

**AMODERN TERRITORIES: WORKING POTATOES AND PROPERTIES IN AN
ERA OF INFORMATIONAL CAPITAL**

**Rosemary J. Coombe (Canada Research Chair, York University) and
Marc Griebel (Independent Scholar)**

**A paper presented at the Onati Institute Alternative Practices of
Property Symposium, April 3-4, 2014**

The paper explores the conditions which enabled the emergence of a self-determining indigenous territory structured around the management of potato genetic resources (the Potato Park in Peru). Situating this hybrid form of governance within neoliberalism and informational capitalism and the regimes of proprietary governmentality they privilege, we suggest that new cultures of proprietary attachment are articulated as human rights practices. Showing how this ‘amodern’ territory was constituted out of legal resources and policy norms at multiple scales, we illustrate how relationships between nature and culture are reconfigured, legitimating tropes of intellectual property are adopted, adapted and challenged, and cultural heritage practices are put to new ends in practices of indigenous jurisgenesis.

I. Introduction

Biocultural heritage resources are hybrid creatures that have emerged to politically facilitate governance schemes that restructure relations between the social and the natural. The concept of biocultural heritage resources (now extrapolated to biocultural heritage territories and biocultural heritage planning; Swiderska 2006, Argumedo & Pimbert 2008, Davidson-Hunt et. al. 2012) legitimates and spatialises fields of biological diversity as the cultural work of indigenous communities. We will illustrate this by exploring the multiscale legal conjunctures that were articulated so as to engender a Potato Park, near Písaq, a village near Cusco, Peru, in a unique example of jurisprudential ethnogenesis.¹ In this process, I will suggest, an indigenous subject-position was articulated in which human natures were reimagined alongside natural socialities in the making of ‘resources’ for neoliberal regimes and informational markets that simultaneously

¹ Lawrence Grossberg’s model of conjunctural analysis, in which the cultural analyst explores “a social formation as fractured and conflictual, along multiple axes, planes and scales, constantly in search of temporary balances or structural stabilities through a variety of practices and processes of struggle and negotiation... a moment defined by an accumulation/condensation of contradictions, a fusion of different currents or circumstances” (Grossberg, 2010: 4). Griebel used the method to uncover the process of dynamic negotiations amongst global, regional, national and local actors as well as policy norms, values and community aspirations that enabled the emergence of structural stability in the Potato Park’s instantiation. Although conjunctures occur within the specificity of locales, they have the capacity to shape the global fields where these forms will be rearticulated in those relations of friction elaborated by Anna Tsing (2005).

served as principles for indigenous self-determination.

To make this argument, we want to first frame it within in a larger project of research exploring the ‘work’ of culture in the era of neoliberal governmentalities and informational capitalism. I will then provide some historical detail about the Potato Park before proceeding to illustrate how it articulated a series of new hybrid forms of law and governance configured at the conjunctures of some unique legal and political forces.

II. Culture and Neoliberal Governmentalities

Recently Coombe has argued that the increasing reification and objectification of culture under international policy regimes is simultaneously an expression of neoliberal governmentality and, by virtue of the way it impinges upon and makes people aware of their cultural rights, the place of its potential limit (Coombe 2009, 2011a, 2011b). I am interested in institutions in which the law embraces culture as a resource in new processes of marketization and other means of managing intangible cultural forms (Taylor 2010). This follows upon, but complicates the oft-told tale of intellectual property’s globalization as pushing the frontiers of an unprecedented wave of commodification (Busch 2010). Coupled with new digital and genetic technologies, fields from medicine to agriculture have been transformed while apprehensions of global homogenization and corporate prospecting have triggered new attention to the specificities of local traditions and traditional knowledge (citations).

The work of culture in an era of informational capital is contradictory, and the work of global institutions in effecting social transformation is more complex than a simple narrative commodification allows. We see many new relationships emerging between culture and the proprietary imagination (not all of which involve the expansion of intellectual property; some of which actively *resist* intellectual property as an incorporating logic, and others deploy it quite selectively) in what we are going to designate “cultures of proprietary attachment”. In all of the institutional arenas with which we are concerned, we see the emergence of a new global imaginary in which the specificities of local tradition are the focus of new attention and new technologies of management. Projects of extending IP (and resisting IP) with respect to TK and TCEs, policies recognizing communities as holders and stakeholders with respect to intangible cultural heritage, and those encouraging communities to pursue ethnodevelopment, engage in eco-ethnotourism, or to develop and market tradition-based goods through the use of geographical indications are all projects of neoliberal governmentality (citation). They involve new forms of marketization, constitute new means for ‘governing at a distance’ (Gibbon and

Henriksen 2012) and involve new modes of subjectivation (Read 2009). We witness the proliferation of ‘communities’ as new actors in transnational politics, autonomised collectives enrolled in practices of cultural governance (Coombe 2011a, 2011b). In such projects, culture is both reified and animated as an asset base that can be leveraged for competing with other communities as distinctive places in markets, sources of distinctive goods and destinations for unique experiences.

