

GEOGRAPHICAL INDICATIONS AS A TOOL FOR ENHANCING ETHIOPIAN APICULTURE VALUECHAIN AND DEVELOPING THE HONEY MARKET AT DOMESTIC AND INTERNATIONAL LEVEL

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ABSTRACT

The world's concern towards the promotion and protection of intellectual property (IP) assets is increasing from time to time with the advancement of technology and cross boundary marketing systems. Developing countries are also adopting laws on IP and complying with international standards recognizing the role of IP in facilitating international trade and rural development. The scope of IP rights protection in Ethiopia is also growing to promote local products at international markets. Millions of Ethiopians' lives depend on the production and trade of multiple agricultural products. Beekeeping is among the integral income sources of households in the country. Ethiopia is the biggest honey producer in Africa and 10th in the world. However, it has not tapped its full potential in production and export of this commodity. It has a huge potential of serving its citizens and other countries with differentiated organic honey products. Currently poor quality and quantity of production has limited the country's benefit from the commodity. But the current attention employed by the government and engagement of private entities in the production and processing of honey is a good opportunity for the country to access international market and improve the lives of its citizens. Adding value to the product use through IP has a significant role in promoting the product. The newly introduced geographical indications (G) protection in the country's legal system can be a good mechanism for bringing such effect.

Key words: Apiculture, honey, geographical indications, value chain, rural development.

INTRODUCTION

Beekeeping has been an essential aspect of agriculture. It is adopted as a local development strategy by many countries for ensuring food security, economic

development and environmental sustainability.¹ Like the case in many developing countries, this sector plays an important role in Ethiopia's economy as well. The history of honey production and market in Ethiopia dates thousands of years back. Ethiopia is the 1st in Africa and 10th world largest honey producer. With around 10 million bee colonies, it is also the owner of the biggest bee colonies in Africa.² Beekeeping is practiced in many parts of the country with different tastes and colors of the honey depending on the environment...honey in Ethiopia it is dominantly produced through traditional techniques. The apiculture industry accommodates the lives of different groups of the society serving as a means of income mainly for women, the youth and unemployed people in the country.³

Despite the fact that the country has been practicing honey and beeswax production for very long, the sector has not been promoted as much as required. The sector is characterized by low production rate and poor-quality honey. The use of traditional techniques coupled with lack of skill on effective management of production and marketing strategy has been a factor for the production of honey with less quality and quantity adversely affecting the economic returns of farmers. Though consumers traditionally distinguish the source of the honey with their colors, the producers have not adopted skills in promoting their specialty products in the market. The market is typically characterized by no formal value chain and fixed actors. Producers are forced to sell their products to local wholesalers at lower prices and they are unable to easily access domestic market.⁴ Also in many

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¹ Atsbeha Hailemariam, Taye Tolemaria and Kebede Debele, 'Assessment of honey production system, constraints and opportunities in three selected Woredas of Tigray region, Ethiopia' (2015) 4(10) Basic Research Journals

<<http://www.basicresearchjournals.org>> accessed 27 March 2018, 305

² Haftu Kebede Sebeho, 'production and quality characteristics of Ethiopian honey: a review' (2015) 8(4) Academic Journal of Entomology 168, 169

³ Melaku Girma and others, 'Approaches, methods and processes for innovative apiculture development: Experiences from Ada'a-Liben Woreda Oromia Regional State, Ethiopia' (2008) Improving productivity and Market Success (IPMS) of Ethiopian Farmers Working paper 8 <www.ipms-ethiopia.org> accessed 27 March 2018

⁴ Ministry of Agriculture (MOA) and International Livestock Research Institute (ILRI), *Apiculture value chain vision and*

cases, the honey producers sell their products locally in traditional markets directly to users. This is mainly caused by lack of government or private actors engaging in the sector to create connection between the stakeholders. Such traditional marketing system and lack of government control gives rise to irresponsible use of the product and adulteration. This leads consumers to opt for cheapest honey without being familiarized with the specific sources and qualities. This may result in unsustainability of consumer preferences towards their specific products. It also limits the country's ability to produce with full potential and make it an export commodity as well as source of foreign currency.

