[SLIDE 1: TITLE].

Developing Community Biocultural Resources: Intellectual Property, Heritage Protection and Rural Reterritorialisation

Rosemary J. Coombe (with Kate Turner)

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I want to give thanks for my welcome here, for Julian Idrobo's invitation to this colloquium, and the opportunity it affords me to share some thoughts at the end of my residence – which, despite some health setbacks, has been an intense and productive period of scholarly reflection looking back on several years of work on IP and cultural commodification

[SLIDE 2: OUTLINE]

I. A. Introduction

Today, what I will do is provide a summary of a much larger interdisciplinary project on IP and heritage governance – a collaborative project with multiple coauthors (new and older interlocutors in here in Latin America) and students and former students working with communities and NGOs across the Americas.

To do so I will need to present a sociolegal history (at multiple scales, from the global geopolitics of international trade through to the imaginative 'juris-genesis' of social movements, NGOs, and communities). I do so to illustrate how certain legal vehicles designed for neoliberal governmentality (geographical indications – denominations, appellations, collective marks, and certifications – or, collectively, marks indicating conditions of origin) have been appropriated and repurposed for new ends, put in the service of alternative social agendas to express new aspirations.

[SLIDE 3. GLOSSARY OF TERMS]

I will also need to deconstruct a powerful set of dominant ideologies around food and commodification that have functioned as a modern grid of territorial governance, fixing people and places in disciplinary practices that served to deliver monopoly rents to European elites – that are slowly, if unevenly, being simultaneously extended to new regions and undermined by new social movements.

I seek to ground this exploration in Latin America. After recently finishing some dispiriting study of GIs in Asia, I find reasons here to celebrate new energies invested

activities of de-territorialization and re-territorialization, in which food, embraced, nurtured, inscribed and embraced as biocultural heritage might become a better vehicle for pluri-national governance, inter-cultural communicative exchange, inter-species convivium, and inter-generational responsibility.

I. B. Theoretical Perspective

It has become very common to describe renewed interest in local place-based foods and their revitalization through alternative food networks that seek to undermine and resist the hegemony of agricultural industrialization as a process of 'decommodification' (Bidwell, Murray & Overton 2017a, 2017b). Such a perspective, however, both simplifies and depoliticizes a global history of food governance dominated by precisely such dichotomies, misunderstanding the ways in which the provenance of food figures in practices of territorial government, social discipline and capital accumulation. As I will later suggest, such a perspective also serves particular geopolitical interests.

Instead of a binary logic of commodification and decommodification, I suggest instead that we consider what Polanyi describes as the double movement of the commodity (I like to think of it as the commodity's double life – imagining it as double agent) in human communities that continually seek to socially re-embed commodities in new fields of communication, meaning and aspiration. It is also a mistake to see the cultural valuation of place as outside the realm of commodity capital and neoliberal government. Places are territorialized, fetishized, branded and human experiences in them marketized. In the social and political life of things, there is rarely a singular moment in which a commodity is only a commodity (Appadurai) or alternatively, when a place is not also to some degree, a territory. I suggest that we see the relationship between products, places, and territories to be dialectical and co-productive. By exploring the recent history of place-based foods and their governance via intellectual property – particularly geographical indications, denominations of origin, collective and certification marks – (and, in the longer paper, heritage branding), I hope to map the contours of emerging fields of food governance oriented towards local development, social justice and environmental resilience. To do so, I will move chronologically and from global to local scales of policy and government.

II. MARKS INDICATING CONDITIONS OF ORIGIN (MICOs): FROM GEOPOLITICAL TRADE INTERESTS TO LOCAL COMMUNITY DEVELOPMENT

[SLIDE 4]

Let me begin with a very basic description of a MICO (leaving finer legal distinctions between denominations of origin, appellations, collective trademarks and certification marks on one side for now, because the same terms mean different things in different places and too many legal documents to parse (I can refer you to publications where I cover this terrain):

MICOs are legally protected signs and symbols (usually names) that indicate a good as having a quality, reputation, or characteristics that are (essentially) attributable to a specific and delimited area of geographical origin. They are, for the most part, very odd as a kind of IP. Most IP protects the private interests of market-based actors by creating alienable commodities that have their own life in markets. Unlike trademarks, for instance, MICOs are inalienable (they cannot be sold or assigned). MICOs are territorially limited public rather than private goods (club goods). Such marks may (theoretically) be used by anyone in the area who meets the criteria for production (although historically criteria for their use were often constituted to exclude landless workers, cooperatives, women, and migrants. MICOs are managed, however, by an organization, usually a private body (constituted by producers) who must establish criteria for production, ensure that goods bearing the mark adhere to the production criteria, while protecting and promoting the mark which is recognized as the reputational 'goodwill' of a geographically-based social collective.

