as a result of Cameroonians breaking free from the yoke of poverty. In the same vein, tourism can result in infrastructural development. As noted earlier, poverty includes inadequate infrastructure;<sup>65</sup> hence, tourism can lead to improvement of infrastructure, which will benefit the whole community and not merely individuals.

Finally, it is noted that the establishment of the GI has also had a ripple effect on the whole pepper sector, both GI and non-GI, in the region and beyond, because it led to major technical advances in terms of productivity and quality, an increase in growers' income and a considerable impact on local development.<sup>66</sup> Therefore, a GI can enhance local production, its impact reaches communities beyond where the product is produced and creates a stream of income. There has been an increase in profits due to the adoption of new techniques proposed under the GI with farmers gaining 600% in profits.<sup>67</sup> Thus, GIs can play a crucial role in eradicating poverty, in this case there has been alleviation of poverty economically and socially.

## 4.2 Gambian cashews — The Gambia

The Gambian cashew nuts are produced by small producers along the Gambia River in the Gambia and are considered to be one of the best cashews in the world due to their unique characteristics.<sup>68</sup> These characteristics are: (i) its size which is bigger than the cashew nut products of other countries; (ii) shape of the cashew nut which is less curved thereby enabling the breaking of the cover and obtaining full kernel, which makes the nuts have higher quality than the product of other countries; (iii) the cashew nut is white in colour and has no spots; and (iv) the cashew nut has low moisture content.<sup>69</sup> The Gambian cashew nuts are commonly classified as grade 1.<sup>70</sup>

According to Mengistie and Blakeney, the unique features of the Gambian cashew nuts are well known in the market, and buyers are willing to pay a higher price.<sup>71</sup> Unfortunately, others are unlawfully benefiting from the reputation and goodwill Gambian cashew nuts have amassed, including by mixing them with inferior cashew products from neighbouring countries and then selling

65 GE Olotu 'Poverty and poverty alleviation policies in the North Central Zone of Nigeria' (2022) 1 *African Journal of Public Administration and Environmental Studies* 115 118. See also: A Durokifa & D Uwizeyimana 'Achieving Sustainable Development Goal 1 in Ogun State, Nigeria: Lessons from the Millennium Development Goals Poverty Reduction Strategy' (2021) 11 *African Journal of Development Studies* 79 119.

66 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 107.

67 Ibid.

68 G Mengistie & M Blakeney 'Geographical indications in Africa-opportunities, experiences and challenges' (2017) 38 *European Intellectual Property Review* 5.

69 Ibid.

70 Ibid.

71 Ibid.

them as Gambian cashew.<sup>72</sup> Such actions, Mengistie and Blakeney warn, will ultimately dilute the commercial reputation of Gambian cashew nuts.<sup>73</sup>

One is of the view that a product that is so unique and internally valued, with consumers willing to pay premium prices, should be utilised to end poverty. The local Gambians involved in the production of Gambian cashews can benefit immensely when their cashew is protected. The literature reflects that other countries have already diluted Gambian cashew nuts in order to sell their products, as an indication of the market value of Gambian cashew nuts. One argues that if a GI is protecting this product locally and internationally, its people can benefit, and their communities will be uplifted. This can be another small step toward lessening poverty in Gambia.

### 4.3 Darjeeling tea

#### 4.3.1 *Background and context — Darjeeling tea*

Darjeeling tea is grown on the lower Himalayan Mountain chain in India.<sup>74</sup> The Darjeeling tea has a global reputation and has been considered the champagne of teas due to its unique sensory qualities.<sup>75</sup> There are several factors that contribute to Darjeeling tea's unique and noticeable qualities, such as altitude, sunshine, soil condition, temperature, rainfall, fog, mist, moisture, and wind.<sup>76</sup> The unique soil, climate, traditions, and knowledge of the local populace set Darjeeling apart from other tea-growing regions of India and around the globe.<sup>77</sup>

The Tea Board of India is responsible for applying for the GI and any other action taken to date to protect the Darjeeling name and logo.<sup>78</sup> It is worth mentioning that Darjeeling tea's excellent reputation was misappropriated in various countries before it was protected.<sup>79</sup> Even after protection, the Tea Board pursued fifteen legal cases in the fight to counter the usurpation of the Darjeeling name in 2015. In 2004, Darjeeling was the first GI in India.<sup>80</sup> On 20 October 2015, the EU registered Darjeeling as protected geographical indication (PGI).<sup>81</sup> Darjeeling is registered as a certification mark in the

72 Ibid.

73 Ibid.

74 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 66.