Recently the government is taking actions by enacting laws, expansion of research and extension, inclusion of apiculture related courses in the curriculum and policies strategizing the apiculture industry in the way it enhances the lives of the actors and contributes for the overall economy of the country.⁵The engagement of private organizations in honey production and processing is also a recent phenomenon in Ethiopia. Different government agencies and international and local private bodies are taking part in value chain development activities by providing technical and financial assistance to the stakeholders.

The Ethiopian Intellectual Property Office (EIPO) which is entrusted with ensuring the legal protection of intellectual properties and maximizing its role in development,⁶ has reached an agreement to adopt a sui generis law on GIs. The Agence Française De Développement (AFD) under its Trade Capacity Building Program (PRCC) project showed an interest to approve a project for defining a legal framework on the protection of GIs in Ethiopia. A draft legislation has been prepared by EIPO and has been submitted for review to the relevant

government Organ. This action can be taken as a big shift for developing the agricultural sector and IP value addition to the country's export commodities. The draft law, which is prepared in accordance with international and regional laws on protection of GIs, is expected to regulate production and trading of agricultural products in Ethiopia by delimiting areas, setting labeling standards and introducing traceability mechanisms.

This paper specifically focuses on the need of taking this opportunity for enhancing the Ethiopian apiculture industry by using GIs to develop the domestic and international honey market. The government and non-governmental bodies' action towards an improved quality and quantity of production, supported by IP asset inclusion in marketing the product, has a potential to shift consumers' preferences towards Ethiopian honey. This paper argues that GIs are the relevant IP protection system suitable to promote and enhance Ethiopian apiculture industry. As showcased in cheese and wine products protected by GIs in Europe, protection of reputed indigenous products with GIs coupled with effective implementation and regulation of its production and marketing process has an economic, cultural and environmental significance. Ethiopian honey industry is one of the country's untapped industries with huge potential and unique taste and color qualifying it to be protected by GIs. Effective management of the GIs system in Ethiopia will contribute to support local producers of agricultural products by effectively linking the origin to the products and building a strong cooperation between stakeholders to maximize the economic and social returns.

The paper is divided in different parts. The first section discusses the existing facts related to honey production and export in Ethiopia followed by the second part

strategy for Ethiopia, (2013) Ethiopia Livestock Master Plan Background Paper 1

⁵ Negash Bekena and Juergen Greiling, 'Quality Focused Apiculture Sector Value Chain Development in Ethiopia' (2017) A 7 Journal of Agricultural Science and Technology 107

⁶ Proclamation no 320/2003, on Ethiopian Intellectual Property Office Establishment [2003],art 5(1)

discusses history of GIs and its role in promoting agricultural products. The third section focuses on the existing enabling policies and legal frameworks to implement the proposed law in Ethiopia. The fourth part highlights some of the challenges in developing the apiculture industry in Ethiopia. Finally, the fifth section analyzes the facts with the proposed solution stressing on how GIs will contribute in enhancing the apiculture industry and contribute to the economic and social development of the country.

ETHIOPIAN HONEY FACTS

Ethiopia's economy is mainly based on agriculture. According to the first Growth and Transformation Plan period (2010/11-2014/15) report, Agriculture contributed for 41.5% of the overall GDP of the country in 2009/2010 and 38% in 2014/2015. (GTP II, pp7). Ethiopian agricultural products which take the lead in the export include flower, fruits and vegetables, coffee, sesame and cereals.⁷ Agriculture still remains to be the backbone of the country's economy. It is recognized as a means to improve lives of smallholder farmers and creating jobs for youth farmers by linking them with private investors which can provide capital and technologies.⁸ The sector has a huge potential to create jobs for unemployed youth as well.⁹

The role of honey in improvement of the lives of many people, poverty reduction, uplifting economic return to a country and environmental conservation is recognized by many sectors in Ethiopia resulting in their engagement in the sector. It is considered as a commodity with big potential of pulling millions of poor farmers out of

poverty. Small holders improve their lives by deriving income from honey production and its byproducts such as beeswax, pollen, bee venom and bee colonies. Honey production is a preferable business for small holders because it requires little investment of capital and labor creating better market opportunities.¹⁰

