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REVIEW ESSAY

Geographical Indications as Development Tools: Promise, Limits, and Lived Realities

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Abstract

Geographical indications (GIs) have increasingly been conceptualised within international intellectual property law as development-oriented instruments associated with rural development, cultural heritage preservation, and improved market access, particularly in the Global South. This review essay examines how this developmental rationale is articulated and critically assessed in three recent contributions to GI scholarship. It argues that these works collectively challenge the assumption that legal recognition of GIs is sufficient to generate equitable economic outcomes. Instead, they show that GI regimes operate as institutionally mediated and politically contingent governance frameworks, whose distributive effects depend on regulatory capacity, producer organisation, and market structures. Drawing on comparative perspectives from Asia and Africa, the essay situates GI protection within broader debates on legal transplantation, development governance, and distributive justice in the Global South.

Keywords: International economic law; law of development; other areas of international law; Geographical Indications; rural development; Global South; producer communities; benefit sharing

Geographical indications (GIs) have assumed increasing prominence within international intellectual property law and global economic governance. Situated at the intersection of trade, culture, and development, GIs function not merely as source identifiers but as legal mechanisms through which origin, reputation, and economic value are established and protected.[1] The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) internationalised GI protection, embedding it within the normative architecture of the global trading system. Yet the contemporary GI regime remains deeply shaped by the European Union (EU) model, particularly its emphasis on terroir, territorial specificity, and authenticity.[2] Its diffusion beyond Europe has generated sustained debate regarding its suitability for the Global South, where production is often embedded in informal economies, customary knowledge systems, and artisanal labour structures that do not readily conform

[1] HULL Gordon, "Cultural Branding, Geographic Source Indicators and Commodification" (2016) 33(2) Theory, Culture & Society 125 at 129.

[2] UBERTAZZI Benedetta, "EU Geographical Indications and Intangible Cultural Heritage" (2017) 48(5) IIC—International Review of Intellectual Property and Competition Law 562 at 569.

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to formal intellectual property regimes.[3] The expansion of GI protection across African and Asian jurisdictions has therefore raised broader questions of legal transplantation, institutional capacity, and the political economy of value distribution. These debates have become increasingly prominent with the emergence of a developmental discourse surrounding GIs.[4] Development agencies and national governments now frequently present GIs as tools capable of promoting rural development and supporting marginalised producer communities.[5] Within the Global South in particular, GIs are often framed as mechanisms through which local producers may capture greater value from traditional products while resisting the pressures of global trade. Yet the practical outcomes of GI protection remain uneven.[6] Questions persist regarding who ultimately benefits from GI registration, how value is distributed across supply chains, and whether formal legal recognition can meaningfully alter entrenched economic inequalities.

It is against this backdrop that this review essay engages with three recent contributions to GI scholarship: Worldwide Perspectives on Geographical Indications: Crossed Views between Researchers, Policy Makers and Practitioners (2025), edited by Emilie Vandecandelaere and collaborators; Geographical Indications of Indian Handlooms: Between Legal Right and Real Right (2022) by Nidhi Buch and Hetvi Trivedi; and Protecting Geographical Indications in Africa (2024) by Marius Schneider and Nora Ho Tu Nam. Though differing in scale and methodology, these works converge around a shared concern: how GI protection is experienced, institutionalised, and contested across the Global South. The edited collection Worldwide Perspectives maps the expanding conceptual and institutional terrain of GI governance across jurisdictions.[7] Buch and Trivedi examine the Indian handloom GI sector to interrogate the gap between legal recognition and economic benefit at the level of artisan communities.[8] Schneider and Ho Tu Nam extend this inquiry to Africa, situating GI protection within regional integration, legal pluralism, and post-colonial development governance.[9] Bringing these works into conversation, this review essay situates GI protection in the Global South within broader debates in international intellectual property law and development studies. It argues that GIs are best understood not as inherently developmental legal instruments but as contingent governance frameworks whose effects are mediated by institutional capacity, market relations, and local political economy.

I. Mapping the expanding terrain of GI governance

Read against these broader questions of development, Worldwide Perspectives on Geographical Indications: Crossed Views between Researchers, Policy Makers and Practitioners represents an important intervention in contemporary GI scholarship. Emerging from the 2022 Montpellier conference jointly organised by the Food and

[3] BOWEN Sarah, "Development from Within? The Potential for Geographical Indications in the Global South" (2010) 13(2) The Journal of World Intellectual Property 231 at 248.