75 D De, S Sarkar, H Chhetri, J Chatterjee, N Sinha, S Das, A Sarkar, S Das & S Ray 'Impact of meteorological and processing factors on metabolite composition of Darjeeling tea' (2024) 15 *Journal of Analytical Science and Technology* 2.

76 Ibid.

77 Ibid.

78 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 67.

79 Ibid.

80 Ibid.

81 European Commission 'Commission Implementing Regulation (EU) No 1050/2011 of 20 October 2011 entering a name in the register of protected designations of origin and protected geographical indications (Darjeeling PGI)' (2011) *Official Journal of the European Union*.

United States, while in the United Kingdom and Australia, it is registered as a trademark in Russia.<sup>82</sup>

#### 4.3.2 *Impacts of the Darjeeling GI*

The impact of Darjeeling GI manifests in several forms. First, it is reflected that there was an increase of about 25% in permanent jobs between the pre-and post-PGI periods because of the stricter specifications concerning production conditions and the quality of the tea.<sup>83</sup> One argues that the creation of jobs, especially permanent jobs as in this case, reduces poverty as individuals have a stream of income. Most of the poverty ills can be addressed by access to finances; hence, these jobs can assist in poverty reduction. One notes that these jobs cannot end poverty everywhere but can alleviate poverty within India.

Second, there was a tourism boost with the Darjeeling district becoming one of India's main tourist destination with about 350,000 Indian tourists, 30,000 foreign tourists who visit the region each year.<sup>84</sup> A wide range of activities is offered in Darjeeling including tea shops, tea rooms, a train that travels up to an altitude of more than 7,000 metres, cable cars, places to see and purchase local dress, bungalows and rural tourism where tourists discover the very simple way of life of planters.<sup>85</sup> It can therefore be argued that the registration of the GIs, especially in the EU, further polished the reputation of Darjeeling, attracting tourists who bring in funds in the district. This can lead to the development of infrastructure, creation of jobs and alternative incomes. Therefore, the community benefits from this GI.

### 4.4 **Karoo Lamb**

#### 4.4.1 *Background and context — Karoo Lamb*

Karoo Lamb GI, otherwise referred to as Karoo Lam, was officially registered as a GI in South Africa on 27 October 2023.<sup>86</sup> It is the second GI product in South Africa after Rooibos.<sup>87</sup> South Africa offers protection to GIs through a number of legislations and gazetted regulations. These include Regulations Relating to the Protection of Geographical Indications used on agricultural products intended for sale in the Republic of South Africa; read with the

82 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 67.

83 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 65 and 67.

84 E Vandecandelaere, C Teyssier, D Barjolle, P Jeanneaux, S Fournier & O Beucherie *Strengthening sustainable food systems through geographical indications: An analysis of economic impacts*, Technical Report, European Bank for Reconstruction and Development (2018) 71.

85 Ibid.

86 C Erasmus & J Kirsten (Centre for International Cooperation in Agricultural Research for Development) 'The Karoo Lamb GI is officially registered as a Geographical Indication in South Africa', available at: <https://www.facilite-ig.fr/fr/actualites/karoo-lamb-gi-registration> (viewed on 20 July 2025).