Beekeeping is a longstanding practice in Ethiopia estimated to have started around the 3rd hundred AD. Significant numbers of societies have engaged in beekeeping in different regions of the country. Tigray, Oromia, Southern Nations, Nationalities and Peoples Regional State (SNNPR) and Amhara regions, are the main sources of honey and beeswax production in Ethiopia. More Specifically places such as Wollega, Sidamo, Jimma Gondar, Gojjam, Raya Azebo and Temben are the most popular sources.¹¹ In spite of this fact, honey, beeswax production and the apiculture sub-sector has not met the required level of production and quality standards.¹² Currently, around 2 million people have regularly based their livelihood on honey production.¹³ The country offers varieties of plants that serve as bees' forage. This has contributed for the country's leading production capacity and potential in the world, particularly in Africa. Ethiopia's ecological status with diversified and typical plant varieties and environment has contributed to achieving the highest bee colonies and honey and beeswax production in the continent.¹⁴ More than 7000 species of plants serving as bees' forage are estimated to be found in Ethiopia. These plants contribute for producing variety of honey with their own

⁷ Federal Democratic Republic of Ethiopia Growth and Transformation Plan II (2015/16-2019/20), 123, <<https://www.greengrowthknowledge.org/sites/default/files/downloads/policy-database/ETHIOPIA%29%20Growth%20and%20Transformation%20Plan%20II%2C%20Vol%20I.%20%20%282015%2C16-2019%2C20%29.pdf>> accessed June 2020

⁸ Ibid 82

⁹ Apitrade Africa, 'Ethiopian Youth to benefit from "young Entrepreneurs in Silk and Honey" project' (2016) 023 The African

Honey Magazine <www.apitradeafrica.org> accessed 25 April 2018

¹⁰ Yoshimasa Ito, 'Local Honey Production Activities and Their Significance for Local People: A Case of Mountain Forest Area of Southwestern Ethiopia' (2014) sup 48 African Study Monographs, 77

¹¹ Melaku (n3) 4

¹² Ministry of Agriculture and Rural Development (MOARD) : *Annual Reports Series* (2006)

¹³ Negash (n5)107

¹⁴ Atbeha (n1) 305

typical tastes. This potential has attracted many agencies to engage in the production and processing of honey.¹⁵

Ethiopia has produced 60.7 thousand tons of honey in the year 2014/15 and has a short-term plan to increase production to 123,900 tons by the end of the year 2019/2020,¹⁶ and 200,000 tons by 2025.¹⁷ This makes Ethiopia the leading honey producer in Africa accounting for 21.5% and 10th in the world accounting for 2.5% of the total production. The country's estimated potential of production is 550,000 tons annually, only 10% of which is exploited. Even though traditional hives and techniques are used, the sector records certain improvements from time to time with the engagement of many actors.¹⁸ About 90% of the honey produced is available in markets for income generation while the remaining 10% is consumed by the beekeeping households. The greatest percentage of the honey produced in the country is consumed at domestic markets, of which about 70% is used for making honey wine, known as 'Tej', locally, while the rest portion is used as table honey. Because of such consumption pattern, very little amount is exported. The export rate composes only 2% and this makes it hard to consider honey as an export commodity at present and the country is only the 45th largest exporter worldwide. The country has a plan to increase the amount of export which is about 400 tons to 2400 tons by 2025.¹⁹

The Ethiopian Growth and Transformation Plan II (2015-2020) emphasizes the need to maximize the country's export capacity by promoting effective honey production and marketing with an improved quality and quantity. The plan acknowledges the industry's role in creating job opportunities and tackling poverty. 374 million USD is planned to be collected from the export of meat and its by-products, honey and beeswax, processed fish, and

milk and milk products.²⁰ It is reported that 416.56 million USD were generated from the export of meat, milk and honey in the 1st Growth and Transformation Plan (GTP I) period, recording an improvement throughout the years.²¹

The apiculture industry and the products offered to international markets are bringing more economic gain to developing countries.²² However, the sector faces multiple challenges which negatively impact the amount and quality of production. Among the biggest challenges the Ethiopian honey production is struggling with is poor quality honey attributed to lack of modern technology and effective management of production and export.²³ Ethiopia is striving to develop the sector and share the benefits providing quality honey products to the international market. The Government of Ethiopia (GoE) is embarking on developing the sector through different activities which are supported by other private bodies with similar mission.