[4] CALBOLI Irene, "Geographical Indications of Origin at the Crossroads of Local Development, Consumer Protection and Marketing Strategies" (2015) 46(7) IIC—International Review of Intellectual Property and Competition Law 760 at 768.

[5] VATS Naresh Kumar, "Geographical Indication-The Factors of Rural Development and Strengthening Economy" (2016) 21(5–6) Journal of Intellectual Property Rights 347 at 351.

[6] CARDOSO Vitória Aparecida et al., "The Benefits and Barriers of Geographical Indications to Producers: A Review" (2022) 37(6) Renewable Agriculture and Food Systems 707 at 719.

[7] VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025).

[8] BUCH Nidhi and Hetvi TRIVEDI, *Geographical Indications of Indian Handlooms: Between Legal Right and Real Right* (Abingdon and New York: Routledge, 2022).

[9] SCHNEIDER Marius and Nora Ho Tu NAM, *Protecting Geographical Indications in Africa* (Oxford: Oxford University Press, 2024).

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Agriculture Organization (FAO) of the United Nations, French Agricultural Research Centre for International Development (CIRAD), the Swiss Federal Institute for Intellectual Property (IPI), and the Organization for an International Geographical Indications Network (origin), the volume brings together contributions from academics, policymakers, producer organisations, and institutional actors across multiple jurisdictions. The collection's principal contribution lies not simply in the breadth of its geographical coverage but in its effort to situate GIs within a wider network of economic, institutional, environmental, and cultural concerns that increasingly shape international debates. Structured across four thematic sections, the volume addresses the conceptual foundations of GIs, institutional and regulatory systems, territorial development, and sustainability. The chapters illustrate the extent to which GI governance has evolved beyond a narrowly defined intellectual property framework into a broader mechanism of development policy. Importantly, the collection resists presenting GIs as a uniform legal category with predictable outcomes. Instead, the volume repeatedly indicates that the operation and consequences of GI regimes remain contingent upon local institutional arrangements, state involvement, producer organisations, and patterns of market integration.[10]

The opening section, devoted to the conceptual nature of GIs as intellectual property rights, is particularly significant in exposing the internal complexity of GI regulations itself. Several chapters interrogate the conceptual distinctions between Protected Designations of Origin, Protected Geographical Indications, and Traditional Specialty Guaranteed systems within the EU framework.[11] Rather than treating the EU model as coherent or settled, these contributions reveal significant tensions in the EU concerning territorial scope, authenticity, consumer perception, and the relationship between tradition and commercial adaptation.[12] The discussions surrounding specification requirements and the extension of geographical boundaries are noteworthy because they indicate that even within mature GI systems, the relationship between origin, quality, and market identity remains contested and politically negotiated. The volume is equally attentive to the uneven processes through which GI frameworks are institutionalised outside Europe. The chapters examining South America, ASEAN, Algeria, China, Japan, India, Brazil, Thailand, Senegal, South Africa, Colombia, Türkiye, and Vietnam collectively indicate that legal recognition alone does not guarantee effective GI governance. Several contributors highlight the phenomenon of "sleeping GIs", namely, products that obtain formal registration but fail to generate meaningful economic activity or producer mobilisation.[13] This discussion is particularly important because it directly challenges developmental narratives that treat registration as synonymous with empowerment. The recurring emphasis on institutional coordination, administrative capacity, and producer participation reinforces the broader point that

[10] COVARRUBIA Patricia and PURCELL Kerry, "Geographical Indications in South America: It's Not All About the Label. Cultural Factors and Networked Governance" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 67 at 71.

[11] CRUPI Maurizio, "Innovating the Link to Origin: Is There a Difference Between PDOs and PGIs?" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 37 at 48.

[12] GIMENO BEVIÁ Vicente, "The Traditional Specialty Guaranteed or the Protected Geographical Indication as Quality Schemes for the Protection of Jamón Serrano (Serrano Ham)" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 53 at 56.

[13] ZAPPALAGLIO Andrea, BELLETTI Giovanni, and MARESCOTTI Andrea, "Silent Registered EU GIs: What Is at Stake?" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 93 at 103.