My perspective upon MICOs is also informed by a Focaultian understanding of neoliberalism -- not as an ideology, but as form of governmentality -- a way of reconfiguring the state, distributing its functions across and between a wider range of multilateral and transnational authorities (including NGOs) who operate through the use of a variety of market-friendly 'technologies' – forms of certification, audit, and accountability with which newly 'responsibilized' collective political actors (communities), are encouraged to identify, manage, and market their cultural assets in a so-called knowledge economy. To the extent that MICOs operate performatively – as forms of certification that demonstrate collective discipline and make producers legible as subjects of self-auditing in global markets which demand such new forms of standardization -- they are market-based technologies of government (Guthman

2007), as well as forms of community subjectification and territorialization. Indeed, although such marks have much earlier European origins, they became ubiquitous through trade liberalization. Nonetheless, my scholarship has also demonstrated how neoliberal technologies and affordances, particularly in the field of cultural right and properties open up new opportunities for collective political actors to express new identities, attachments, and aspirations to new interlocutors (Coombe 2016, 2017, Coombe, Malik and Griebel nd).

A. Globalization, Trade Liberalisation and Intellectual Property (TRIPs)

[SLIDE 5: Globalization, Trade Liberalization, IP and Development]

The story of how international transnational corporate interests used American trade representatives to get their particular economic interests in intangible goods protected through the inclusion of intellectual property rights in the multilateral trade regime via the TRIPs Agreement is one that has been told many times. The scope of the extension of the commodity form into new regions and new fields of human activity has been unprecedented and provoked various movements of resistance. Setting up a global regime in which all countries were required to introduce legislation that mirrored that of the United States *was and still is* both economically controversial and politically illegitimate. To the extent that protections for intellectual property would now yield far greater global returns, however, countries were encouraged to pursue their own competitive advantages.

The inclusion of 'geographical indications' in the TRIPs Agreement (a term devised to covers all legal forms of MICOs) was controversial from the outset. In an agreement dedicated to free trade (albeit one that protects state granted monopolies), protecting marks that indicated traditional places and means of production was seen by many industrialized countries and many corporations as an unwarranted form of protectionism. Disagreements about the propriety of including them quickly divided along geopolitical lines which were said to "reflect profound cultural differences" (llbert & Petit 2009, 503) between (European) countries possessing old agrarian traditions, who sought to promote them, and those lacking such traditions (the US, Canada, Argentina, Australia, New Zealand) who sought to limit these rights (and arguably intended to eventually eliminate them). The EU saw GI extension as compensation for the reduction of agricultural subsidies entailed by

global trade liberalization and one of their only means to sustain rural regions suffering population declines.

B. Europe's Rural South & Industrialised North: Place-Based Food Heritage & Placeless Commodities

European approaches to rural development in the agricultural regions of Southern Europe have long depended upon endogenous development strategies (Ray 1998) -- local social economies of collective territorial intellectual property. This process of revalorizing place through an objectification of its identity is known as "the cultural economy approach to rural development'' (Ray, 2002, 228) -- a mode of production in which a territory, its cultural system, and a local social network construct a set of resources to market local culture to others willing to pay a premium for distinctive goods. In short, it is a means to collect monopoly rents (Harvey 2001). This is not just an EU IP policy, but a rural development agenda, designed to reverse trends of socioeconomic marginalization, prevent rural to urban migration, and stem the loss of traditional environmental knowledge, skills, and language. Since establishing a place for GIs in the TRIPs Agreement, the EU has created a huge new range of marks for the marketing of regional, local or traditional foods (particularly protected denominations of origin (PDOs) and protected geographical indications (PGIs). These new marks joined older appellations for wines and denominations of cheese to create a "place-based foodscape," in the European South contrasted to a European North dominated by "placeless foods" marketed with corporate trademarks. This territorialisation was legitimated by ideological distinctions between a "traditional" South -- lacking industrial innovation -- and a "modernized" North bereft of a food heritage it had lost (Parrott et al 2002), creating new markets for expertise and experience.

[SLIDE 6: EU's South featuring Chianti]

Beyond deciphering and encapsulating place-based qualities *within* products -- the cultural economy model involves constructing new *territorial identities* for promoting tourism and investment. This European intellectual property policy is also an agricultural policy, a means to manage population and migration, to govern heritage resources as cultural landscapes, and to develop tourist infrastructure. Anyone traversing rural Italy or France (especially by bicycle) is aware of travelling through a highly branded landscape in which one's movements, stops, sights and meals seem orchestrated by well-known wine

appellations whose decorative marks and indicia seem to be stamped on most available surfaces in pristine regions which otherwise seem remarkably clear of advertising.

Such territorializations however, have much deeper and more extensive social roots in some regions. Take, for example, French cheese -- the classic *produit du terroir* considered typical of a place, a combination of skill and raw materials that displays the unique tie between people and their terroir and is thus part of their cultural heritage. A village without a cheese, anthropologists have found, is socially deemed not to have identity, tradition or recognized patrimony (Filippucci, 2004, 72). To be cheeseless is not only to be decultured, it is to be marginalized, to bear a particular stigma (one it is very hard for me as a cultureless Canadian to understand), and to be left off the national maps that link places into heritage territories. Visitors travel between recognized cultural places by following distinct cheeses, each of which has an elaborate narrative of traditional origins. Research shows that these traditions are cultivated in valorisation and authenticity strategies accomplished through marketing that nonetheless become part of a town's social imaginary. Even European foods marked as 'traditional' goods rarely involve transmission between more than two generations. If MICOs are cultivated to promote products 'traditional' to places, 'traditions' are cultivated to justify and support these indications.