Such projects of neoliberal governmentality, however, have limits (Coombe 2007). Practices of neoliberal government rarely produce subjects according to plan. To the extent that neoliberalism engages culture and encourages people to reify and voice their relation to forms of significant social distinction, it encounters local histories, meanings and values that cannot always be contained within its narrow agendas (Clarke 2009, Kingfisher and Maskovsky 2008, O Malley 1996). We need to explore instances where specific forms of governmentality encounter other forces, histories, and discursive resources. Drawn as we are to human creative political agencies in legalized fields of power as spaces of both constraint and opportunity, we seek instances of political genesis in the socially generative fields of cultural policy.

As Canadian anthropologist Patrick Wilson (2008) summarizes, it is widely understood that neoliberalism in Latin America was first articulated at the intersection of environmental politics and cultural identity, through state and NGO practices spatially reconfiguring ‘communities’ mapped onto landscapes, a process in which indigenous peoples have made considerable political gains. Indeed, “ethnographic research has linked the emergence of indigenous social movements to neoliberal reforms that coalesced around shared cultural identities to exploit incoherencies and opportunities in neoliberal state practices” such that “indigeneity appeared to be an effective tool for collective resistance to neoliberal policies” (Wilson 2008: 128). Investments in indigenous difference were met with new assertions of indigenous subjectivity that articulated the demands and opportunities of environmentality (Agarwal 2005: 325) with the dignity of an indigenous subject position to assert rights consonant with the Draft Declaration of Indigenous Rights (Coombe 2005, 2013).

Charles Hale has suggested that under neoliberal conditions in which powers are decentralized and devolved and independent entrepreneurial cultural communities are promoted by state and international agencies, territorial autonomy may no longer serve as the horizon for transformative politics (2011: 204). If some indigenous communities are targeted for ethno-developmental investment, others find that territorial recognition and autonomy – a new cartography of presence – may be a mapping for economic abandonment and enclosure. Securing

territory may provide a resource base, limited rights but extensive responsibilities, new disciplinary procedures, modest employment prospects, but few means “to challenge either the market-based disciplines of the global economy or persisting state authority as the ultimate arbiter of communities’ political affairs” (205). Political emphasis, he suggests, needs to shift from autonomy as devolution of authority to autonomy as promoting self-sustaining forms of production in which transnational linkages to other indigenous peoples are crucial (204). In both Andean and Amazonian regions we see indigenous peoples doing precisely this – projecting conceptions of territory within a cultural rights framework that emphasize new forms of recognition, redistribution, and sustainable economic activities as political resources to be shared with a global indigenous social movement (Andolina et al. 2009, Laurie et al. 2005).

III. The Potato Park: A Work in Progress

1. Factual History

On December 4, 2004 the “Agreement on the Repatriation, Restoration and Monitoring of Agrobiodiversity of Native Potatoes and Associated Community Knowledge Systems” - hereinafter the Repatriation Agreement (RA) - was signed in Lima, Peru, between the International Potato Center (CIP), a globally-networked modern agriculture research and development institution, Asociacion ANDES, an indigenous NGO, and the Potato Park, a territorialized organization of 6 indigenous Quechua- speaking communities. Under the RA the germplasm of 410 native potato varieties storehoused in CIP’s gene bank were identified and ‘returned’ to the Quechua villages constituted as a community through the establishment of the Park. They also received recognition of their “inalienable intellectual property rights”, and “associated community knowledge” in and of these agricultural crop genetic resources (I am going to call this CGR).²

Building upon this founding Agreement, the Potato Park has constituted itself as an R & D institute in agriculture, gastronomy and health care as well as an ecotourism attraction. This has been accomplished, moreover, through a revitalization of interest in and commitment to customary law, expressed through an articulation of indigenous Andean *ayllu* norms and values as governance principles for access and benefit sharing. In the process of forging the Park, the concept of biocultural heritage resources emerged. It is defined as:

“Knowledge, innovations, and practices of indigenous and local communities which are

² “Crop genetic resources’ or CGR refers to the genetic material found in the plant germplasm of agricultural plant varieties

collectively held and inextricably linked to traditional resources and territories, local economies, the diversity of genes, varieties, species and ecosystems, cultural and spiritual values, and customary laws shaped within the socio-ecological context of communities” (Swiderska, 2006: 3).