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GI protection functions through complex governance infrastructures rather than through legal entitlement alone.[14]

A major strength of the collection lies in its sustained attention to territorial development and sustainability. The chapters addressing Senegal, Brazil, India, Thailand, Japan, and Algeria move the discussion beyond formal legal analysis towards the distributive and political economic dimensions of GI implementation. Particularly significant are the contributions examining cases in which state-led or export-oriented GI strategies marginalise traditional producers and local forms of knowledge.[15] The studies on Japanese GI governance, for instance, reveal how developmental priorities centred on production expansion and commercial scalability may displace historically rooted artisanal communities.[16] Similarly, the comparative analysis of rice GIs in India and Thailand indicates how differing levels of producer participation shape the distribution of economic benefits within GI systems.[17] The sustainability section further broadens the analytical scope of the volume by linking GI governance to climate change adaptation, biodiversity conservation, nutrition, and the Sustainable Development Goals.[18]

While some chapters adopt a more policy-oriented tone, the overall collection avoids uncritical institutional optimism. Instead, it consistently foregrounds the contingent and negotiated character of GI outcomes. Across its diverse contributions, GIs appear simultaneously as instruments of market differentiation, tools of territorial development, mechanisms of environmental governance, and sites of contestation over value distribution and cultural authority. The collection therefore makes an important contribution to understanding how GI regimes operate within uneven global economic structures, particularly in contexts where developmental aspirations intersect with institutional fragility and asymmetrical market relations.

II. Law, labour, and the limits of recognition in the Indian handloom GIs

Nidhi Buch and Hetvi Trivedi's Geographical Indications of Indian Handlooms: Between Legal Right and Real Right shifts the analytical focus towards the lived consequences of GI protection within a specific socioeconomic setting. The book makes a significant contribution to Indian GI scholarship by moving beyond doctrinal exposition and examining whether formal legal recognition translates into material benefit for artisan communities. In doing so, it addresses a central but insufficiently explored question within GI discourse: whether the conferral of legal rights meaningfully alters the structural conditions under which traditional producers operate. The book is structured across five chapters that move

[14] VANDECANDELAERE Emilie et al., "Sustainability Strategy for GIs: A Bottom-Up and Participatory Approach for GI Sustainability" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 343 at 349.

[15] FEUER Hart N and FORT Fatiha, "The Patrimony Blind Spot of Geographical Indication in State-Centered Governance: Mikawa Region Agri-food Products in Japan" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 275 at 281.

[16] SEKINE Kae, "The First Controversy Over GI Registration in Japan: A Case of Hatcho Miso" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 287 at 293.

[17] NAPASINTUWONG Orachos, PARAYIL Chitra, and RADHIKA A M, "Comparison Between Geographical Indication Indigenous Rice in India and Thailand: Regulations and Practices" in VANDECANDELAERE Emilie et al., eds., *Worldwide Perspectives on Geographical Indications: Crossed Views Between Researchers, Policy Makers and Practitioners* (Cham: Springer Nature Switzerland, 2025), 299 at 310.

[18] Vandecandelaere, *supra* note 14 at 350.

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systematically from doctrinal foundations to empirical investigation and policy evaluation. The authors situate their study within the broader evolution of GI protection under international intellectual property law while remaining attentive to the distinctive features of the Indian legal framework. Unlike many jurisdictions where GI protection is primarily associated with agricultural goods, India's Geographical Indications of Goods (Registration and Protection) Act, 1999, extends protection to handicrafts and handlooms, thereby incorporating artisanal and culturally embedded forms of production within the ambit of intellectual property protection.[19] Buch and Trivedi identify this as one of the most distinctive features of the Indian GI regime. Their account indicates how GI protection in India operates not only as a market instrument but also as a mechanism through which questions of cultural preservation, traditional knowledge, and rural livelihood are negotiated.

A major strength of the book lies in its methodological design. Combining doctrinal analysis with empirical fieldwork, the authors seek to bridge the gap between legal structure and social reality. The conceptual distinction they draw between "legal right" and "real right" provides the organising framework of the study and serves as an effective analytical device for interrogating the efficacy of the Indian GI regime. Rather than assuming that registration itself produces empowerment, the book examines the institutional and economic conditions that mediate the practical realisation of GI-linked benefits. The empirical sections of the book are particularly significant. Focusing on *Tangaliya* and *Kutch shawls* from Gujarat, the authors investigate how GI protection operates at the level of artisan communities whose livelihoods remain shaped by informal labour relations, weak market access, and limited awareness of legal entitlements. The fieldwork involving weavers across multiple districts reveals the unevenness of GI implementation and the limited extent to which producers themselves participate in or benefit from the legal regime ostensibly designed to protect them. The findings indicate that despite receiving GI status more than a decade earlier, these handloom clusters continue to experience precarious market conditions and declining economic viability. Importantly, the book avoids reducing these difficulties to mere enforcement failures. Instead, it highlights the broader structural conditions that constrain the effectiveness of GI protection. The analysis shows how traders, intermediaries, and commercial actors frequently capture the economic value associated with GI-tagged products, while primary producers remain marginal participants within the supply chain. This insight is especially important because it complicates celebratory narratives that portray GI registration as inherently developmental or redistributive.[20]