The global honey market in EU, USA and the Middle East is a huge opportunity for Ethiopian honey as the demand increases from time to time. The involvement of government and non-governmental bodies in distributing modern hives as well as providing technical knowhow to the producers and private bodies' engagement in the sector has contributed for the improvement of the industry. But still, the country is not much benefited from the commodity as much as its potential requires.²⁴ The Ethiopian apiculture industry calls for system intervention in ensuring best quality and making it an export commodity to meet its basic needs.²⁵ Undoubtedly, Ethiopia should exert extra effort to fully exploit its

¹⁵ Yoshimasa (n 10) 78

¹⁶ GTP II (n 7) 16

¹⁷ MoA (n4) 6

¹⁸ Ibid, 1

¹⁹ Ibid, 6

²⁰ GTP II (n12) 139

²¹ Ibid 39

²² Paulos Desalegn, 'Ethiopian Honey: Accessing International Markets with Inclusive Business and Sector Development' (2012), <www.snvworl.org/en/sectors/agriculture> accessed June 2018

²³ Atbeha (n 1) 168

²⁴ MOA (n 4) 2

²⁵ Paulos (n22) 2

production capacity and offer the world with organic honey.

Ethiopia has succeeded in qualifying for EU third country listing in 2008.²⁶ This has allowed the producers and traders whose market was highly limited to local and neighboring countries to consider better options. The export has significantly increased since the year 2010. Norway takes the biggest share in importing Ethiopian honey followed by neighboring countries Sudan and South Sudan.²⁷ This opportunity also encourages the youth to engage in traditional honey production, processing and export. This can also contribute for taking due attention on quality standards to get better market access by the government and stakeholders. This paper highlights the importance of availing means to consumers to verify sources by linking products with their geographical origin. It recommends adding IP value to the products and familiarizing consumers with Ethiopian specialty honey products worldwide.

GIS FOR AGRICULTURAL DEVELOPMENT

The experience of developed countries has proved the role of IP in enhancing one's economic development by regulating invention and technology transfer. IP assets have been used as marketing tools which has to be effectively utilized and administered as it determines the value of the goods and services they are embodied in.²⁸ Many developed and developing countries have become members to international agreements on IP and adopted domestic laws recognizing its role in realizing development.

Consumers' choices of goods are dependent on the quality and the reputation of the goods in reference to the place they originated from. They are becoming keener about the quality of agricultural products and geographical source as their awareness on food safety and health related matters increased.²⁹ Specifically, they take due attention to the sources and ways of production of agricultural goods. According to Article 22 of the TRIPs Agreement, Geographical indications 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.. GIs create a linkage between a product and an identified geographical location and set standards that are applicable in the production of that specific product. These laws give producers a right to prevent others from using the indication for the production and marketing of the product which does not follow such standards.³⁰

GIs' role on the realization of rural development and poverty reduction is subject to different arguments. The arguments for GIs stress on its role in promoting agricultural rural development by providing income and employment opportunity.³¹ Practical cases of products protected by GIs in countries such as Italy, France, Jamaica and India showcase the significant role of this products in the countries' economies and societies as their source of income as well as promoting their cultural and environmental values.³² GIs are considered as means of ensuring economic, cultural and environmental sustainability in many cases. It is justified as promoting

²⁶ Yoshimasa (n10)

²⁷ Final Report for WEEMA International, Improving household livelihoods with modern beekeeping and honey production in Ethiopia, (School of International and Public Affairs (SIPA) and WEEMA International, 2016) 17

²⁸ Getachew Mengiste, *Intellectual Property as a Policy Tool for Development: The Ethiopian Fine Coffee Designations Trademarking and Licensing Initiative Experience* (A case study commissioned by WIPO, World Intellectual Property Organization 2011) 7

²⁹ Cerkia Bramley, Estelle Biénabe and Johann Kirsten, *The economics of Geographical Indications: Towards A conceptual*

Framework for Geographical Indication Research in Developing Countries, (The economics of Intellectual Property, WIPO) 109

³⁰ World Intellectual Property Office (WIPO), *Intellectual Property for Agri-food Small and Medium Enterprises* (Guide, WIPO 2015) 155