Such a collection initially appears to an outsider more like Borjes’ ancient Chinese encyclopedia than the basis for a transnationally networked biopolitical regime legitimated by international law, or a political resource for indigenous futures. Nonetheless it has functioned in a significant way to undermine modern constitutions and to offer up *amodern* political possibilities.

2. The Modern Constitution and Its Intangible Properties

To explore the constitutive conjunctures that enabled the Potato Park’s unique hybridizations of governance and subjectivity to emerge, it is useful to revisit Latour’s modern Constitution which informs modern law and property. The “modern Constitution” historically dominating western cosmology is structured by the divide between “nature” and “culture” which divides the world into two distinct, purified fields of activity. The world of nature and non-humans is objectively explored and understood through scientific inquiry. The realm of human activity is governed by its own social and economic logics and subject to politics. Within this system “culture” is conceived of as the product purely of human expression, inscription, intervention, and innovation through which human mastery over natural systems is demonstrated. A secondary divide is projected between a modern “Us” – those who “differentiate absolutely between Nature and Culture” and those “others” (considered to be “premodern”) who:

. . . “cannot really separate what is knowledge from what is Society, what is sign from what is thing, what comes from Nature as it is from what their cultures require. Whatever they do, however adapted, regulated and functional they may be, they will always remain blinded by this confusion; they are prisoners of the social and of language alike” (Latour, 1993: 99).

Within this constitution, indigenous peoples, in particular, are viewed as lacking the ontological capacity to distinguish between the material and the symbolic and thus the natural and cultural, and thereby incapable of properly performing those modern practices understood to depend upon such distinctions. The goal of state institutions has thus been to facilitate the modernization of indigenous cultures.

These same divisions and distinctions are readily apparent within the modern property regimes that determine how CGR’s are defined and utilized. Modern institutions view plant

germplasm as the product of nature, a ‘raw’ material not yet ‘cooked’ through human processes, and thus outside of the proprietary regimes that protect modern human inventions. Seemingly untouched or unworked biological resources are thereby put into the realm of “common heritage” a romanticized realm where the free flow of biological resources is believed to be in the best interest of humankind (Brush 2012). In order for plant material to enter human systems of ownership and capital exchange, a meaningful cultural change must be accomplished that involves ‘sufficient’ human labor for it no longer to be ‘purely natural’ (van Dooren, 2008: 681).

In the case of CGRs this human work or cultural innovation is realized through the scientific practices of biotechnology -- genetic isolation, inscription and transfer (van Dooren, 2008: 683). Genetic manipulations express a distinctly human intervention that is legible through genetic analysis, and legitimated as the property of an inventor through intellectual property regimes that legally recognize and protect genetically modified germplasm (Perry 2000). Thus, the modern division of nature as a separate realm of material and activity is “created through legal, political, and textual acts of purification” (van Dooren, 2008: 684). So called natural forms of genetic material are taken to be open resources for the production of a second, properly cultural realm of genetically altered resources protected as intellectual property.

Within these definitions of invention a specific understanding of what counts as human also emerges. Human inventions are the product of *homo faber*, the working man, the author or inventor. The “rhetoric of invention relies on and reinforces a conception of a particular human, who, as a rational actor, works on, not from within nature” (van Dooren, 2008: 682). These divisions not only establish the means by which human claims to CGR’s may be made, but function to obscure and deny so-called traditional farmers’ contributions to the development of CGR’s even though their work creates the base of CGR that modern systems of production rely on as essential resources for their own cultivations (Brush 1999; 2012).

Indigenous contributions may be made collectively and over long timespans, the product of working with nature in sociocultural environments rather than acts of isolation in labs. They do not exhibit the characteristics through which innovation is legible to modern institutions (Dove 1996: 43) -- the individual creation of differentiation or novelty. Historically, they were seen as part of natural systems of evolution, unrecognized as cultural activity and ineligible for protection as intellectual property. Delegated to field of common heritage resources, their work was easily ignored and appropriated by modern agricultural institutions in plant breeding programs. Hence institutions like the International Potato Centre (CIP) collected hundreds of varieties of seeds in the Andes in the 1970s for their Lima gene bank without any thought being given to obtaining the

consent of the Quechua farmers in whose fields they were found (citations from bibliography).