The discussion of state policy further strengthens the study. By examining welfare schemes, marketing initiatives, and institutional interventions alongside the legal framework itself, the authors conclude that GI protection cannot be evaluated in isolation from broader governance structures affecting the handloom sector. Their analysis suggests that the developmental potential of GIs depends not only on formal recognition but also on sustained institutional support, producer awareness, market access, and effective coordination between legal and policy mechanisms. At the same time, the book's significance extends beyond the Indian context. Its socio-legal approach offers a wider critique of the assumption, often present in international development discourse, that GI can independently generate equitable economic outcomes. By foregrounding the distance between formal entitlement and material realisation, Buch and Trivedi provide an important corrective to abstract and institutionally detached accounts of GI governance. The book therefore

[19] Vats, *supra* note 5 at 354.

[20] CEI Leonardo, DEFRANCESCO Edi, and STEFANI Gianluca, "From Geographical Indications to Rural Development: A Review of the Economic Effects of European Union Policy" (2018) 10(10) Sustainability 1 at 3–18.

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stands as a valuable contribution not only to Indian intellectual property scholarship but also to broader debates on development, labour, and distributive justice within the global political economy of GIs.

III. Regional integration, legal pluralism, and the political economy of GI protection in Africa

If Buch and Trivedi expose the distributive limits of GI protection within artisan labour and local production networks, Marius Schneider and Nora Ho Tu Nam's Protecting Geographical Indications in Africa extends that inquiry to regional and transnational governance. The work makes a major contribution by locating GI protection within broader histories of trade, territoriality, legal pluralism, and post-colonial development rather than treating it as a discrete branch of intellectual property law. In doing so, it reorients GI scholarship beyond its Eurocentric frame and positions Africa as a critical site where GI governance is being actively negotiated, institutionalised, and contested. Across the book, GIs appear less as self-executing legal entitlements than as governance mechanisms whose success depends upon administrative capacity, producer organisation, and market access. This insistence on contingency gives the book much of its analytical strength.

A particularly compelling aspect of the volume is its comparative structure. By moving across the African Regional Intellectual Property Organization (ARIPO) and African Intellectual Property Organization (OAPI) before turning to detailed national case studies, the authors dismantle any assumption of a singular African model of GI governance. What emerges instead is a fragmented and legally plural landscape shaped by colonial legal inheritances, uneven state capacity, export strategies, and differing relationships to global markets.[21] The contrast between OAPI's relatively coherent supranational GI regime and ARIPO's slower and more fragmented institutional development is especially revealing. It makes clear that GI governance is not simply a matter of substantive legal design but also of institutional architecture, and the political conditions under which legal protection is implemented and enforced.

The national chapters deepen this comparative insight. Jurisdictions such as Morocco and Mauritius are presented as having relatively developed GI frameworks closely tied to export strategy, while countries such as Nigeria and Angola continue to rely on fragmented trademark substitutes or incomplete legal frameworks. South Africa's hybrid approach complicates the picture further, dispersing protection across multiple statutory regimes without consolidating them into a dedicated GI framework. Rather than treating these differences as deviations from a presumed normative ideal, Schneider and Ho Tu Nam read them as evidence of multiple legal pathways through which GI protection is being adapted to distinct economic and institutional contexts. This methodological move is particularly important. It avoids measuring African systems against the EU model and instead treats legal variation as analytically significant in its own right.

The work is particularly incisive in tracing the asymmetrical political economy through which GI norms circulate internationally. It shows that GI governance in Africa has been shaped not only by domestic legislative choices but also by the EU, World Intellectual Property Organization (WIPO), donor-funded technical assistance, and broader development agendas. GI diffusion thus emerges not as a neutral extension of intellectual property law but as a form of legal transplantation embedded in trade politics and development

[21] ADEBOLA Titilayo, "The Legal Construction of Geographical Indications in Africa" (2023) 26(1) The Journal of World Intellectual Property 3 at 14.

