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Debates sobre quién, cómo y con qué implicaciones sociales, económicas y ecológicas alimentará el mundo.

THE FUTURE OF FOOD AND CHALLENGES FOR AGRICULTURE IN THE 21st CENTURY:

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Cracks in the Armor? International Law, the Global Agro-Industrial Complex, and Emerging Resistances

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“The law stands between food availability and food entitlement.” Amartya Sen, 1981

“It would not be possible for power relations to exist without points of insubordination which, by definition, are means of escape.” Michel Foucault, 1982

With the global population projected to increase to approximately 9.1 billion people by 2050, the UN Food and Agricultural Organization (FAO) has estimated that global food production must increase to roughly 70% of current levels (FAO, 2009). Developing countries will be obliged to double current levels of food production in response to population growth, rising incomes, and the increased use of agricultural commodities for biofuels. The agro-industrial complex (AIC) is characterized by concentrated corporate power and “a highly stratified international division of labor in agriculture” (Moyo and Yeros, 2005). The AIC has enabled biodiversity loss and soil degradation throughout the Global South in its monocropping methods and through the expanded use of agrochemicals (Sidle et al, 2006). Policy focus on production efficiency has also re-birthed the colonial-era plantation and related economies of gendered and racialized labor.

As the dominant model of governance directing international agricultural production, AIC is widely promoted as the only model suited to ‘feed the world’. Policies of AIC boast increased economic efficiencies, mass production capabilities, and increases in basic incomes of agricultural workers as the pathway to global food supply for a growing population. Using a Modernity/Coloniality framework (Mignolo, 2011), this paper and presentation will discuss the AICs discursive and material power through an analysis of its international juridical components, its colonial origins, and how it has catalyzed Third and Fourth World resistances. Resistances to the AIC are forming through the revitalization of local and traditional agricultural practices, emergent food sovereignty discourses, transnational social movements, the embrace of agroecology, and legal mobilizations around indigenous and farmers’ rights. Moreover, subversive uses of intellectual property are increasingly being employed by farmer and indigenous communities to re-embed the labors of place and culture into the global food system (Coombe & Malik, 2017). The potential of IP to protect the traditional knowledge and cultural heritage of indigenous farmers, and encourage and support localized food production are noteworthy (Lawson & Sanderson, 2016) as they reveal the potential for seemingly hegemonic law to be resisted, refashioned and repurposed toward social justice objectives. However, these initiatives must be embedded within larger community-based institutional structures that link seed and food sovereignty to biocultural heritage, and practical improvements in societal well-being. These avenues of emerging resistance deserve further exploration as alternatives to AIC and the international governance of global food production.

The global AIC is a dense assemblage connecting variegated multinational corporations, advanced capitalist states, international institutions, global investment treaties and trade agreements, and biotechnology (Otero, 2012; McMichael, 2005; Pimbert et al, 2002). Originally coined by US President Dwight Eisenhower in 1961 to describe the growing linkages between the US military and the private arms industry, the concept of an 'industrial complex' embodies a collection of both private and public actors in the form of individuals, organizations, governments, and corporations working in conjunction although with the appearance of pursuing seemingly isolated or distinct goals. They may appear as unrelated and their connections subtle. They may not always be working in conjunction with one another, as an 'industrial complex' does not necessarily entail a vertical top-down, monolithic and smoothly-functioning entity. Rather, it might be conceived of more as a system of variegated networks and webs operating under particular logics yet often mutually constituting one another towards market domination at various scales.

