

2 Geographical indications out of context and in vogue

The awkward embrace of European heritage agricultural protections in Asia

Hart N. Feuer

Introduction

Through the presently hurried phase of policy deployment in Asia, geographical indications (GIs) for agri-foods have risen feverishly to the level of a public discourse while quietly expanding the room to maneuver vis-à-vis the European GI system and global trade rules. This state of affairs has emerged due to the confluence of (1) the enthusiastic but overly simplified lay understandings of GI policies driving political motivation, (2) the eager support and lenience of European engagement and (3) the nascent diversity of models on which new GI laws can draw. This position is a corollary of that of Bonanno (this volume), who highlights the conundrum that GI policies are expected to achieve seemingly contradictory goals, such as instituting preferential domestic intellectual property rights while promoting free trade or privileging restrictive production specifications while advocating for market expansion. The fact that European foreign policy would not only tolerate but actively perpetuate such contradictions suggests that the room for experimentation within and between the neoliberal free market approach and the state-interventionist approach is wide. In other words, the European approach to promoting GI intends not to consistently replicate European norms of sui generis GI in the upcoming markets of Asia but rather to shore up their position vis-à-vis the United States by drawing new countries into its general orbit of intellectual property rights for agri-food. Through a comparison of the approaches in Japan and Cambodia, which accentuates the different policy approaches and availability of public resources, I show how the awkward embrace of GI policies in Asia reflects both the underlying ambiguities of “place of origin” policy recruitment and the incongruities faced in, and created by, different national contexts.

The devious charisma of the geographical indication approach

An observation not lost on many academic and civil society commentators is that GI is able to generate a level of enthusiasm and social mobilization that is unusual in the otherwise dry field of intellectual property rights. Despite

being a cousin concept to more run-of-the-mill rights mechanisms, such as trademarks, copyrights and patents, GI is not a commonly accepted fixture of a well-established national legal system. Rather, GI policies are frequently “rediscovered” in new countries and regions in a process that often sparks renewed excitement and debate (Calboli 2017, 4; Heath 2017; Hughes 2017, 65–67). This characteristic of GI policy has garnered it the title of the “Sleeping Beauty of the intellectual property world,” a euphemism coined in 1995 (by Florent Gevers during a symposium of the World Intellectual Property Organization (WIPO)) and trumpeted again in 2007 (by Marcus Höpferger at another WIPO symposium). This confidence is a natural response to the innocent notion that the “basic concept underlying GIs is delightfully simple” (March 2007, 8, from the official magazine of WIPO). And indeed, while the vagaries of codifying national copyright and patent laws rarely raise an eyebrow among regular people, GI policies often capture public imagination because they seem to correspond with existing reality on the ground. A glance at public speeches and media portrayals of newly minted GI laws in East Asia reveals variations of the following lay perception: *Now here is a legal protection that normal people who care about our national food can appreciate* (e.g., de Gaudemar 2016; Passeri and Chheng 2016; UNCTAD 2015). At work behind such judgments is the expectation of achieving some degree of parity with the product differentiation and competitive advantage established by Europeans through historical GI policies, based on the naïve normative assumption that intrinsic qualities of food products can and should be readily recognized worldwide. As many promoters have suggested over the decades, if the quality, know-how and connection to geographical origin are historically present, they must “simply” be valorized (Addor, Thumm, and Grazioli 2003). So, if patents and copyrights reside in the rarefied space for valorizing high technology innovations, GIs appear to realize the obvious: confirm what is already widely known and protect it against fraud and quality degradation.

And yet, the type of the *sui generis* model of GI currently spreading across Asia is often reductive and technical, which can make it inadequate for capturing what appears to be “widely known” as this knowledge arises from a fluid sense of authenticity and quality. A comparable oversimplification surfaced with expectations about organic agriculture in developing countries, again with proponents assuming that certification would readily valorize the existing quality and know-how of the many “default organic” farmers worldwide, when in fact such farmers were often simply resource-poor rather than agronomically adept (De Launey 2005; Källander and Rundgren 2008, 29; UNESCAP 2002). In this vein, there are inflated hopes pervading across Asia that GI policies will draw the attention of the world to the manifest achievements of each nation’s agri-food system. To be fair, policymakers and most experts are more restrained and nuanced in their push for GI, at least on paper. However, I argue that the public enthusiasm for a renewal of traditional quality and care, coupled with the increasing discursive power of GI, has created an inexorable pressure to pursue GI policies regardless of their strategic suitability. The constellation of promoters