[SLIDE 7: New Justification for MICOs]

In the late 1990s, moreover, European arguments justifying geographical indications moved away from culturally protectionist positions to legitimations grounded in development economics and environmental sustainability, both I would suggest, to incorporate new global policy objectives, and to suggest the possible appeal of such vehicles to communities in the Global South. These included economic diversification in remote rural areas, improvements of local incomes, protection of biodiversity and preservation of traditional environmental knowledge. The proliferation of new appellations for cheeses from Eastern France, for instance, was part of a "strategic differentiation processes designed to preserve biological diversity in subalpine ecosystems". Small farmers became ''stake-holders in value chains'' nurturing diversification in cattle breeds. The 'single herd cheese', echoed the 'single malt whiskey,' in images of bovine diversity traditionally tended since time immemorial.

C. European Models, Missionaries and Pedagogies for 'the Global South'

When I began this research several years ago, I was struck by the pace in which GIs were adopted by countries in the Global South, despite the fact that many of them had very little experience with these forms of governance. To understand this, let's take the concept of *terroir,* long associated with venerable European wines, the most prestigious products of French viniculture, and the oldest appellations of origin. European agencies newly defined it:

[SLIDE 8: Terroir] --- I will let you read this:

> (1) a delimited geographic space, (2) where a human community, (3) has constructed over the course of history a collective intellectual or tacit production know-how, (4) based on a system of interactions between a physical and biological milieu, and a set of human factors, (5) in which the socio-technical trajectories put into play, (6) reveal an originality, (7) confer a typicality, (8) and can engender a reputation, (9) for a product that originates in that terroir (Giovannuci et al., 2009).

The existence of terroir is ***not*** necessary to obtain GI protection. However, when the concept is described this broadly, the allure and opportunities that protections for terroir-based goods might hold for producers of goods in the Global South is evident.

Elsewhere I have suggested that elites and entrepreneurs in so-called developing and least developed countries were convinced -- often by European experts -- that this was the one area of the TRIPs Agreement that might afford them some competitive advantage. It was offered as a carrot, if you will, in a trade-based intellectual property climate that was otherwise experienced as a bunch of sharp sticks…countries faced increased prices for informational goods -- books, films, pharmaceuticals, pesticides, software, and seeds – and the need to invest in administrative infrastructure to protect foreign corporate interests who no longer had any obligations to actually work, develop or adapt their technologies in domestic markets.

[SLIDE 9: GI Fever]

The GI was a vehicle, they were told, that drew upon tradition, collective practices, local distinctions. "GI fever" swept India for example, as caste-based local handicrafts were identified and feted as newly valued Indian heritage goods. Nationally owned GIs (devoid of

enforcement mechanisms or marketing plans) were bestowed like candy to villages lacking the infrastructure to create production controls, and plantation-based goods such as Darjeeling Tea based upon the racial exploitation of indentured female labor, (Coombe & Malik 2018) were celebrated as great success stories.

It quickly became clear that the EU countries sought to entrench and to extend their own GI framework (particularly PGIs, PDOs, and appellations of origin for wine and spirits and typical goods) by encouraging other countries to adopt new forms of protection. So, for example, Latin American denominations were recognized, and European expertise in developing value chains, and marketing plans was offered in exchange for Latin American protection of European GIs in bilateral trade agreements (Economic Partnership Agreements). European rural territorial development strategies were advocated as particularly appropriate for the region. The prospect of developing GIs was a means proffered to better level the playing field in international trade.

European development and environmental NGOs and other transnationally active civil society organizations with funding from European state donors actively promoted the use and development of GIs for local goods. The early 2000s saw a proliferation of new European national agencies, EU regional government initiatives and NGOs and associations of NGOs advocating greater global protection of place-based goods and the extension of GIs for new goods and in new regions, while urging governments to institute new legal systems. Holding regional seminars for civil servants and producer groups in Latin America, Africa and Asia, providing training manuals and guides for producing inventories and setting up quality controls to civil society organizations, while urging governments in the Global South to create enforcement mechanisms.

[SLIDE 10: Advocating the Discovery of Terroir]

These promotional boosters asserted that MICOS were the best way to meet the four dimensions of human development: employment, productivity, equity and sustainability (Ador 2009?) – with social identity and community pride thrown in for good measure. New organizations of GI producers advocated for GI extension and the creation of a global register of GIs, extolling European success stories to inspire developing countries to invest in marketing their own distinctive products. Technical assistance was widely offered on the

basis that European models for investing in rural identity were more nurturing of 'community' than the development of 'American' commodities.

The Convention on Biological Diversity promoted IP as a means to recognize the innovations, practices, and knowledge of indigenous peoples and local communities. States sought new incentive mechanisms to preserve agricultural diversity and to acknowledge the contribution of traditional knowledge to commercially valuable assets, and recognize farmers' rights, build export markets, and promote identity products for tourism economies (Vivas-Eugui, 2001). Given neoliberal policy norms that privilege market-based legal vehicles for development initiatives, it is not surprising that lawyers, botanists, agricultural and development economists worldwide began studying MICO systems for the opportunities and lessons they held for developing countries, farming communities, artisans and Indigenous peoples (who have used it for new ends). In less than 20 years, the EU had entered into economic partnership agreements with nearly all of the world's regions and bilateral trade agreements with most national governments in which European geographical indications were recognized across the planet in exchange for European investments in supporting 'protections' for goods based in 'local' biological diversity, traditional knowledge, and cultural heritage. An area in which there was virtually no scholarly literature in 1989 (when I began teaching I could find only five articles on GIs!) has grown massively. It is a field populated primarily by 'experts' who work for universities in countries, like France, Italy, and Switzerland where these forms of territorialized heritage goods were not only the centre of important government and development strategies, but also, significantly, the basis for significant economic holdings and major institutional interests. Their research is largely the result of consulting contracts financed by European government institutions and regional agricultural and trade centres. Nonetheless, MICOs have been extolled in the Global South, not as *industrial or individual intellectual property rights* but as c*ollective community rights,* on the basis that in developing countries, "community plays an essential role".