The AIC is historically rooted in colonialism, from colonial food policy (McMichael, 2009) to colonial land policy and agricultural practices (Hilaly, 2016; Arnold, 2005; Dressler & Puhlin, 2010) and biocolonialism (Whitt, 2009). It also relies on similar colonial discourses of improvement and modernization, as will be discussed. Although, its origins are typically assigned to the Green Revolution and now spanning the biotechnology-fueled 'Gene Revolution.' State-level food production and provisioning policy has historically been a means of developing Europe through the underdevelopment of the much of the Global South. Philip McMichael (2009) comments that the "colonial era set in motion an extractive relation between Europe and the rest of the world, whereby the fruits of empire displaced non-European provisioning systems, as the colonies were converted into supply zones of food and raw materials to fuel European capitalism" (no p.). It also saw the beginnings of the commodification of food, as the British both developed and disciplined agrarian India into the world food market through the creation of infrastructure and supply routes linking peripheral rural areas to core urban trading markets (Davis, 2000). Indian grain exports increased by millions and traditional food provisioning in local villages were dismantled at the same time millions of Indians died of starvation (McMichael, 2009; Davis, 2000). This was preceded by colonial land laws in India which communal and tribal peoples were dispossessed from their lands through the British classification of 'wastelands,' rooted in the Lockean-labor understanding of 'productivity' and productive land (Hilaly, 2016). In the state of Assam, 'Wastelands' did not indicate ecologically ruined land, rather it was determined based on productivity and the 'idle' productive value that had not yet been extracted; therefore, "[t]he way in which value addition to land was central to the thesis on private property justified colonial territorial acquisitions and classification of population" (Hilaly, 2009, p. 57). Biodiverse land or land that held spiritual meaning to tribal communities were deemed 'wastes' if they did not produce revenue. Thus, this justification formed the basis for the legal expropriation of Assamese tribal lands.

Accompanying these enclosures was a discourse constructing natives as primitive and indolent due to their 'inefficient' or 'unproductive' farming methods under the gaze of British agricultural planners, as well as communal forms of commerce. Hilaly (2009) notes that "the colonial ideology utilised the idea of the lazy native to create subjectivities, where existing societal practices were denigrated. This negative

image of the natives and their society rationalised the European conquest and domination of the area” (p. 58). The castigation of peasant and indigenous farmers is not unique to India, as these historically denigrating discourses have long circulated through Southeast Asia (Coombe, Malik and Griebel, Forthcoming). This designation underpinned by what anthropologist Tania Murray Li (2007) has deemed ‘the will to improve,’ colonially generated and linked to contemporary development in the privileging of expert knowledge. In the context of British colonialism in India, this was closely linked to expanding Britain’s reach to the peripheries through botanical science and horticultural exchanges. Quite simply, this meant that if colonial subjects would accept the technical and scientific guidance of their colonizers, or “those who understood nature’s laws” (Arnold, 2005, p. 507), then they too would improve. Much of this ‘will to improve,’ or the ‘imperialism of improvement,’ was a constructed solution to the devastating famines described by Davis (2000).

‘Improvement’ and the desire to modernize rural India continued into the Green Revolution, where Indian Punjab was lauded as its greatest realization. It was designed to prevent famine and bring about agricultural modernization, which would be reflected in economic development via export crops. Generally, the Green Revolution has been hailed as a monumental achievement both politically and technologically (Shiva, 1991, p. 20). It relied on the introduction of chemical fertilizers, pesticides, intensive irrigation, heavy mechanization, and hybrid seeds for high yielding wheat, rice, and maize (Holt-Gimenez, 2011, p. 311; Kenney & Buttel, 1985, p. 70). Its political and ecological failures have been well documented (Shiva, 2016, 1991; Holt-Gimenez, 2011; Lappe et al, 1998). The founding father of the Green Revolution, Nobel Prize winning scientist Norman Borlaug, commented that the Green Revolution “symbolized the process of using agricultural science to develop modern techniques for the Third World” (2000, p. 4). The dominant discourse around the Green Revolution was and continues to be predicated on bringing parts of the Third World into modernity, as Borlaug’s comment reveals. Much of this was predicated around delivering science and technology to much of the formally decolonized Third World;

...the science of the Green Revolution was put forward as a political project for creating a social order based on peace and stability. However, when violence was the outcome of social engineering, the domain of science was artificially insulated from the domain of politics and social processes. The science of the Green Revolution was offered as a 'miracle' recipe for prosperity (Shiva, 1991, p. 20)

Similar to the previously mentioned colonial discourses around primitive and backwardness associated with peasant farmers and agrarian societies more generally, the Green Revolution’s science-as-savior discourse deemed these same communities as inherently deficient. They had their traditional farming and food provisioning methods, their own ways of organizing their economies and their own cosmological understandings of the universe, all rooted in particular knowledges cultivated over centuries. Yet, they were rendered as lacking the techno-scientific knowledge necessary to become modern or ‘developed.’ The Green Revolution rearticulated farmers as passive receivers of modern scientific knowledge, or at best as disseminators of information and technology (Kaviraj, 1997). The Green Revolution, then, was intended to midwife the ‘wretched of the earth’ (Fanon, 1961) into a particular Eurocentric modernity, where they could be refashioned as

modern subjects gradually to be incorporated into 'market civilization' (Gill, 2008). I argue that this might be most effectively theorized using the Modernity/Coloniality (M/C) framework introduced by Latin American scholars (Mignolo, 2011; Dussel, 2000; Quijano, 2000).