3. Biocultural Diversity and Informational Capital

Only in the late 1980s did hybrid sciences -- combining natural and social sciences -- emerge to explore the relationships between cultural and natural worlds (ethnobotany being one example; see Pretty et al, 2009), eventually translating the biodiversity concept into one of “biocultural diversity” (Maffi, 2005), precisely, it seems, to *counter* the tendency of modern agricultural institutions to conceive the valuable qualities of seeds as “plant genetic resources” (Pistorius 1997). With the advent of biotechnology and its capacity to isolate, extract and control what became understood as essentially informational goods (Perry 2000) and the capacity of digital communications technology to enable scientists and communities in the Global South to trace the ways in which such resources were being utilized and profited upon (citation), conditions were ripe for the projection of alternative understandings of plant genetic diversity as the work of indigenous or traditional authorship.

The Peruvian Andes provided an especially attractive space for such an endeavor. It is the centre of origin for potatoes (Dias & Costa 2008), in which a great range of potato diversity could be made legible in a variety of ecological niches provided at various altitudes (Brush et al 1995) that farmers had been cultivating for decades to provide a form of “nutritional insurance” in harsh conditions. Such seeds were further hybridized through trade and ritualized seed exchange, in relations of sociality which are only today being recognized and recovered in those practices of cultural revitalization that reanimate the indigenous *ayllu*. (Gonzales and Weismantel).

In the longer paper from which this is drawn we trace the ways in which finding a global ‘fix’ for biodiversity loss was handled within the Convention on Biological Diversity, through the rejection of the “common heritage of humankind” doctrine, and how indigenous and local communities with traditional lifestyles were ‘recognized’ within a regime that put genetic resources under state sovereignty, we trace how “the tragedy of the commons” was evoked to attempt to put intellectual property in the service of preserving biocultural diversity. The policy deliberations around intellectual property and indigenous peoples, in particular, created opportunities for alternative proprietary imaginaries to emerge (citation) and provided the conditions of possibility for the Potato Park by lending credence to the argument that indigenous peoples create CGR as, what I have elsewhere deemed ‘works in progress’ (Coombe 2003).

As a political practice, the articulation of “biocultural” resources and heritage simultaneously takes up and breaks down the “modern Constitution” that separates natural

diversities from cultural practices, and asserts a more holistic conception of biological and cultural relationship. Although such interrelationships are anticipated internationally by indigenous rights instruments (Ahmed, Aylwin and Coombe 2008) -- that embrace the principle of heritage to counter simple concepts of property, as well as UNESCO recognition of some landscapes as a form of cultural heritage (Coombe and Turcotte 2012), the Potato Park pushed prospects that were latent in these concepts in new directions.

Griebel has done excellent work tracing the institutional networks of translation that conjoined national and international norms and proprietary standards to enable the Potato Park to emerge as a unique locality. Although clearly an instance of local interpretations of global legal standards usefully explored through the concept of “mapping the middle” (to evoke Sally Merry), the biocultural is also, in Anna Tsing’s terms, a “word in motion” (Tsing 2009). As such, it configures new constraints and possibilities as it is translated and transformed in articulation with vernacular understandings (Tsing 2009: 12) and then again as it is conjoined with such terms as ‘heritage’ ‘planning’ and ‘sustainable development’ and inserted into the networks of international indigenous and environmental politics.

We address three instances of conjuncture in which the diversity of the potato was worked by and for Quechua peoples in hybridized assemblages of law and government. First, we consider the politically productive extension of the concept of repatriation. Second, we explore the assertion and recognition of tradition’s modern responsibilities. Third, we trace the interpretation of a purportedly universalizing global trade law (the TRIPs Agreement) that was articulated so as to embrace Andean cosmologies. In all of these activities the potato is worked in diverse ways to further both indigenous self-determination and *amodern* futures. The *amodern* marks the refusal of the distinction between the premodern and the modern, tradition and modernity, to insist instead upon the dynamism of their fusion in practices that maintain their specificity (Latour 1993).

4. Repatriation: Decolonising Relationships and Extending the Range of Cognizable Cultural Properties

Under international law, those things (objects, monuments, practices, forms, and increasingly, expressive practices etc.) which constitute heritage, or patrimony, are ‘inalienable’ from the community to whom they are heritage by virtue of their significance to the identity of the community imagined collectively. Although patrimony was first legally naturalized as *national* heritage there has been a marked if contested global shift toward recognizing communities,

particularly indigenous ones, as having specific forms of heritage in their own right. As a centre of biodiversity and posterchild for the potential victimization of bioprospecting, the state of Peru was instrumental in this process.