³¹ Bilge Dogan and Ummuhan Gokovali, 'Geographical Indications: the aspect of rural development and marketing through the traditional products' (2012) 62 *Procedia: Social and Behavioral Sciences* <www.sciencedirect.com> accessed 30 may 2018, 762

³² Daniele Giovannucci and others, *Guide to Geographical Indications: Linking products and their origins*, (International Trade Center, 2009)

differentiated products which may bring in varied biodiversity by creating sustainable means of production.³³ Taking the argument that effective management and implementation promotes rural development and protection of GIs should extend to all food products; this paper analyzes how Ethiopia can promote its differentiated products by using GIs. On the other hand, others as opposed to GIs, see them as typical European system limiting local producers from freely using geographical terms and origin specific designations for their generic products.³⁴

GIs create a link between the name of the specific geographical origin and the quality of the product which in most cases bases itself on a reputation that already existed. Such marks give information to the consumer about the origin of the product that enables the consumer to choose based on the quality linked to the place. Using these indications has an impact on influencing economic return towards the producers of the reputed product.³⁵ GIs also play an important role in protecting cultural heritage, promoting local cultures and traditions, reducing rural poverty and ensuring environmental conservation sustainability.³⁶ Origin based products represent a particular product with its typical local identity as the protection by GI recognizes the link between that typicity and authenticity of the product with the indicated source. This is insurance to consumers that the product with that tag on it is actually the product that they preferred possessing the quality it is reputed for. This has a direct or indirect positive impact on the economic, social and environmental perspectives.³⁷ Unlike trademarks, which are used to distinguish goods or services owned by one enterprise from the other, GIs inform the user of origin of the products, production processes and expected quality

standard. Moreover, trademarks can be registered before the goods or services have got reputation while in cases of protection through GIs, reputation is a necessity. Trademarks which merely describe geographical origin of the good are not able to be registered unless consumers associate it as identifying the company or the producer with that specific place over time.³⁸

Protection of GIs dates back to the 18th Century where laws regulating fraudulent acts of producers were introduced to protect consumers. GI laws were originally adopted as system of tackling adulteration and fraudulent usage of indications practiced in the wine industry. In the 20th Century, the wine industry was challenged by multiple problems that resulted in European governments' action against it through formal delimitation of the wine growing areas. France adopted the first law in 1905 to combat fraudulent wine labeling by creating the French appellation of Origins system for wines, spirits, cheeses and other agricultural products. Two years after the European Union regulated GIs for agricultural products and foodstuffs in 1992, the GIs as IP rights were recognized by the TRIPs Agreement.³⁹

The GI protection system is originally a European system concerned with protecting economic benefits of producers and consumer protection. Such protection has been limited and mostly applicable for the protection of food wines, spirits and cheeses. However, such trend is changing and the scope is widening to cover the protection of agricultural food products. Darjeeling tea from India, Tequila from Mexico, Gruyère Cheese from Switzerland, Colombian Coffee and Tete Goat from Mozambique are some of the well-known GI protected goods in different parts of the world.⁴⁰ GIs give rise to the relationship between a place and quality of the product

³⁴ Rachael M. Williams, 'Do Geographical Indications promote sustainable rural development?' (2009) *Journal of Austrian Society of Agricultural Economics* 31

³⁵ *Ibid* 156

³⁶ Food and Agriculture Organization of the United Nations (FAO) and SINER-GI, *Linking People, Places and Products, (A guide for*

promoting quality linked to geographical origin and sustainable Geographical Indications, FAO and SINER-GI, 2009)

³⁷ *Ibid* 3

³⁸ Daniele (n26)

³⁹ WIPO (n24) 77

⁴⁰ *Ibid* 156

which may be a result of environmental or social factors. It institutionalizes the system by setting quality standards that have to be met and sanctions for misappropriation of the benefits through legal means.⁴¹ Thus, the already existing reputation is safeguarded by providing a legal framework for production and marketing.