The M/C framework understands the basis of Western modernity as a singular, liberal epistemology spanning back to 1492, to be later accentuated by the Enlightenment and its privileging of secular science and philosophy. Walter Mignolo (2011) comments that Western modernity is embedded with the impetus of salvation, or to act in a guardianship role in relation to the 'will to improve.' However, "in order to implement what it teaches it must marginalize or destroy whatever gets in its way (Mignolo, 2011, p. xxiv). Mignolo and his colleagues argue that Western modernity is always constituted by coloniality; there is no Western modernity without coloniality (p. 3). Western modernity is embodied through progress, development, and growth. Arturo Escobar (2003) articulates the key aspects in the M/C framework's understanding of modernity; the origins of modernity are rooted in the conquests beginning in 1492 rather than beginning with the Enlightenment, a steadfast focus on colonialism and the making of the capitalist world system as constitutive of modernity, domination of non-Europeans resources accompanied by "the subalternization of the knowledge and cultures of these other groups" (p. 4), and "a hegemonic representation and mode of knowing that claims universality for itself" (p. 5). Colonialism, therefore, not only involved the imposition of capitalist economies toward unlimited resource extraction, but also "epistemological shift that saw Europeans claim the domain of knowledge based on a mastery of nature" (Mignolo, 2011, p. 6) later to be applied by Locke in his land-labor theory. This could be understood as the conjunction of power and knowledge; the epistemic privileging of a European pseudo-universality which subsumed and displaced non-European knowledges that did not bifurcate nature and culture, or articulate biology without the capitalization of nature. This also underpinned the Green Revolution, under the assumption "that technology is a superior substitute for nature, and hence a means of producing limitless growth, unconstrained by nature's limits" (Shiva, 1991, p. 24). For example, Shiva notes industrial chemical inputs to the soil, were deemed by the Ford Foundation in 1951 as 'freeing India from the past,' and I add, catapulting it into Western modernity:

India is richly endowed with sunshine, vast land areas (much of it with soils responsive to modernizing farming), a long growing season (365 days a year in most areas). Yet the solar energy, soil resources, crop growing days and water for irrigation are seriously underused or misused. India's soils and climate are among the most underused in the world. Can multiple cropping help Indian farmers utilize these vast resources more effectively - the answer must be yes.'

'New opportunities for intensifying agricultural programs through multiple cropping are presenting themselves; led by the plant breeder there are new short season, fertilizer responsive, non-photo sensitive crops and varieties that under skillful farming practices have high yield potential; chemical fertilizer supplies are increasing rapidly - this frees the Indian cultivator from the shackles of the past permitting only very modest improvement of soil fertility through green manure and compost and the slow,

natural recharge of oil nutrients (Shiva, 1991, p. 34, quoting Ford Foundation, 1951).

The origins of the contemporary global AIC are located in colonial discourses combined with industrial methods, and later globalized. I intend to further explore the linkages between the M/C framework and the global AIC in future research.

The global AIC is buttressed by international law and international institutions, with international trade law and intellectual property (IP) law as its juridical cornerstones. International trade policies have supported US and European market expansion at the expense of local agrarian systems and have encouraged the production of export crops. To date, the international IP regime has facilitated corporate monopoly ownership of seeds and fertilizers via patents and practices of biopiracy. Where strong national IP regimes are lacking, biotechnology firms have countered with GMO seeds reliant on proprietary chemical inputs (Kloppenburg, 2010). While I argue that these two are the juridical cornerstones which secure and expand the power of the global AIC, other areas of international law are also deployed as its technologies of domination. For example, by setting the governance terms of foreign investment, international investment treaties are reformulating control over natural resources and transitioning toward more commercialized land relations (Cotula, 2016). This has enabled large-scale land grabs in the Global South, often disrupting established land tenure (Cotula, 2016; Rosset, 2009).