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governance.[22] The book is especially persuasive in indicating how assumptions around traceability, certification, territorial delimitation, and collective management, rooted in European agricultural histories, do not always align with African production systems. This tension between legal protection and socioeconomic reality runs throughout the book and closely echoes Buch and Trivedi's concerns. As in the Indian handloom sector, many African GI economies are marked by dispersed production, weak institutional coordination, intermediary-controlled value chains, and uneven certification processes. In such contexts, registration does not necessarily redistribute bargaining power. GI protection may enhance a product's market reputation while leaving producers structurally peripheral to the value it generates. The benefits of protection are often captured by exporters or state institutions rather than by the communities whose labour and knowledge constitute the product itself.[23]

If the book leaves one question less fully explored, it is precisely this distributive dimension. Its legal and institutional mapping is exceptionally detailed, but empirical engagement with producer-level outcomes remains comparatively limited. Questions concerning intra-community benefit sharing, labour hierarchy, gendered participation, and measurable livelihood transformation receive less sustained attention than questions of doctrinal design and institutional structure. However, the book substantially advances the literature by repositioning GIs as instruments through which value, territory, and identity are not merely protected but actively constituted within uneven regimes of trade and development. Its broader significance lies in showing that the future of GI governance is increasingly being shaped not only in Brussels or Geneva but through regional institutions, domestic experimentation, and producer economies across the Global South.

IV. Accounting for the hybridity of GI governance

These three works invite a reconsideration of how GIs are theorised within international intellectual property law. They suggest that the central question is no longer whether GIs "work", but under what political, institutional, and economic conditions they do, for whom, and to whose benefit. Read collectively, they unsettle the persistent tendency within both legal scholarship and development policy to treat GI registration as a self-executing pathway to rural development.

A striking thread running across the three books is the disjuncture between legal recognition and economic realisation. Across jurisdictions, the juridical act of registration repeatedly appears less as an endpoint than as the beginning of a longer process of institutional mediation. Rights over GI do not circulate in a vacuum. They move through certification bodies, state agencies, export markets, producer associations, traders, and development programmes, each of which shapes how value is translated, distributed, or withheld. The legal protection of reputation, therefore, does not necessarily produce economic protection for producers.[24]

This has broader implications for international economic law. GIs are often distinguished from other forms of intellectual property because of their collective and territorially embedded character. Yet the works reviewed here indicate that collective ownership does

[22] CHABROL Didier, MARIANI Mariagiulia, and SAUTIER Denis, "Establishing Geographical Indications Without State Involvement? Learning from Case Studies in Central and West Africa" (2017) 98 (October) World Development 68 at 75.

[23] HARI Ananthu S. and K. D. RAJU, *Geographical Indications in the Free Trade Agreements Signed by Asian Countries* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2024).

[24] LI Chunyan et al., "Do Geographical Indication Products Promote the Growth of the Agricultural Economy? An Empirical Study Based on Meta-Analysis" (2023) 15(19) Sustainability 1 at 10.

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not insulate GI regimes from exclusion, elite capture, or unequal bargaining power. If anything, it frequently relocates distributive conflict into governance structures surrounding standard-setting, market access, and control over certification. Questions of inclusion and exclusion are therefore not external to GI protection; they are constitutive of it.

The review also reveals the limits of legal transplantation as a development strategy. The diffusion of GI protection through TRIPS, bilateral trade agreements, and technical assistance frameworks has enabled significant normative convergence. Yet legal convergence has not produced institutional convergence.[25] The EU-derived vocabulary of terroir, traceability, and specification travels globally, but its operation remains deeply contingent upon local histories of labour, land, informality, and commerce. This gap between legal form and socioeconomic context is particularly visible across the Global South, where producer communities often encounter GI governance through unequal infrastructures of compliance and market participation.[26]

What emerges, then, is a more complex account of GIs: not simply as intellectual property rights but as sites where international law, development governance, and local political economy converge. Their significance lies precisely in this hybridity. They are simultaneously legal instruments, market strategies, and distributive institutions. Any assessment of their developmental potential must therefore move beyond registration statistics and doctrinal design towards questions of governance, participation, and control over value.

The works reviewed here collectively indicate that the developmental promise of GIs remains contingent rather than inherent. GI protection in the Global South cannot be evaluated through formal registration alone, but through the institutional and material conditions that shape participation, value capture, and producer control. Viewed through this lens, GIs emerge not merely as instruments of intellectual property protection but as contested sites within international economic law where questions of development, redistribution, and economic justice are continuously negotiated.

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[25] RAUSTIALA Kal and MUNZER Stephen R, "The Global Struggle over Geographic Indications" (2007) 18(2) European Journal of International Law 337 at 343.

[26] SAUTIER Denis, Estelle BIÉNABE, and Claire CERDAN, "Geographical Indications in Developing Countries" in Elizabeth BARHAM and Bertil SYLVANDER, eds., *Labels of Origin for Food: Local Development, Global Recognition* (Wallingford, UK: CAB International, 2011), 138 at 141.

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