Whereas early Andean regional laws focused on restricting access to resources to ensure benefit sharing and emphasized what later became known as “the free, prior and informed consent” of indigenous communities, the Peruvian government, at the behest of NGOs, recognized traditional knowledge, at least, as the cultural heritage of communities -- “inalienable and inalienable” (Tobin 2009:28 citing Peruvian Law of 2000, Articles 11 and 12). Although this might have been originally meant as a paternalist gesture of protection against inappropriate forms of commodification -- in light of the global controversy over an infamous bioprospecting deal involving indigenous peoples -- it opened other new conceptual possibilities for governance which the Repatriation Agreement (the RA) appears to have seized and realized.

The RA clearly recognized the Potato Park as a territorial community, which, under Peruvian law, is a status bestowed upon a collective that can demonstrate shared objectives and the capacity to hold collective property. The RA is also a modern contract in which the corporate personhood of the various parties is clearly expressed and the division of rights and responsibilities are clearly mutual expectations. The Potato Park might be viewed as a neoliberal subject, a legible community vested with responsibilities for the self-management of its heritage (Coombe 2012) which thereby also figures as a unique form of indigenous autonomy (Blaser et al. 2011). The Potato Park is also registered and recognized as an exclusive trademark which already marks goods and services and might aspire to global recognition as a geographical indication. Whether or not potatoes have *terroir*, there are certainly many factors, not least of which are unique principles of indigenous self-governance, which might justify a claim that their characteristics (which includes their reputation) derive from their local conditions of production.

The Potato Park RA represents the first contemporary case of CGR (and their intellectual property rights) being claimed as a form of cultural property by a community constituted, it would appear, for precisely that purpose. Material which modern institutions and discourses regard as being either scientific (as genetic information) and/or economic (an informational good that can be turned into an IP protected asset), is here hybridized into what is eventually referred to as a biocultural heritage resource. To the extent that the CBD had already opened the door to plant genetic resources as biocultural property, it was just a small leap to extend rhetoric and practices from the field of cultural property policy to cover these goods. This extends the horizon of cultural properties and the realm of cultural heritage into new realms of material and

informational value.

Whereas indigenous rights rhetoric has long provided generalized identifications between indigenous identity, heritage and nature, biocultural heritage incorporates much more specific, modern terminology. Nature does not remain a vague spiritual, environmental, or romantic concept but is elaborated as “genes, varieties, species, and ecosystems”, thereby aligning indigenous interests with those modern scientific and agricultural institutions that translate natural materials through the field of genetics. BCH embraces and legitimates a patrimonial connection with genetic materials as properties of a cultural nature, providing opportunities for indigenous peoples to engage a broader set of resources and institutions than previously recognized within the legal field of cultural property.

If repatriation acts as a form of restitution that acknowledges the historical injury of colonialism and attempts to some degree to redress it through the return of appropriated goods with which descendant communities identify, it has nonetheless evolved to embrace even more overt political content. For example, efforts to share materials in cultural archives have created enriched vocabularies for understanding relationships of property as distributed social networks of rights and responsibilities governed by specific protocols for access and the sharing of benefits (here I would reference the work of Haidy Geismar, Kim Christen, and Tatiana Flessas). Such protocols may be tailored to build capacities for endogenous development and are often expressly linked to cultural revitalization movements in which cultural goods serve as more spiritual or cosmological resources. Such contemporary practices of repatriation (particularly in museum and archival contexts) are understood, not as the discrete transfer of objects to a place and party representing an originating context, but as the ritual beginning of an ongoing *relationship* in which the community of origin is acknowledged as an equal partner in a process of mutual recognition and research (Aylwin and Coombe 2013). Ideally, these are cultural rights practices of intercultural dialogue.

5. Recognizing Traditions’ Modern Responsibilities

The RA recognizes “the role of the Potato Park in developing a community protocol for the management of knowledge systems, in accordance with the customary rights and responsibilities of the communities”, who shall “implement this Agreement in such a way as to reflect the principles of open sharing for mutual benefit and for the benefit of humanity” (RA, VII, 1). Two points: What the CBD calls traditional environmental knowledge and the modern Constitution might deem irrational relationships to plants, if not denigrating these as mere superstition, is here

referenced, not as culture, but as a ‘knowledge system’ in need of management. The projection of traditional knowledge as a system infers that it is not merely incommensurable but that it embodies an alternative rationality.

Although the RA clearly situates potato CGR and associated knowledge within a local, cultural and patrimonial framework, it also ties its implementation to global principles shared by humankind. Traditional responsibilities and modern obligations are fused so that the local serves the global, not by being subsumed or ignored by it, but by making tradition a unique contribution to modernity and its liberal commitments to open sharing for humanity’s benefit (progress, in other words). Once again, however, any pretence to universality is eschewed; it is only by enabling and supporting indigenous peoples in fulfilling their traditional responsibilities that such modern needs may be met.