International free trade was linked to food governance in 1996 at the behest of industrialized countries. The initial goals of linking and liberalizing trade in agricultural commodities were to discontinue state subsidies to inefficient producers and remove tariff barriers. It was claimed then that food prices would fall for consumers while farmers would earn more money in deregulated markets. Developing countries were encouraged to produce particular export crops amenable to their 'comparative advantage.' As Sophia Murphy (2009) points out, however, this was hardly how these policies played out. Large corporate actors flanked by international financial institutions dictated the rules of the trading game to the Global South; "Grain traders and food processing companies in both the US and Europe saw the potential of multilateral rules to free trade in agriculture as a way to lower commodity prices and to facilitate their move into increasingly consolidated businesses" (no p.). The IMF and World Bank encouraged liberal agricultural trade policies alongside reduced government involvement in food production and provisioning, and well-documented disciplinary Structural Adjustment Programs (Bernstein, 1990).

International trade law's influence on global food policy has largely been a liberal one and mired in the technical language of economic efficiency. State intervention in agricultural commodities is typically criticized as causing 'market distortions.' Liberal trade policies continue to be advocated by international institutions, despite the very same policies' role in contributing to the global food crisis in 2007-8 (Orford, 2015, p. 16). International trade policies and agreements have positioned states as economically deviant if they stray from established liberalized policies in favor of domestic subsidies. However, as Orford (2015) notes, "in the absence of conscious state planning, food production and distribution will be engineered by a narrow group of people representing a very particular set of interests" (p. 19).

Critics argue that free trade agreements adversely affect aspirations for food sovereignty by diminishing public support for local markets and removing tariffs on imported goods thereby inhibiting small food producers from competing with global AIC producers (Nyeleni, 2017). There are currently at least six bilateral and multilateral free trade agreements currently under negotiation, spanning nearly every continent (Nyeleni, 2017, p. 3). Further, the World Economic Forum is advancing a comprehensive bundle of agricultural policies titled the “New Vision for Agriculture” through public-private partnerships and market-based solutions. Its aim is to increase agricultural production by 20% each decade through 2050, lessen agricultural impact on the environment by reducing emissions tied to production, and lifting the daily wages of small rural farmers and producers (WEF, 2010, p. 12-13). It is led by 17 companies, including Cargill, Coca-Cola, DuPont, General Mills, Kraft Foods, Monsanto, Unilever, and Wal-Mart. Commodity crops are central to this agenda, as are heavy chemical inputs and contract farming. The Nyeleni organization comments on the ‘New Vision’:

This creates farmer dependency on corporations. It deepens the segregation of local peasants who produce their own food by their own means with their own seeds, and claims to benefit people who are tied to contract-farming (through “high technology” and chemical inputs), while they are forced to accept delayed payments and low prices paid by the retail giants.

This scheme functions in twelve African countries, five in Asia and four in Latin America expanding a model of huge mechanised monocultures, greenhouses with hybrid or GM crops, never ending demands on the farmers bound to corporations, strictly formulated standards and people hired to work in the worst possible conditions (Nyeleni, 2017, p.3).

In short, the ‘New Vision’ is old wine in a new bottle and signifies an expansion of the global AIC.

Pechlaner and Otero (2010) characterize the ‘neoliberal food regime’ as deeply integrated transnational agrofood capital reliant on global sourcing and the diminished ability of states to challenge corporate actors in setting national agricultural policies. They argue that the nation-state is still fundamental in food struggles. Despite common understandings of economic neoliberalism which lament ‘the withering away of the state,’ neoliberal statecraft often means more, not less, state intervention as Julie MacLeavy (2012) notes “...neoliberal programmes of government have instead entailed reconstitution of state capacities and political subjectivities across different spatial contexts” (p. 252). Advanced capitalist states play a key role in every level, from establishing farm and land-use policy to subsidizing the production of particular crops, establishing health and safety standards, and creating and sustaining markets. However, as Moyo and Yeros (2005) point out, the global AIC is marked by its “high corporate concentration” (15) geared towards the financial interests of transnational capital. Describing the global AIC under the corporate food regime (McMichael, 2009), Eric Holt-Gimenez (2011) comments:

Built over the past half-century—with the help of public funds for grain subsidies, foreign aid, and international agricultural research—the industrial agrifoods complex is made up of multinational grain

traders; giant seed, chemical, and fertilizer corporations; global processors; and supermarket chains. These global companies dominate markets and shipping, and increasingly control the world's food-producing resources: land, labor, water, inputs, genetic material, and investments ... Over the last sixty years, the companies that buy, sell, and process farm products, and the chains that distribute and sell food, have steadily eroded farmers' profits. (p. 312).