ETHIOPIAN POLICY AND LEGAL SET UP ON APICULTURE DEVELOPMENT AND IP

The GoE has adopted a policy that promotes the improvement of the apiculture industry recognizing its potential to support the country's economy. Such action is also supported by research and extension projects. It has included the development of apiculture industry as one basic strategy for the overall development of the country in the 2nd GTP. Additionally, Ethiopia has adopted Proclamation no 660/2009 on Apiculture Development. The law has recognized the role of apicultural sector development in: the overall economic development of the country, reducing poverty rate by an increased production and environmental conservation.⁴²

There are different governmental and non-governmental institutions and associations which are actively engaged in the apiculture value chain development in the country. Among these are the Ethiopian Agricultural Transformation Agency, the Ethiopian Apiculture Board, the Netherlands Development Agency (SNV), Farm Africa, Slow Food Foundation and WEEMA International. These actors have actively supported the sector by raising awareness on effective harvesting skills, conducting research and extension programs, and boosted quality standards, creating market opportunities, value chain development and financial support to cooperatives. Public actors, such as state, regional and local governments, as well as other authorities and institutions representing the public interest, can play a particularly important role in the local development of origin-based products in order to enhance their positive contribution

to rural and sustainable development., they can provide an adequate legal and institutional framework enabling the recognition, regulation and the protection of collective property rights on GIs.

The GTP recognizes the role of developing agro-processing industries, such as honey processors, in maximizing the country's benefit from the sub-sector.⁴³ Building a system that links actors in the value chain such as beekeepers, retailers, tej brewers, processors and exporters, may bring an effective production and marketing system at domestic and international level. Ethiopia's action towards the adoption of laws on IP and institutional setup for the implementation has brought improvements in the area. Even though Ethiopia has not yet adopted a comprehensive national IP policy, it has recognized and protected some aspects of IP through issuing legislations. It has laws that govern patents, utility models and minor invention, copyrights, trademarks, plant varieties and protect against unfair competition.⁴⁴ But all aspects of IP have not been addressed. The country's involvement in international IP agreements is also very limited. Ethiopia is not a member to the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement, the Madrid convention or the Lisbon agreement, that obligate countries to recognize or protect GIs. It does not also have a sui generis law on GIs so far.

IP is not a well-developed and utilized subject matter in Ethiopia. Ethiopia has signed only two international agreements on IP which are the WIPO establishment convention and the Nairobi agreement on Olympic signs. Unlike the case in many countries, IP is not offered in higher education institutions as a separate subject of specialization. The country's limited membership in these agreements and understaffed institution with less qualified personnel has been a challenge for effective protection and enforcement of IP rights in Ethiopia. Both

⁴¹ Cerkia (n23) 110

⁴² Proclamation no 660/2009 on Apiculture Resources Development and Protection (2009) preamble

⁴³ GTP II, pp 138

⁴⁴ WIPO pub 1029, pp 18

developed and developing countries own IP assets but the management and effective utilization of it has created a difference in its economic returns.⁴⁵ The intangible assets enhance the value of the product they are embodied in. Despite the fact that Ethiopia produces and exports limited percentage of the potential production capacity, the sector shows improvement from time to time. The engagement of governmental and non-governmental entities in the sector has created a better production and market environment for the actors.

The Ethiopian Trademark Registration and Protection Proclamation No 501/2006 and the Trademark Registration and Protection Regulation No 273/2012 recognize protection of goods and services through trademark and collective trademarks. The EIPO registers domestic and international trademarks owned by individuals and entities as well as collective trademarks for products owned by associations. Ethiopia also has registered three coffee trademarks in more than 30 countries across the world. Some argue that the Ethiopian coffee products qualify for GI protection given the fact that the tastes and qualities of the coffee products are directly associated to the specific places they originated from as well as traditional practices and knowledge of the farmers. The three trademarks, i.e. Harar®, Yirgacheffe® and Sidamo® represent the name of the places the coffee grows in.⁴⁶ Recently, the EIPO and AFD have reached an agreement to define a domestic sui generis law on GIs and support the value chain. This project aspires to realize the recognition and protection of multiple agricultural products through this effective IP tool.

CHALLENGES IN EFFECTIVE DEVELOPMENT OF APICULTURE INDUSTRY

In general, Ethiopia's export market is characterized by price instability and fluctuations.⁴⁷ Such challenges extend to the honey sector as well. The Ethiopian apiculture industry faces multiple problems resulting in difficulties in introducing specialty products to the local and international consumers. The main problems include, low quality,⁴⁸ adulteration and mal-practices; climate change and others related to natural and man-made problems. These problems directly or indirectly affect the production and trading of honey products in Ethiopia.