What also becomes clear from a reading of the Park’s explanatory documents is that Quechua peoples understand themselves as becoming more fully Quechua when they are enabled to govern these resources according to traditional Andean principles. The story of how, precisely, these Quechua communities came to identify with potato CGR as their patrimony is the part of this story that remains most opaque to me, but it is clear that Association Andes, at least in retrospect, regards the revitalization of Andean cosmovisions as an essential part of its mandate. In any case the operation of this regime of natural cultural sociality has produced unique Andean subjects and a distinctive indigenous subject position as it has simultaneously produced a new autonomous zones of indigenous governance through recognition of customary law.

6. Customary Law as *Sui Generis* Regime: The TRIPs Agreement embraces the *Ayllu*

The World Trade Organization’s TRIPs Agreement, which governs international IPR protections and the flow of protected goods in trade, stipulates that Members must protect plant varieties, but that they may do so “either by patents or by an effective *sui generis* system or by any combination thereof” (Leistner, 2008: 32). It has long been a practice within modern legal systems to acknowledge that some forms of protectable human innovation do not fit into conventional IP categories and need to be protected by a law “of its own kind.” This has accommodated legislation protecting ship hulls, integrated circuits, and databases, for example.

In 2000 the World Intellectual Property Organization constituted a special body for exploring issues around genetic resources, traditional knowledge and folklore, the Intergovernmental Committee (called the IGC) in which indigenous peoples have been active if never full participants. The IGC has been urged to explore conceptual and practical means of conjoining

sui generis protections with the biocultural resources of indigenous peoples and in this forum as in the CBD, indigenous peoples have struggled to maintain the prospect of having their own customary law recognized as a viable, if not the only viable, means for protecting crop genetic resources. In 2010 the CBD urged state creation or recognition of “*sui generis* systems for the protection of the knowledge, innovations and practices of indigenous and local communities ...taking into account customary laws, practices and community protocols with the knowledge, participation and involvement of indigenous peoples” (COP 10, website). This clearly envisions hybridized regimes of modern and customary law under the rubric of the *sui generis*, which are also authorized by international access and benefit sharing principles, which, being subject to national law, are without any necessary ‘teeth’ (CBD, 2011: 12) without such regimes in place. Moreover, these global norms provide the Potato Park with legitimating resources for incorporating principles of *ayllu* custom into the indigenous governance model contained within the Community Biocultural Protocol that governs access and distribution of benefits from potato CGR (ANDES, 2011: 12). Potato Park leaders were actively involved in the global negotiations through which the *sui generis* was inscribed with indigenous custom. The Park itself may be one of the first venues in which such a hybrid regime has been institutionalized and put into practice. This presentation is already too long to detail these principles and their operation.

7. Conclusion: Working the Potato

By ‘working the potato’ we index two increasingly interrelated forms of governmental legibility and another place of political possibility. In this project of respatialisation or, more appropriately, reterritorialisation, Association Andes and the linked communities put the potato to work for them in new ways.

The potato is clearly worked to provide new sources of employment, livelihood, governance and political recognition for these Quchua communities. It is made the subject of new investments and identifications, and subjected to new practices of management, mapping, and inventory. The potato was also ‘worked’ in a more fundamental sense, for purposes of expressing a legible form of authority. The concept of the work, Coombe has argued, is the rhetorical means by which modern Western law has sequestered and privileged those forms of human creative endeavor that result in forms protected by intellectual property. Intellectual property is the preferred, standardized, legal means for creating domains of legibility for informational goods in capital markets. The potato here becomes the collective, cultural work of a people, expressed in a territory marked by their signature energies, to be governed according to their own norms and

values.

Finally, let us end provocatively by suggesting that potatoes have their own agency within the *ayllu*; they do work for humans only when handled with reverence and care in the reproduction of a cosmos that is increasingly understood within Peru as an integral part of the polity.

WORKS CITED

Agrawal A (2005) *Environmentality: Technologies of Government and the Making of Subjects*. Durham, NC: Duke University Press.

Ahmed M, Aylwin N & Coombe R J (2008) Indigenous cultural heritage rights in international human rights law. In Bell C & Patterson R (eds) *First Nations' Cultural Heritage and Law: Rights and Reconciliation, Volume Two* (pp. 533-583). Vancouver: University of British Columbia Press

ANDES & IIED (2012) *Community Biocultural Protocols: Building Mechanisms for Access and Benefit Sharing Among the Communities of the Potato Park based on Quechua Norms-Detailed Report* London: IIED

Andolina R, Laurie N, & Radcliffe S A (eds) (2009) *Indigenous Development in the Andes: Culture, Power, and Transnationalism*. Durham N.C.: Duke University Press.