87 Ibid.

Agricultural Product Standards Act,<sup>88</sup> the Liquor Products Act<sup>89</sup> in relation to liquor products, and Merchandise Marks Act<sup>90</sup> and Trade Marks Act.<sup>91</sup>

The name Karoo Lamb or Karoo Lam applies to all meat cuts from lamb produced under free range conditions and slaughtered in Karoo, and only lamb born, raised, and slaughtered in Karoo qualifies as Karoo Lamb products.<sup>92</sup> The Karoo is an arid to semiarid region spanning the Eastern Cape, Western Cape, and Northern Cape provinces of South Africa.<sup>93</sup> It is best characterized by its distinctive vegetation; comprising various succulents and low, scattered scrub bushes.<sup>94</sup> The region is largely devoid of surface water, and its name originates from a Khoisan term meaning ‘land of thirst’.<sup>95</sup> Karoo Lamb meat has a unique taste linked to the shrubs of the Nama Karoo and it has specific aromatic and sensory attributes, which can be directly attributed to the geographical area.<sup>96</sup> The registration of Karoo Lamb GI is argued to assist in preventing food fraud and misrepresentation, ultimately benefiting Karoo farmers, increasing revenue streams for the Karoo region, and fostering economic growth and employment in the Karoo.<sup>97</sup> The Karoo Lamb GI also boosts the regional agricultural sector, creating jobs and stimulating the local economy.<sup>98</sup>

#### 4.4.2 *Impacts of the Karoo Lamb GI*

The protection of the Karoo Lamb GI boosts the local economy in several ways. First, (i) the slaughtering abattoir to be used by all Karoo farmers must not exceed the distance limit of 250km for the transportation of live animals; (ii) the typical natural vegetation of the Nama Karoo and Succulent Karoo Biomes within the Great Karoo must be present on the farm from which the Karoo Lamb is sourced; and all animals delivered by the registered and listed owners, originate from farms in the Karoo region.<sup>99</sup> One argues that these strict requirements ensure that Karoo Lamb products originate from that region, boosting that economy and cutting off possible goodwill hijackers. A local

88 Agricultural Product Standards Act 119 of 1990.

89 Liquor Products Act 60 of 1989.

90 Merchandise Marks Act 17 of 1941.

91 Trade Marks Act 194 of 1993.

92 Clause 2.1. of the Agricultural Product Standards Act, 1990 (Act No 119 of 1990) Registration of Karoo Lamb/ Karoo Lam As A South African Geographical Indication (GI), No 3992 of 2023.

93 Britannica ‘Karoo’, available at: <https://www.britannica.com/place/Karoo> (viewed on 10 October 2025).

94 Ibid.

95 Ibid.

96 Clause 2.1. of the Agricultural Product Standards Act, 1990 (Act No 119 of 1990) Registration of Karoo Lamb/ Karoo Lam As A South African Geographical Indication (GI), No 3992 of 2023.

97 Karoo Lamb Consortium ‘Prof. Kirsten talks about the Karoo Lamb Consortium, and the Karoo Lamb Geographical Indication (GI) in South Africa’, available at: <https://www.karoolamb.org/blog/news-3/prof-kirsten-karoo-lamb-93> (viewed on 20 July 2025).

98 Spoor & Fisher ‘Savouring SA tradition: Karoo Lamb granted GI status’, available at: <https://spoor.com/karoo-lamb/> (viewed on 20 July 2025).

99 Clause 3 of the Agricultural Product Standards Act, 1990 (Act No 119 Of 1990) Registration of Karoo Lamb/ Karoo Lam As A South African Geographical Indication (GI), No 3992 of 2023.

boost in the Karoo economy ensures that its people will benefit from the sale of this product.

Second, there is the creation of job opportunities for residents. South Africa, like most countries, is battling unemployment.<sup>100</sup> It is presumed that the registration increases awareness of the existence of the product, the location, the demand and desirability. Hence, the Karoo Lamb GI protection can alleviate unemployment, which ultimately reduces poverty. The GI registration demands that in order to qualify as Karoo Lamb GI, the lamb must originate within a 250km radius, which increases demand for local Karoo labour and provides opportunities for Karoo abattoirs, which are the only ones eligible to slaughter the lamb. One can further argue that the abattoirs source labour from local residents, which offers developmental experience and creates an income for the unemployed. The unemployed will then have a source of income which combats poverty to a certain degree. Therefore, protection of the GI can lead to poverty alleviation by ensuring the local members of the society benefit through opportunities such as employment.