D. Virtuous Circles, National Initiatives and Developmental Disappointments

After holding out great hope for GIs in my earliest scholarship, I soon became disillusioned. Nearly all of the early proselytization materials (and much of it still) entertains what I call a "social imaginary" based upon what is still smugly called 'the

virtuous circle." The naturalization of synergies between the qualities of a territory, the characteristics of its goods, the identity of a community and its collective dedication to protecting and promoting its reputation has become orthodox in GI boosterism. Again and again, we see representations of singular local traditions, deriving from a singular culture, rooted in a singular place, with its own naturally distinctive ecosystem which a 'community', holistically imagined, stewards as a heritage to which it is naturally attached and from which it derives equally distributed benefits. I am not suggesting that this never happens; but when and if it does it is a unique *accomplishment*, the social conditions of which need to be reflected upon. Empirically, however, such results are rare; GIs are more likely to create new inequalities unless their governance is clearly designed to tackle old ones, leading more and more scholars to consider these as public goods (Belletti, et al, 2015) which should be governed democratically in accordance to rights-based norms (Coombe, Ives & Huizenga, 2014).

As critical independent social science scholarship on GIs has emerged in the past five years, it has become increasingly apparent that GIs were 'sold' to countries in the Global South without fair disclosure of the administrative costs involved, the technical expertise they require, and the public institutional investments they demand (Evans & Blakeney 2006, etc). At the same time, greater critical scrutiny of European MICO systems suggest that historically they upheld aristocratic privileges and the powers of landed elites (Coombe & Aylwin 2011, Aylwin & Coombe 2013). Even today, producers with the most secure marketing networks tend to secure the lion's share of the values they yield.[1] Building supply chains is no easy feat for small producers; public investment is nearly always necessary to prevent the most powerful private actors from monopolizing the opportunities MICOs afford.

Most of the critical literature in the field suggests that states in the Global South are rarely able or prepared to commit to making the kinds of investments necessary to make these systems yield widespread public benefits. Moreover, too many states approach MICOs as national assets, invested in primarily to improve export earnings. Under such models, benefits are rarely equitably distributed, elites and foreign parties are likely to enrich

[1] D Rangnekar, 'The socio-economics of geographical indications: A review of empirical evidence from Europe. UNCTAD/ICTSD Capacity building project on Intellectual property rights and sustainable development' (October 2004) www.iprsonline.org/unctadictsd/docs/GIS_Economics_Oct03.pdf.

themselves and biological and cultural diversity are more likely to be undermined rather than enhanced, as the rather famous case of Mexican Tequila protection well illustrates. (Cf: Bowen & Zapata 2009, Bowen & Sarita-Gaytan 2012, Bowen 2015). The growing exclusion of small-scale producers and knowledge holders – indeed a growing disinterest in tequila traditions – has disembedded the product from its origins**. [SLIDE 11**: **Ruta Tequila]** The GI area no longer provides terroir for the growth of blue agave (now largely sourced from corporate plantations) and has become the Disneylike tourist terrain of the Ruta Tequila.

New case studies of GIs in the Global South attempt to identify the ideal role for the state in "achieving the virtuous circle of GIs" (Belletti 2015) wherein "the long-standing reputation of specific qualities attributed to the origin enhances consumer willingness to pay a premium for the product which produces an economic return which may allow value chain actors to maintain local, fair, and traditional farming and trading practices" (Barjolle et al, 2009: 1). Elsewhere I have commented on the dubious assumption that there are always local, fair and traditional practices to be maintained and suggested instead that MICOs should be forged to create them.

Unfortunately, there is little evidence that state governments are generally interested in using GIs to redistribute power among stakeholders or build capacity in local communities and rather more evidence that GI institutions tend to be dominated by industry groups interested in maintaining their own positions of privilege. Not so surprisingly, a neoliberal strategy of decentralized local territorial development is met with increasing demands for public supports to ensure the equitable inclusion and representation of producers in GI supply chains (Bowen 2010). Colombian Coffee is one of the few national denomination of origins which has received wide commendation for its collective nonprofit management, relative egalitarianism, price guarantees and social initiatives (Barnette 2012)[i] but I have heard rumors to the effect that this GI area is also giving way to tourist infrastructure.