Argumedo A & Pimbert M (2006) *Protecting Indigenous Knowledge Against Biopiracy in the Andes*. London: IIED

Aylwin N & Coombe R J (2014) Marks indicating conditions of origin in rights-based sustainable development. In Buchanan R and Zumbansen P (eds) *Human Rights, Development and Restorative Justice: An Osgoode Reader* (pp. 97-118). Oxford: Hart Publishing.

Blaser M, de Costa R, McGregor D, Coleman D (eds) (2010) *Indigenous Peoples and Autonomy: Insights for a Global Age* Vancouver: UBC Press

Brush S B, Kesseli R, Ortega R, Cisneros P, Zimmerer K, Quiros C (1995) Potato diversity in the Andean center of crop domestication *Conservation Biology*. 9: 1189-1198

Brush S B (1999) Bioprospecting in the public domain *Cultural Anthropology*. 14: 535-555

Brush S B (2012) The demise of 'common heritage' and the protection for traditional agricultural knowledge. In Charles McManis (ed) *Biodiversity and the Law: Intellectual Property, Biotechnology and Traditional Knowledge* (pp. 297-315). London: Earthscan

Busch, L (2010) Can fairy tales come true? The surprising story of neoliberalism and world

agriculture *Sociologia Ruralis* 50 (4): 331-351

Clarke, N (2009) In what sense 'spaces of neoliberalism'? The new localism, the new politics of scale, and town twinning *Political Geography*. 28 (8): 496-507.

Convention on Biological Diversity (2011) Nagoya Protocol on access to genetic resources and the fair and equitable sharing of their benefits arising from their utilization to the Convention on Biological Diversity. Montreal: Convention on Biological Diversity

Coombe, R J (2003) Works in progress: Indigenous knowledge, biological diversity and intellectual property in a neoliberal era. In Perry R W and Maurer B (eds) *Globalization Under Construction: Governmentality, Law and Identity* (pp. 273-314). Minneapolis: University of Minnesota Press

Coombe R J (2005) Protecting traditional environmental knowledge and new social movements in the Americas: Intellectual property, human right or claims to an alternative form of sustainable development?. *Florida Journal of International Law* 17 (1): 115-135

Coombe R J (2007) The work of rights at the limits of governmentality. *Anthropologica* 49 (2): 284-289

Coombe, R J (2011) 'Possessing culture': Political economies of community subjects and their properties. In Strang V and Busse M (pp. 105-127). *Ownership and Appropriation*. New York: Berg

Coombe R J (2012) Managing cultural heritage as neoliberal governmentality. In Bendix R. et al., eds. (Ed.) *Heritage Regimes and the State* (Vol. 6). Universitätsverlag Göttingen.

Coombe R J (2013) Minding your Difference: Heritage Politics and Governmentality. Presentation to the Victoria Colloquium in Political, Social and Legal Theory, University of Victoria, March 8. On file with author

Coombe R J and Turcotte J (2012) Indigenous cultural heritage in development and trade: Perspectives from the dynamics of intangible cultural heritage law and policy. In Graber C, Kuprecht K and Lai J (eds) *International Trade in Indigenous Cultural Heritage* (pp. 211-236). Cheltenham: Edward Elgar

Davidson-Hunt I J, Turner K L, Mead A T P, Cabrera-Lopez J, Bolton R, Idrobo C J, Miretski I, Morrison A and Robson J P (2012) Biocultural design: A new conceptual framework for sustainable development in rural indigenous and local communities. *Surveys and Perspectives Integrating Environment and Society* 5: 1-22

Dias C C and da Costa M C (2008) Indigenous claims to native crops and plant genebanks: A case study from Peru. Paper presented in the IV Globelics Conference, Mexico City, September 22-24

Dove M (1996) Center, periphery, and biodiversity: A paradox in governance and a

developmental challenge. In Brush S B and Stabinsky D (eds) *Valuing Local Knowledge: Indigenous People and Intellectual Property Rights* (pp. 41-67). Washington D.C.: Island Press

Gibbon P & Henriksen L F (2012) A Standard Fit for Neoliberalism. *Comparative Studies in Society and History* 54 (02): 275-307

Grossberg, L (2010) *Cultural Studies in the Future Tense*. Durham, NC: Duke University Press

Hale C R (2011) Resistencia para que? Territory, autonomy and neoliberal entanglements in the 'empty spaces' of Central America. *Economy and Society* 40 (2): 184-210

Kingfisher C & Maskovsky J (2008) Introduction: The limits of neoliberalism. *Critique of Anthropology* 28 (2): 115-126