## 6. CONCLUSION AND RECOMMENDATIONS

### 6.1 Conclusion

In conclusion, it is noted that there is so much potential in the use of GIs as intellectual property to alleviate poverty. It has emerged that GIs can create job opportunities, boost tourism, boost local economy, empower local producers and improve the standard of living. One has been careful about his selection of words, from using ‘reduction’ or ‘alleviation’ of poverty as opposed to eradication, which suggests a complete end, because of the minute role intellectual property, in particular GIs, can play as far as poverty eradication is concerned. Intellectual property is not a cure-all, but when used thoughtfully and equitably, it becomes a powerful enabler of livelihoods, dignity, and sustainable development. From protecting the ingenuity of rural farmers to empowering communities, IP law holds untapped potential in the race to end poverty.

### 6.2 Recommendations

#### 6.2.1 *Raising awareness*

First, there must be awareness of GIs and support offered to producers. It has been noted that GIs have been maturing across the globe, with most countries offering national GI registration, and there is also an opportunity to register internationally. As noted earlier, South Africa protects GIs through the Agricultural Product Standards Act;<sup>101</sup> the Liquor Products Act;<sup>102</sup> and by

100 Statistics South Africa ‘Statistics South Africa on Quarterly Labour Force Survey (QLFS) – Q1: 2025’, available at: <https://www.gov.za/news/media-statements/statistics-south-africa-quarterly-labour-force-survey-qlfs-%E2%80%93-q1-2025-13-may> (viewed on 10 October 2025).

101 Agricultural Product Standards Act 119 of 1990.

102 Liquor Products Act 60 of 1989.

extension through the Merchandise Marks Act<sup>103</sup> and Trade Marks Act.<sup>104</sup> In addition, as noted from the two case studies, namely, Darjeeling tea and Penja pepper, registration of the GIs can be extended to other regions such as the European Union. Therefore, there is a system in place to protect GIs, but the question is whether such a system is working effectively to assist with poverty alleviation. It may be argued that producers or GI aspirants require training and support in order to navigate the complex legal process of registering these GIs. The role of support is clear, as noted from the Penja pepper GI application in the European Union, which received international and local legal support from several stakeholders, such as the French Development Agency (AFP).<sup>105</sup> The war against poverty must be fought on multiple fronts, with support offered to producers to register their GIs and train them on the importance of such GIs. Governments and interested parties should offer support to producers, and poverty might be a thing of the past in the near future.

### 6.2.2 *Simplify GI registration procedures*

Second, the registration process must be simplified. The reading and analysis of regulations,<sup>106</sup> which inform the process and the registered GIs,<sup>107</sup> is reflective of how complex and detailed GIs registration can be. While this might appear easy to follow for someone with intellectual property training or legal expertise, this can be challenging for a group of small-scale farmers. One acknowledges that the complexity of the registration process is to ensure that the GI is original, traceable and compliant with all other requirements. However, it is maintained that the process could be simplified, for example, by incorporating native languages other than English and French in the regulations.

103 Merchandise Marks Act 17 of 1941.

104 Trade Marks Act 194 of 1993.

105 European Union 'Cameroon's 'Poivre de Penja' registered in the European Union as the first protected geographical indication from the African Intellectual Property Organisation region', available at: [https://internationalipcooperation.eu/sites/default/files/17032022%20\\_Press%20Release%20on%20Penja%20Pepper\\_English.pdf](https://internationalipcooperation.eu/sites/default/files/17032022%20_Press%20Release%20on%20Penja%20Pepper_English.pdf) (viewed on 19 July 2025).

106 Agricultural Product Standards Act, 1990 (Act No 119 Of 1990) Registration of Karoo Lamb/ Karoo Lam As A South African Geographical Indication (GI), No 3992 of 2023.

107 Ibid. See also: European Commission 'Commission Implementing Regulation (EU) No 1050/2011 of 20 October 2011 entering a name in the register of protected designations of origin and protected geographical indications (Darjeeling (PGI))' (2011) *Official Journal of the European Union*.