[SLIDE 12: DOs in Peru]

In the many countries where states will not commit to supports, we find that NGOs, scholars, and other community associations often do the heavy lifting. In Peru, for example, where denominations of origin are state properties, the institutional and organizational work needed to make them yield social benefits has required many nonstate actors and considerable transnational support (Aylwin & Coombe 2014). Studies exploring protections

for Andean 'typical cheeses' reliant upon traditional knowledge, linked to local soils, and symbolic of local identity, found that NGOs played significant roles in organizing, but were ultimately unable to address the marginalization of women and the dominance of local family elites in the value chain (Boucher & Gerz 2006). This is not to suggest that NGOs should not be involved; they may well play a crucial role in introducing and galvanizing equity and social justice concerns in these community-driven research initiatives and their work has been fundamental wherever MICO strategies have been effective.

E. Latin American Territorialisations: From New Ruralities to Rural Territorial Development with Culture and Identity

The 'territorial turn' in Latin American rural development policy gained momentum in the late 20th century, in the face of international structural adjustment and trade liberalization policies which eliminated agricultural supports and subsidies. The emphasis in what was first known as the New Rurality sought to consolidate agricultural exports, lessen the significance of agricultural activities to rural incomes, and find new ways to improve productivity and territorial 'competitive advantage' in global markets (Silva Lira 2005, Nardi 2007). This neoliberal paradigm attempted to accelerate rural integration into the global economy, assuming the predominance of an agribusiness export model oriented to competition in international markets. Ignoring patterns of partial and uneven development, the narrow range of actors capable of acting transnationally and the ongoing forms of historical social exclusion characteristic of such sectors, the paradigm was accused of being both economically naive and apolitical (Ramirez-Miranda 2014). Like many early neoliberal models, it emphasized decentralizing government without the provision of financial resources or institutional supports, looking more like rural state abandonment than locally empowering development.

[SLIDE 13: South American Food Territories]

Rural Territiorial Development, first propogated by multilateral organizations (eg: IFAD) of European programs (eg: LEADER) was a later incarnation of a similar model promoting decentralized government and greater local participation in rural economic policy, but still emphasizing institutional transformation and technological innovation to enhance competitive efficiencies to deliver new goods and services to meet global demands. There were, however, dimensions of this model that contained the seeds of its transformation. It inscribed millennial international environmental principles of

sustainability that put emphasis on traditional environmental knowledge, rights-based principles of participatory deliberation, and adopted a vocabulary of cultural rights that defined territorial assets as the basis of social identities (revalorized as heritage goods).

Opening up the concept of territory to considerations of place and identity, it would seem, led to greater social reflections upon community, cultural attachment, and local aspiration. Practices of territorial differentiation quickly led to new forms of local human territoriality (Nardi 2007). Neoliberal directives for territorializing social capital created opportunities for new articulations of autonomy and culturally appropriate forms of well-being. From scaled-up concepts of food sovereignty drawing from national agroecology movements to the revitalization of native plants, ancestral foods and traditions of seed exchange under concepts of *bien vivr* and *sumak kawsay*, endogenous development models appear to have proliferated (this is a topic I explore in a great detail in a recent article in *HAU: The Journal of Ethnographic Theory* (2016). **[SLIDE 14: HAU Article Cover]**

It would be impossible to diminish the significance of the RIMISP (Latin American Center for Rural Development) projects under the umbrella term Rural Territorial Development with Culture and Identity (2005-2012) in popularizing the territorial identity concept, supporting, teaching, and building multisectoral coalitions to further community territorial initiatives. Drawing upon early World Bank "development with identity" norms for investing in indigenous cultural enterprise in the early 1990s (later adopted by indigenous NGOs and the UN Permanent Forum on Indigenous Issues in 2010) they extended the concept to a variety of community-based cultural enterprises. (Caveat: the reach of this enterprise is enormous but there is remarkably little, if any, critical social science literature to draw upon and nearly all of publications are written by insiders, and/or by researchers whose empirical work was sponsored by the initiative).

[SLIDE 15: RIMISP and Chiloe DO]

Although working with the concept of "creating distinctive brands to enable territories to position identity-based goods and services," GIs, rarely, if ever, featured in the massive number of publications they produced over the years. At first, I believe this was because their funding was not from Europe, but from the US and Canada, countries opposed to the extension of these forms of IP. Later, as the social justice objectives of this multisectoral research, education and social mobilization project became clear the chief

researchers expressed doubt about the adequacy of Latin American legislative frameworks to enable these marks to be governed locally, in community interests, and according to community cultural norms. As European organizations became more avid in promoting these vehicles, however, RIMISP partnered in preliminary University studies to ascertain how local producer groups could best build production protocols for geographical indications (Raynaboldo 2013). As their territorial initiatives 'scaled-up' and regional partners began to work with the FAO and UNESCO, both denominations of origin and global heritage protections have been applied to RIMISP territories and products.

All of these territorial identity projects were given new impetus and rebranded since 2010 when the principle of 'biocultural diversity' was officially recognized by the Secretariat of the Convention on Biodiversity and legitimated by UNESCO, supported by the Economic Forum of the Americas: “affirming that biological and cultural diversity were inextricably linked and together hold the key to sustainable development.” This was the culmination of years of work by anthropologists, ethnobotanists, linguists, NGOs, peasant, agroecology, indigenous and food sovereignty movements, most of them based or focused on Latin American peoples and territories. Indeed, some of the very earliest uses of agricultural MICOs and participatory guarantee systems have their origins in regional agroecology movements.