The multitude of actors in the global AIC can often be identified in a typical global food supply chain: agricultural input providers such as Monsanto for seeds and chemicals, farm production which spans farmers and laborers and their growing methods to land tenure and plantation, to supermarkets and others involved in processing and wholesale and retail distribution, and finally to consumer consumption (Knox & Marsten, 2011). Indeed, the global AICs reach spans fossil and biofuel production to animal feed, to GMO seeds and their patents, to food retailers. The potential Monsanto/Bayer merger shows that it is still consolidating. The global AICs expansive scope and juridical power is underpinned by global legal structures, both in the form of hard and soft law.

Critical international relations scholars and political economists increasingly refer to a singular logic underlying the globalization of international law as 'New Constitutionalism' (Cutler & Gill, 2015). They argue that this logic foregrounds the commodity form and disseminates governance regimes subjected by a limited form of exclusive property rights serving market interests (Cutler, 2011). They view international law as instrumental in neoliberal economic restructuring, as it facilitates liberalization while re-regulating with soft, voluntary standards in labor regulations and environmental protection. Cutler understands the TRIPs Agreement, currently the most comprehensive multilateral treaty on IP, as an essential component of this legal architecture and recognizes IP as "a standardized form of enclosure encouraging proprietary conceptions of sovereignty, identity, and autonomy" (Coombe, Malik and Griebel, Forthcoming, quoting Cutler, 2011, p. 29). Minimum standards for IP function primarily as hard law supports for protecting private regimes of accumulation by dispossession of intangible goods. In contrast, soft law burgeons where various actors seek to articulate alternative norms and values which might be shaped by human rights objectives (Anderson, 2012).

IP has prodigiously expanded its breadth since the 1980s to cover multiple forms of life, ideas and processes, and has been embedded within free trade agreements. IP can be described as both a modern form of legal power based on modern concepts of progress and improvement and a key legal form for capital accumulation under conditions of informational capitalism and neoliberal state restructuring. It directly affects agriculture through its protections for plant varieties and the enclosures of the "genetic" commons (Aoki, 2008). This is linked to the rise and incorporation of the agro-chemical industry into the global AIC as the amalgamation of large firms multiplies their capacity to influence governments. It relies upon Western understandings of authorship and knowledge to advance its protections. IP is predicated on rights of exclusion that permit authors or creators of knowledge monopoly control of their 'creations' (Drahos, 1996). Recognized authorship relies on the 'creation' as legitimate and recognizable knowledge under a particular IP regime. IP recognizes some as knowledge producers and others as knowledge

consumers, “as some knowledge is identified as legitimate and others as invisible in the system” (Wright, 2006, p. 916). Patentable seeds standards based on US patent law have been replicated throughout the world. For example, the Plant Variety Protection Act of the Philippines is largely exclusionary of communal based seed innovation. Sarah Wright comments:

The required newness, for example, means that the information or seeds cannot have been shared but must be secret and individual; the need for distinctness eliminates seeds created through incremental changes season by season; uniformity requires homogeneity and an absence of diversity; and, stability means seeds that are static, unchanging and locked into their attributes. The attributes of a more diverse, communally oriented, incremental, shared and dynamic agriculture are thus excluded from such requirements at every stage (2006, p. 905-906).

IP regimes construct valid and invalid knowledges, each of which is wrought with its own localities and histories, politics and power relations. Global IP regimes, through institutions such as the WTO, then enforce global hierarchies of knowledge which are typically ‘locked-in’ through hard law such TRIPs or through domestic mimicking of US and European IP standards.