Latour B (1993) *We Have Never Been Modern* Catherine Porter (tr). Cambridge, Mass: Harvard University Press

Laurie N, Andolina R, & Radcliffe S (2005). Ethnodevelopment: social movements, creating experts and professionalising indigenous knowledge in Ecuador. *Antipode* 37 (3): 470-496

Leistner M (2004) Traditional knowledge. In Silke von Lewinski (ed.) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore* (pp. 49-151). New York: Kluwer Law International

Maffi L (2005) Linguistic, cultural and biological diversity. *Annual Review of Anthropology* 29: 599-617

Merry S (2006) Transnational human rights and local activism: Mapping the middle. *American Anthropologist* 108: 38-51

O'Malley P (1996) Risk and responsibility. *Foucault and political reason: Liberalism, neo-liberalism and rationalities of government* (pp. 189-207). Chicago: University of Chicago Press

Parry B (2000) The fate of the collections: social justice and the annexation of plant genetic resources. In Charles Zerner (ed) *People, Plants, and Justice: the Politics of Nature Conservation* (pp. 374-402) New York: Columbia University Press

Pistorius R (1997) *Scientists, Plants, and Politics: A History of the Plant Genetic Resources Movement*. Rome: IPGRI

Pretty J, Adams B, Berkes F, de Athayde S F, Dudley N, Hunn E, Maffi L, Milton K, Rapport D, Robbins P, Sterling E, Stolton S, Tsing A, Vintinner E, and Pilgrim S (2009) The intersections of biological diversity and cultural diversity: Towards integration. *Conservation and Society* 7 (2): 100-112

Read J (2009) A genealogy of homo-economicus: Neoliberalism and the production of subjectivity. *Foucault Studies* 6: 25-36

Swiderska K, Argumedo A, Pant R, Vedavathy S, Nellithanam J, Munyi P, Mutta D, Song Y, Herrera H, and Barrios H (2006) Protecting community rights over traditional knowledge: Implications of customary laws and practices. London: IIED

Tobin B (2009) Across the great divide: A case study of complementarity and conflict between customary law and TK protection legislation in Peru. *Initiative for the Prevention of Biopiracy: Research Documents* 4: 1-68

Tsing A L (2005) *Friction: An Ethnography of Global Connections*. Princeton, NJ: Princeton University Press

Tsing A L (2009) Adat/indigenous: Indigeneity in motion. In Gluck C and Tsing A L (ed) *Words in Motion: Towards a Global Lexicon* (pp. 67-82). Duke, NC: Duke University Press

van Dooren T (2008) Inventing seed: The nature(s) of intellectual property in plants. *Environment and Planning: D: Society and Space*. 26: 676-697

Wilson P C (2008) Neoliberalism, indigeneity and social engineering in Ecuador's Amazon. *Critique of Anthropology* 28 (2): 127-144

*Need citations on the term of CGR

**Need more sources for the concept of the amodern

***efforts to share materials in cultural archives have created enriched vocabularies for understanding relationships of property as distributed social networks of rights and responsibilities governed by specific protocols for access and the sharing of benefits (here I would reference the work of Haidy Geismar, Kim Christen, and Tatiana Flessas)

Additional Sources:

Argumedo, A. (2012). Decolonising action-research: the Potato Park biocultural protocol for benefit-sharing 7. *Biodiversity and culture: exploring community protocols, rights and consent*, 91.

Bennett, T., & Healy, C. (Eds.). (2013). *Assembling culture*. Routledge.

Graddy. (2013). Regarding biocultural heritage: In situ political ecology in the Peruvian Andes. *Agriculture and Human Values*, 30, 587-604.

Kamau, E., Fedder, B., & Winter, G. (2010). The Nagoya Protocol on Access to Genetic Resources and Benefit Sharing: What is New and what are the Implications for Provider and User Countries and the Scientific Community? *Law & Development Journal (LEAD)*, 6(3), 248-263.

Morrison, A., Miretski, I., Idrobo, C. J., Bolton, R., Cabrera-Lopez, J., Mead, A. T. P. & Robson, J. P. (2012). Biocultural Design: A New Conceptual Framework for Sustainable Development

in Rural Indigenous and Local Communities. *SAPIEN. S. Surveys and Perspectives Integrating Environment and Society*, 5(2):

Pimbert, M. (2012). FPIC and beyond: safeguards for power-equalising research that protects biodiversity, rights and culture. *Biodiversity and culture: exploring community protocols, rights and consent*, 43.

Santilli, Juliana (2013) *Agrobiodiversity and the Law: Regulating genetic resources, food security and cultural diversity*. Oxford: Earthscan.