[Slide 16: “L Sayebo” El Ceibo chocolate]

The international legitimation of “biocultural diversity” as a development principle, has given new impetus to global alliances between European and Latin American organizations and social movements to pursue new initiatives. These include renewed valuations of ancestral technologies for tackling climate change challenges and building resilient territories, the designation of ecological municipalities and the marketing of products of peasant indigenous origins.

[SLIDE 17: SEAL OF THE TROPIC, SUBTROPIC & CHOCO, in Santa Cruz, Bolivia, 2014]

New MICOs, such as this one: “an alternative seal for agroecological identity to strengthen commercialization of agroecological products and promote critical attitudes toward monocultures and contribute to food sovereignty,” seem likely to proliferate to communicate new practices and values in markets of various sizes.

Let's move into…

F. The Double Movement of Denominations of Origin in Bolivia

1. Tarija: A European Territory?

[SLIDE 18: Campesino and Gourmet Strategies]

The so-called "Plurinational, Indigenous State" of Bolivia appears to have eagerly adopted European territorial development models in which "endogenous territorial characteristics are positioned as strategic assets." After trade negotiations with the EU, Bolivia was awash with NGOs, urging new territorial cultural development projects. Biocultural resources became a focus of Bolivian government and civil society efforts to construct alternative development trajectories. Regional projects aim to mobilise Bolivia's regional food heritage as a platform for tourism and economic and social development.

Kate Turner has studied the promotion of regional specialties and niche markets in the Central Valley of Tarija, a rural territorial development project that focuses on building quality and marketing in six gourmet product chains -- grape, wine and singani, goat cheese, cured ham, honey, and selected produce. The focus is on creating an enclave of Mediterranean products valorizing local *terroir* -- accompanied by tourist routes and gastronomy experiences**.** "Two multi-product brands are key in the territorial marketing strategy" (FAUTAPO and OMIN 2012a, 2012b, 2012c). "Wine and Singanis of Bolivia" was developed for industrial wine makers to consolidate their marketing around the high-altitude terroir of Central Valley wines. The second, territorial brand promotes Tarija's star products nationally under the label "Tarija Aromas and Flavours" (TAS). Gastronomy and tourism concentrated around a high-altitude tourism route are vital components of the strategy. This 'gourmet orientation' is a strategic decision to appeal to upper-middle-class consumers. Producers were trained in improved production standards, and provided with marketing assistance -- the TAS logo, packaging materials, website, recipe books and product catalogues. Linkages were also forged with local and national specialty shops to distribute TAS products and producers were encouraged to participate in local, national and international promotional events, including Slow Food's Terra Madre exposition in Italy in 2012 (Uribe 2013)."[2]

[2] Katherine L. Turner, Iain J. Davidson-Hunt, and Ian Hudson, 'Wine, Cheese and Building a Gourmet Territory: Biocultural Resource-Based Development Strategies in Bolivia', *Canadian Journal of Development Studies*, 39.1 (2018), 19–37 <https://doi.org/10.1080/02255189.2017.1331158>.

The gourmet strategy has had far-reaching consequences. Viticulture has replaced forest ecosystems and campesino agriculturalists have less and less access to common pasture systems. The MICO strategy is funneling more capital into the region, but it is also fueling greater income inequality. Ironically, in a country otherwise so inclined to project itself internationally as the first indigenous state, the project is creating new elites on conventional racial lines and devaluing indigenous aspects of the region's heritage.

In the same region, however, peoples have started to market traditional campesino foods, revalorizing these in a fashion more generative of sociality than conventional branding. Campesino forms of production, transformation, and consumption constitute a unique aesthetic manifested in a broad array of traditional cultivars and foods transformed into classic dishes. These products connect people to the *campo* (countryside) and long-standing campesino foodways that have become the basis of an alternative food network entwined in the ecological, and sociocultural dimensions of life in the Central Valley -- Restaurant advertising, food fairs, marked trails of food experience opportunities, and catering businesses providing income opportunities for women – are manifestations of the significant dividends yielded by small government subsidies. Making use of traditional landraces, local breeds, and family recipes, the strategy emphasizes the reproduction of a locally culturalized territory in which pastoralists and agriculturalists exchange goods at multiple elevations to maintain ecological resilience.

Turner suggests, however, that we do not see these projects in wholly dichotomous terms. Both projects exist in synergy rather than in stark opposition and they are often in conversation. RIMISP, in particular, has played a critical role in facilitating points of divergence and dialogue between these projects, allowing opportunities in the RTD initiative to be identified to enable greater social inclusion and a broadening of vision (Berdegue et al., 2015). The Campesino project has adopted the vocabulary of biocultural resources and heritage territories; it also seems primed to forge networked relationships with other regional 'biocultural heritage territories" in which seed and plant exchanges between communities at different elevations are encouraged, both to provide access to a greater range of genetic resources in projects to create greater food security and facilitate urban to rural wealth redistributions. Already rudimentary 'marks' identify specific campesino goods. Narratives or origin and agreed upon methods of production might well inspire new MICOs in this area, marking the double movements of its commodities.