However, Foucault reminds us that “where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power” (Foucault, 1976, p. 95) IP mechanisms are also employed to subvert corporate control over seeds, promote local food production, and re-embed the labors of place and biocultural heritage. IP is being repurposed in ways to enact novel uses to challenge its own established hegemony. However, these subversive uses of IP do not stand alone, rather they must be developed alongside bottom-up institutions that preserve and advance biosocial relations necessary to produce a protected genetic commons and, I argue, food sovereignty. As Tania Aguila Way (2014) illustrates, the Zapatista ‘Mother Seeds of Resistance’ project not only functions as a seed bank and archive for indigenous maize varieties, but also incorporates longstanding cultural practices associated with the crop. These seed banks are also integrated into communal structures, or *caracols*, with schools, clinics, and administrative centers for self-government (Aguila Way, 2014, p. 78). In essence, the examples below must be embedded within larger community-based institutional structures that link seed and food sovereignty, traditional cultural practices, and practical improvements in societal well-being.

Jack Kloppenburg (2014; 2010) rightly argues that seed sovereignty is a necessary precondition to food sovereignty. Kloppenburg (2014) distills a handful of constitutive principals of seed sovereignty from the platforms of Via La Campesina and Navdanya: The right to save and replant seed, the right to share seed, the right to use seed to breed new varieties, and the right to participate in shaping policies for seed (p. 1234-1235). The Open Source Seed Initiative (OSSI) extends and encourages “the sharing rather than the restriction of germplasm, to revitalize public plant breeding and to integrate the skills and capacities of farmer breeders with those of plant scientists” (Kloppenburger 2014, p. 1226) through the use of open source licensing, initially pioneered in computer software. These licenses are expected to preserve the right to use material for breeding and fulfill the rights of farmers to save and replant seeds. There is hope that this will in turn create a

‘protected commons’, where farmers and plant breeders would be able to freely circulate and exchange materials and knowledge with simultaneous protection from corporate expropriation. OSSI has been met by skepticism by farmers in the Global South b hesitant to embrace OSSI due to its reliance on the notion of ‘ownership’ via the license contract. However, there are examples of its spread globally illustrating a technology developed within a Western context adapted to meet local cultural and regulatory contexts. In India, the Centre for Sustainable Agriculture is working side-by-side with local farmers to preserve seed varieties of traditional foods and engaging in participatory plant breeding activities (“CSA, Open Source Seeds,” n.d.). This is contributing to new plant varieties to meet specifically local demands. They are also working with farmer co-operatives in developing equitable supply chains to help increase farmers’ incomes, aiming to “blend the values of traditional bazaars with ecological concerns” (“CSA, Farmers Institutions,” n.d.). Similar initiatives are developing in East Africa (Cernansky, 2017).

Moreover, a group of critical IP scholars and practitioners have recently embarked upon the ‘IP and Food Project’ which attempts to use conventional IP vehicles to address problems of food insecurity. (Lawson & Sanderson, 2013). Brendan Tobin (2013), for example, argues that while open source seed initiatives are crucial in creating a protected genetic commons, they must be engaged in larger bundles of hard and soft legal mechanisms, such as “human rights...farmers’ and livestock breeders’ rights, community legal initiatives, sui generis laws for protection of traditional knowledge, international compliance mechanisms (such as disclosure of origin in IP applications), and increased recognition and protection of indigenous peoples and local communities’ customary laws and biocultural protocols” (p. 75). Matthew Rimmer (2013) looks at the Public Patent Foundation, a US-based non-profit legal organization which actively strives to ‘patent bust’ unfair patenting practices by large multinational corporations. The Public Patent Foundation has argued against corporations such as Monsanto in seed disputes and Myriad Genetics in access to medicines disputes. He argues that such public interest organizations might be developed in other areas of IP, such as plant breeders’ rights and access to genetic resources.

Geographical Indications (GIs) are a distinctive form of IP established in the TRIPS Agreement. GIs are signs used on products, typically but not exclusively food, that have a specific geographical origin and possess qualities or a reputation directly linked to that origin. A GI symbol must identify a product as originating in a given place. For food products, GI is intended to legally ensure a genuine ‘taste of place.’ Champagne, Darjeeling Tea, Gruyere Cheese, and Iberian Ham are some of the most renowned GI products globally. Coombe & Aylwin (2011) coined the umbrella term Marks Indicating Conditions of Origin (MICOs) to include GIs and likeminded legal vehicles such as appellations of origin, denominations of origin, and collective trademarks and certification marks. GIs are intended to protect the traditional knowledge and cultural heritage of local and rural producers and are widely perceived to be effective in rural development, possible protecting biodiversity and traditional environmental knowledge, and enable the sustainable use of genetic resources (Coombe & Malik, 2017, p. 88).