The Ethiopian system fails to set up a standard on quality and other related matters on honey marketing at domestic or international level. There are multiple issues that need the attention of the government and actors in the value chain as to producing and trading honey with the required international quality standards. Honey marketing has different appearances in sale of the product in different parts of Ethiopia. There are significant changes in packaging, consumption patterns and preferences of consumers in rural urban parts of the country. The sector needs further improvements especially to get a better access of international market. There are actions taken by the government in setting quality standards but these guidelines are not effectively considered by the actors and enforced.⁴⁹

There are additional factors contributing for production of honey with poor quality. Beekeeping in Africa in general and in Ethiopia in particular is practiced by groups of the society who are poor and marginalized using low cost production mechanisms.⁵⁰ Financial limitations and

the quality of the product. These factors also have an impact on limiting the quantity of production.

⁴⁵ Getachew (n 22) 10

⁴⁶ Mary O'Kicki, 'Lessons Learned from Ethiopia's Trademarking and Licensing Initiative: Is the European Union's Position on Geographical Indications Really Beneficial for Developing Nations?' (2009) 6(2) Loyola University Chicago International Law Review <<https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1044&context=lucilr>> accessed June 2020

⁴⁷ Using traditional hives, use of excessive smoke for extracting the honey as well as traditional processing and packaging affect

⁴⁹ WEEMA (n 27) 38

⁵⁰ United Nations Conference on Trade and Development, *Enabling small Commodity Producers in Developing Countries to reach Global Markets*, (Bees for Development, Issues paper constraints to African Honey trade, UNCTAD, 2006) 1

less access to credit services lead to consistently using traditional mechanisms of production. The smallholders may not be able to improve their quality and quantity due to such limitations. Both the government and other financial sectors must extend their credit services to producers, especially youth engaged in this sector. In this regard, GIs are the effective tools to tackle this challenge by creating a systematic link between stakeholders in the production and marketing sections to support the sector. Though GIs require huge investment in the process of linkage, labeling, verifying traceability and other aspects of it,⁵¹ its subsequent economic returns to the individual stakeholders and the country is significant.

Natural challenges related to global climate change may not be solved by introducing GIs system in Ethiopia but the other man-made problems can be mitigated by defining a legal framework and implementing the rules effectively.

OPPORTUNITIES FOR APICULTURE DEVELOPMENT THROUGH IP IN ETHIOPIA- GIS FOR ETHIOPIAN HONEY

The world community's demand towards honey increases through time as the production is affected by the environmental degradation and climatic change. This puts Ethiopia in better position to focus on improving quality and quantity of its honey which can be another export commodity that is a source of foreign exchange. Ethiopia owns honey with typical taste and flavors attributed to plants growing in different parts of the country. Similar to its coffee trademarking initiative which resulted in introducing Ethiopian coffee to its consumers throughout the world, Ethiopia should invest on improving its honey products and avail it to the international market. Learning from the experiences of coffee trademarking, protecting its honey products with a GI will provide stronger protection and create stronger chain of stakeholders in the industry.

Adulteration is among the main risks that the apiculture industry in Ethiopia is facing. The experience of associations which sell honey with higher adulteration rate tend to lack consistency in number of their consumers and their market is only limited to their co-op.⁵²Lack of quality control and traceability system and guidelines for selling honey in local market made the sellers act irresponsibly by diluting honey with odd substances and for honey harvested from other regions of the country.⁵³These practices have an impact on confusing customers by affecting the quality of the reputed honey. Due to this fact the honey sector demands for a system with enforceable quality guidelines and standards for the sake of consumer protection. Both direct and indirect methods of adulteration are practiced in Ethiopia. The producers or processors add adulterant substances such as banana, sugar syrup, maize and wheat flour and sweet potato or feed the bees industrial sugars which results in inorganic honey production.⁵⁴ GIs are specifically designed to combat fraudulent acts of production and mal-practices such as adulteration in the trading by delimiting the areas of production and tracing the origin of the products

The recent initiative to adopt a law on GIs by the government of Ethiopia and its support by external donors marks a huge opportunity for the country to promote its specialty agricultural products in general and honey in particular. Given the huge potential in the sector and the existing challenges, adopting a consistent GIs system in the country can play a great role in improving the livelihoods of those in the value chain by further contributing to the country's economic returns. Implementation of a GI system in Ethiopia will have the effect of improving the current challenges by illusive traders.