2. Differentiating Quinoa [SLIDE 19]

The incredible growth in the international market for quinoa has attracted a lot of critical attention. First exported over 40 years ago, quinoa became familiar to northern consumers largely through Fair Trade and Organic channels. It was thus an 'ethically certified' global product from the beginning. Major price increases in the late 2000s and early 2010s (tripling between 2008 and 2010, and in 2013, the "International Year of Quinoa") also doubled the area under cultivation between 2009 and 2013. Many of us heard stories of how the market grew so quickly that Bolivian campesinos could no longer afford to eat it themselves (others suggested that they could now afford rice and pasta).

Most quinoa exported through Fair Trade channels is produced by the Bolivian quinoa producers' association, and machine processed. Small producers, with small land holdings, using traditional cultivation techniques were largely unable to break into this market. Income inequality soared. Reports of people selling off livestock to purchase machinery and convert pastures were common as was the breakdown of the traditional "quinoa-camalid complex" (the use of llamas whose manure and light gait in fields together maintained soil qualities while diversifying sources of family income). Despite the arguably negative socio-environmental consequences of this export-oriented quinoa boom, it has given the quinoa producer's association a high profile and considerable lobbying power, which it has used to develop new certification marks to diversify quinoa production techniques and revalorize traditional knowledge and practices.

In 2009, with the assistance of a Danish NGO, an organized group of quinoa producers in St. Agustin, obtained a denomination of origin for "quinua real de Lipez." The crop was distinguished not only by its distinctive biophysical conditions of production and traditional farming techniques, but because it has an entirely different cosmological origin. The introduction of the indigenous understanding of this quinoa's origins was shepherded by AGRUCO, the Latin American graduate school "which advocates agrarian development rooted in Andean customary foods to maintain "social and ecological harmony with natural-spiritual worlds."[3] With the help of the transnational peasant organization, *La Via Campesina*, it has invested in community-based indigenous research to revalue local agricultural knowledge, maintain crop diversity through in situ germplasm banks and improve quinoa value chains,

[3] Zimmerer 2015: 316.

while maintaining smallholder production[4]. Local *quineros* are proud of the distinctive mythological origins and traditions of labor that make their territory and the grain it yields, unique. Nonetheless, the initiative is does not displace national farmers' cooperatives or to threaten the livelihoods of their female intermediaries. Rather it appears to be a distinctive form of cultural marketing upholding a territorially-based local social economy *within* a national market.

The development of a denomination of origin for Quinoa Royal Altiplano Sur in 2016 is another example. The Bolivian national government, a Netherlands environmental NGO, as well as the Quinoa Producers Association constitute a Regulatory Council for its governance. Its institutional mission is to "protect and defend the rights of producers as well as contribute to food sovereignty in order to "live well", coordinating and linking together growers, industrializers and traders within the framework of a plural economy and the mechanisms of economic, productive and social development." These examples illustrate a new form of the commodity's double movement: transnational collaborations in which European interest in facilitating Latin American IP, combined with a commitment to environmental principles and participatory norms inspired a diversification of nationally oriented, export development models through NGO assisted, alternative models celebrating local agroecologies and indigenous cosmologies.

III. HYBRIDIZED TERRITORIES: ALTERNATIVES FROM THE MARGINS AND PERIPHERIES

Latin American countries face considerable challenges in creating models of culturally based development that do not focus primarily on wealth but also on encouraging inter-culturalism, sustainability and the protection of biodiversity. Efforts, however, are well underway to build and extend models of biocultural diversity territories for 'sustainable inclusive development' (Biocultural Diversity, 2013), including capacity-building exercises, diploma programs, coalition building tools, and the sharing of knowledge management strategies. Not surprisingly, EU partnerships and European models feature prominently in these multi-sectoral, transnational endeavors (for example Slow Food Latin America is now a trademark).

[SLIDE 20: Hybridised Territories: Alternative Food Networks]

[4] (Ofstehage 2011)

MICO strategies may, under conditions we are only beginning to understand, be deployed to promote alternative understandings of development more fully rooted in local cultural values and aspirations (Coombe 2011a, b, Ray). Although I am critical of projects that 'gentrify' local foods and create pressures for competitive relations *between* communities, I find alternative forms of self-determined regional certification emerging to link producers and consumers in networks of solidarity. New ethics are engendered as producers and consumers with a heightened sense of place-based values seek to engage global markets and commodities in a fashion more sensitive to local social and environmental norms.

Although there are many community-based enterprises built upon marketing local products that celebrate the distinctiveness of their origins, the most successful of these in socioeconomic terms have involved supports at many scales. Social movements and indigenous rights activists, churches and agroecologists, environmental NGOs and even churches appear to play significant roles in shaping the way that place-based cultural qualities are expressed, capacity is built and social capital developed. Assistance in the constitution of cooperatives, building direct marketing links and short value chains, facilitating transnational partnerships with civil society organizations to create marketing strategies for goods marked with specific social values are all characteristic means by which alternative markets are forged. In short, *new counterpublics* are often necessary for these hybrid forms of property to function as public goods that bring public benefits to the people laboring in the territories that MICOs and their narratives celebrate.