While cautionary tales of MICOs are plentiful to suggest they may in fact entrench local inequalities (Coombe & Malik, 2017; Coombe, Ives & Huizenga, 2014; Coombe & Aylwin, 2014), there are also promising examples for MICOs to emphasize the labors of ‘place’ against the ‘food from nowhere’ produced by the global AIC.

Multilateral Institutions are funding projects and NGOs are promoting new certifications for goods and services derived from practices of preserving what is now known as biocultural diversity or biocultural heritage. Indigenous peoples seek to link self-determination principles with Nagoya Protocol principles that oblige states to seriously consider indigenous and local communities' customary laws and community protocols.

The International Institute for Environment and Development (IIED), an environmental NGO, working with the regional indigenous organizations. UN agencies might consider the importance of finding new means to mark and to market goods and services produced in accordance with customary legal principles that maintain biocultural diversity and sustain indigenous livelihoods.

Similar to Fair Trade marks, they seek a Biocultural Heritage Indication labelling scheme. They define biocultural heritage as:

Held collectively, sustains local economies and transmitted from one generation to the next. It includes thousands of traditional crop and livestock varieties, medicinal plants, wild foods and wild crop relatives. These precious resources have been conserved, domesticated and improved by communities over generations — and sometimes millennia (IIED, 2015, p. 4).

Biocultural Heritage Indications are based upon the collective trademark that Peruvian Potato Park communities have already established. The IIED is producing briefing papers and community-based how-to manuals about the prospects that common law marks hold for community use in Africa, Asia, and Canada. Working alongside local communities, the IIED is developing MICO-like protections rooted in international environmental, heritage, and cultural and indigenous human rights principles.

Some certification schemes cater to elite consumer markets. Indigenous Terra Madre is preserving and promoting indigenous foodways geared towards local markets. Similar efforts are now being incorporated into 'rural territorial development' strategies while encouraging local fairs and markets, and seed networks and exchanges. These are all examples of re-embedding biosocial relations into food production which take into account not only relationships between producers and consumers, but also biodiversity and biocultural heritage as well.

MICOs are also emerging for use in campesino food heritage projects. Farmers working with social movement activists and marketing experts in the Los Lipez region of Bolivia created a denomination of origin to open international markets for their quinoa crop (Coombe, 2016). Andrew Ofstehage's ethnographic research (2010) illustrates, the quinoa mark has spurred a rethought in regional economies towards 'regional life-worlds' sustained by social relations between farmers, consumers, and the crop itself as "(f)armers consider the life-story of quinoa when making market decisions" (p. 5). It embodies aspects of both a conventional market economy and a 'gift economy,' "an integrated split market and moral economy that Indigenous peoples seek means to maintain" (Coombe, 2016, 265).

In conclusion, the global AIC has been catastrophic in the Global South in a multitude of areas. Much like colonial discourses of improvement and progress, it relies on an understanding of small, local farmers as backwards and in need of

Western modernity, relying on international legal structures to extend and enforce its power. Yet channels of resistance are arising through the subversion of those very structures. One could imagine foods that are produced with open source initiative seeds as potentially garnering their own forms of certification. For these forms of IP to be effective rather than exacerbate typically historically entrenched local inequalities, they must be accompanied by rights-based institutions sensitive to local needs and desires. The pitfalls of purely importing or imitating Western IP models that fail to reflect subaltern realities has been well documented (Coombe, Ives & Huizenga, 2014; Coombe & Malik, 2017). Locally adapted MICOs and similar certifications or indications might be established in conjunction with political pressure on states to reassert themselves in global food policy. This has been witnessed in Ecuador and Bolivia, where food sovereignty is increasingly plurinational and constitutionalized although to varying degrees of success (McKay, Nehring & Walsh-Dilley, 2014). It might be through simultaneous political pressures at multiple scales, from the local to the global and that in between, that we are able to better envision and construct alternative food and agricultural futures.

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Nazioarteko Hizketaaldia

ELIKADURAREN ETORKIZUNA ETA NEKAZARITZAREN ERRONKAK XXI. MENDERAKO:

Mundua nork, nola eta zer-nolako inplikazio sozial, ekonomiko eta ekologikorekin elikatuko duen izango da eztabaidagaia

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