As the country is introducing a new IP protection system, it is worth to identify products with bigger potentials.

⁵¹ Daniele (n26)

⁵² WEEMA (n 27) 68

⁵³ Ibid 38

⁵⁴ Haftu k (n 2)171

Following the four stages of developing a GI i.e. identification, qualification, remuneration and reproduction are worth to be noticed in implementing the system. The popular types of honey produced in Ethiopia including the Tigray white honey, Wenchi honey, Masha and Gojjamadot honey qualify for protection through GIs representing special tastes and colors related to their origin. The Tigray white honey is the most reputed and most refined variety which is preferred by domestic and international consumers. Its price goes up through time as consumers' demand is increasing. The bright white color and its intense flavor is attributed to the blossom of the labiates.⁵⁵ Moreover, the higher demand towards an organically produced honey possessing fair trade certificate has a tendency to attract more consumers and encourage private bodies to engage in the sector. Organic way of production of honey in Ethiopia makes it preferable over products produced elsewhere from GMOs.⁵⁶ The sector should emphasize on promoting such specialty honey products to maximize the benefits.

Taking all these opportunities into consideration, it is advisable that Ethiopia add IP value to its honey products. As the world's trend on trade is changing and the value of IP assets is rising, countries with specialty products are encouraged to identify their specialty products and promote them. Consumers tend to focus on reputed agricultural products which are easily identifiable in markets. For instance, EU honey consumers pay more to products indicating geographical source.⁵⁷

Ineffective legal setup for quality control as a challenge in Implementing GIs

Inefficiency in quality control systems and issues related to traceability may remain to be challenges in implementing the GI system in the sector. Additionally, lack of well-trained professionals at the implementing and enforcing organs may be a challenge in enforcing the

rights against free riders. Poorly equipped institutional setup may result in the scattering of obligations to different institutions which may take time to link them up. For example, the EIPO may need the support of the Ethiopian conformity assessment institution of the standards agency to assure the attainment of international quality standards to grant GIs. The nature of GIs demands the engagement of many actors as well as strong professional ethics and system. The current loose system in the protection and enforcement of IP rights in Ethiopia appears to be a big challenge in creating an effective regulatory framework. As the GI engages stakeholders with different roles, well equipped and staffed government and private actors are vital in the effective implementation. Establishing special implementing agencies and special tribunals handling cases specifically related to GIs with professionals on the area should be considered.

The existence of different associations such as The Ethiopian apiculture board, Honey and Beeswax Producers and Exporters Association and The Ethiopian beekeepers associations play a significant role in linking producers with local and international markets and defining quality control standards.⁵⁸ This also makes assessment and identification of actors in the value chain easier. Moreover, it eases formation of the Inter-professional bodies and communication within. Therefore, engaging those private bodies as well as governmental and non-governmental entities interested in the subject matter will have a great importance in facilitating and managing the system.

CONCLUSION

Ethiopia, as a home of various plant varieties which are suitable for honey production, has a big potential in sustaining its economy by exploiting its huge production potential. The apiculture sector has not been performing efficiently. But there are improvements in production and

⁵⁵ Weema (n 27) 8

⁵⁶ Yoshimasa (n 10) 77

⁵⁷ UNCTAD (n 39) 3

⁵⁸ MOA (n 4) 6

export quality and quantity. The role of the government, non-governmental and other private bodies is significant in such improvements. The new law on the protection of GIs on progress to be enacted can play a great role in adding intangible value on the product and keeping the quality of the reputed products. It also enables local and international consumers to recognize and define their preference towards the reputed honey products. Providing a GI system to the apiculture industry enable to identify the actors in the value chain and promote the sector by granting a right to take action against the free riders which confuse the consumers by selling unauthentic products using the geographical names of the origins of good honey. Issues of ineffective quality control system, availability of less qualified experts on IP and traceability may still be challenges in implementing GIs on the apiculture sector. But, given the increasing consumers' demand towards the existing blooming sector and engagement of different actors, the product can be more differentiated and promoted by implementing the GI framework.

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