A. Alternative Food Networks and Small Producer Symbols

If thus far I have emphasized origins and differentiations amongst products that may be marked, we are also seeing new MICOs that primarily emphasize *social differentiations* in modes of production. Thus far I have focused largely on product differentiations and the territorialisations they may affect; however, there are also a series of initiatives for 1. valorizing the work of small producers and 2. reconnecting producers and consumers in what are now known as "ethical alternative food networks" in which the activity of the network itself marks a territory of solidarity. The latter claim a deliberate alterity to placeless food distribution, to create shorter and more direct supply chains, and to promote 'quality' goods endemic to its territory and produced under ecological conditions

Some of the most radical alternative food networks with the strongest emphasis

on solidarity come from the marginalized regions of the European Rural South, and are ***explicit alternatives*** to the region's conventional GI strategies. In southern Italy, for example, alternative food networks have formed to "rethink and reweave the economic fabric" positioning consumers as active workers in the maintenance of rural producer's economic security, supporting independent (mafia-free) farmers' cooperatives which pledge respect for land quality as well as workers' rights (Grasseni 2013). In addition to revitalizing traditional cultivars and food preparation practices, they have been influential in liberating at least some food supplies from mafia ridden food distribution chains (and the exploitative immigration practices, slave-like labor, toxic waste disposal practices, and land degradation with which these are associated). These kinds of solidarity economies are grassroots efforts to shape ecologies and build markets in which new purchasing, distribution, and pricing models supplement cooperative production and a revitalization of traditional crops in self-conscious exercises of food sovereignty. Their activities have been greatly influenced by Latin American agroecology movements, emphasizing that rural development must emphasize "not only quality food but also the social reproduction of the farm itself" (Grasseni 2013). Although valorizing the work of small producers is politically significant as an alternative vision of Fair Trade (and a protest against the use of that term for goods that derive from industrial plantations), because it is not a form of territorialisation, I won't address it today. It is not difficult to see, however, that such symbols could be associated with goods originating in the territorialized exchange systems that alternative food networks provide.

B. Biocultural Heritage Indications and Biocultural Heritage Territories

[SLIDE 21: BIOCULTURAL HERITAGE INDICATIONS AND POTATO PARK]

Biocultural diversity and heritage are concepts that recognize the co-production of nature, culture and knowledge. For example, the work of the International Institute for Environment and Development (IIED), an environmental NGO working with a regional indigenous organization, Association Andes, has been influential in convincing UN agencies of the importance of supporting, recognizing, and finding new means to mark and to market goods and services produced in accordance with customary legal principles which maintain biocultural diversity and indigenous livelihoods. They promote the development of a

Biocultural Heritage Indication labelling scheme, like fair trade or slow food designations, that might function like the collective trademark that communities in Peru have established as a Potato Park. Employing sympathetic IP scholars (eg: Graham Dutfield) and social movement lawyers (eg: with the NGO Natural Justice) to deliberate on the prospects that common law marks hold for community use, sharing these experiences with communities in Africa, Asia, and Canada. They have attracted the support of the IUCN, the UNESCO consultative body responsible for managing natural heritage areas, cultural landscapes, and indigenous and community conserved areas. A 'biocultural labelling system' would create marks indicating conditions of origin rooted in international environmental, heritage, and indigenous human rights principles. The Potato Park is one of a series of collectively managed territories that marks itself as devoted to the revitalization not only of biological diversity, but of indigenous cosmology -- as the best means to manage interspecies relationships in resilient landscapes.

CONCLUSION

Old World and the New World divisions in attitudes to food and markets, first registered in the globalization of trade are increasingly difficult to maintain and simple distinctions between a 'traditional' European food heritage and a 'modern' American commodity market quickly disappearing. Similarly, the place-based foods of the agrarian European 'South' and the placeless commodities of the European industrial 'North' on which both EU and intellectual property policies were based, have escaped their borders. The European 'South' finds food heritage traditions to celebrate (and invest in) to protect and project its models of intellectual property and development throughout the 'Global South.' Its most marginalized rural peoples (in places like Sardinia and Corsica) increasingly identify themselves as holding traditional environmental knowledge necessary for stewarding endangered biodiversity, understanding themselves as native to peripheral territories and responsible for its care. The concerns of farmers in the Global South are increasingly similar to those of farmers in European peripheries under conditions of neoliberal austerity, and alternative food networks everywhere struggle to provide solidarity and support to the producers of foods they increasingly recognize as cultural heritage. The places and traditions from which foods derive do not simply exist –

we actively create them. Territories and food cultures are not discovered and valorized, they are produced in social relationships that should be carefully cultivated.

New ways of using Fair Trade, Slow Food, organic and other certifications as well as new MICOs are being articulated and explored throughout Latin America at community, regional, and national levels in increasingly transnational efforts to value biocultural distinctions rooted in valorized territories of various kinds. Whether we consider these projects to be postneoliberal or only particular expressions of the ways that neoliberalism has been "rolled out" in Latin America, it is evident that new political imaginaries, social economies, and networked relationships are emerging. As the Marxist geographer David Harvey once remarked with respect to the paradoxes of seeking monopoly rents more generally:

> By seeking to trade on values of authenticity, locality, history, culture, collective memories and tradition, they open a space for political thought and action within which alternatives can be both devised and pursued (Harvey, 2009) They mark a place of hope.

Rather than dismiss all uses of IP vehicles as mere commodities and those that communicate conditions of origin as mere forms of territorial fetishism, we increasingly find grounds to take seriously some of the kinds of hope these neoliberal technologies embody as means to convey place-based norms, goods, and values in transnational conversations about alternative futures.