of sui generis models of GI – including oriGIn, SInER-GI, WIPO and the French agency for development assistance¹ – typically abstain from sweeping statements endorsing GI policies for each country, but in the end, they are often persuasive. Typically, the pitch begins by noting that GI is already inscribed in TRIPS and other multilateral agreements signed by most countries, so there is no reason not to use this existing opportunity; all that remains is to evaluate one by one the feasibility of different GI-candidate products. This seemingly innocuous expression of contingency preempts more systemic critical response while opening the door to the mission creep inherent to project-based action. At this stage, governments and the public quickly discover or receive a list of “potential GIs,” on which are found a nonrepresentative collection of readily applicable agri-food products (the low-hanging fruit). This serves the purpose of communicating to a proud public that a sui generis GI policy is evidently suitable in their country. What appears at this point as “delightfully simple” is a prelude to a complex GI process that guides and channels how “things,” which are in this case fluid mental frameworks and rumors about quality, become commodities.

The process of engendering a sense of inevitability imbues GI policies with the expectation that they can independently create traction against the pull of commodification. In reality, the *direct impacts* of GI policies touch on only one pole (“deepening”) of the comprehensive engagement required for integrated rural and agricultural development, which has been codified so well in van der Ploeg and Roep’s (2003) triangle of differentiation (deepening, broadening, regrounding). Rather, it is the indirect impacts which are generated through the GI policy mechanism pressures or the very nature of the GI institutionalization that serve to bring together all three poles of rural development. Outwardly, the purpose of GI as certification is to instill in (increasingly distant, unconnected) consumers the credible belief that GIs are “deconstructed commodities” with differentiated value as opposed to trivialized, homogeneous “commodity goods” (Augustin-Jean 2012b, 57). Whether the results in each case of a GI product provide sufficient deconstruction of a commodity to increase its value depends on the details and scope of the valorization effort.

While the notion that the broader product valorization strategies realize “secondary impacts” (on biodiversity, traditional knowledge, community-building, etc.) that should be documented and valued alongside the usual metrics of higher prices, sales and employment (Bramley, Biénabe and Kirsten 2009, 118), analysts tend to use relatively simplified, individual GI products as the units of analysis in performance measurement. This reflects the urgency of the case study approach for helping to evaluate, optimize, or troubleshoot GI policies and assess rents accrued to participants; doing so, however, often leaves the broader national movements of the GI policy relatively under-analyzed. This chapter will draw from examples of GIs (and their discontents) in Japan and Cambodia, but it will do so following a perspective that views GI more discursively – as an evolving expression of the power of policy proponents and the agency (in the actor-network sense) of the GI products themselves. This view aligns with that of van

Ittersum et al. (2003), who understood the “buzz” around GI, particularly at the domestic level, as an end itself rather than as merely the means for enhancing the impact of the individual GIs or realizing high-value exports. More simply, this orientation can be summarized by an observation of a key informant in Cambodia, who writes in a United Nations (UN) Food and Agricultural Organization (FAO) report that Cambodian authorities and non-governmental organizations (NGOs) have recently been encouraged by international organizations to establish a “GI culture” (Prak 2010, 39).

Innocent embrace of GI policy – critical stance toward the rules of the game

As with many interventions imported in the postcolonial era that channel development through precolonial institutions, developing countries have learned strategies for appropriating the renewed financial flows and logistical support attached to new trends. Especially when the intervention in question is contested by the world powers, as the *sui generis* GI vs. trademark models of agri-food are (Blakeney 2015, xiii), latecomer countries being courted by policy diplomats can proactively survey the field and elect approaches that are radically different from the vision of core promoters. In this case, both Japan and Cambodia have embarked proactively on the development of GI policy, but with different institutional approaches.

The tactics of the Japanese Ministry of Agriculture, Forestry and Fisheries (hereinafter simply Ministry of Agriculture) for designing their *sui generis* GI law revealed their objective of optimizing the GI framework for Japan by privileging the views of countries that are less vested in, and presumably less burdened by, policy inertia developed a hundred years ago (on this latter point, see Raustiala and Munzer 2007). Among other documents released publicly, their policy drafting process included a 623-page working paper from 2011 commissioned by the Ministry of Agriculture that contains the raw output from surveys of third-country GI laws and interviews with relevant staff in different countries (IIP 2011). The surveys were conducted mostly with “GI lightweights” such as Germany and the United Kingdom but also “GI skeptics” such as China, South Korea and the United States (Calboli 2006). The resulting Japanese *sui generis* GI policy in 2015, which involved input from stakeholders from the food industry, academia, farmers’ unions and foreign experts, can be understood either as a poorly consolidated mishmash of various national approaches or as a keen integration of competing policy goals (Kojo 2006). What it most clearly represents, however, is a deliberate departure from the European model that actually shores up the preexisting Japanese regional collective trademark GI system in many ways but that is subtle enough not to be viewed as a rebuke of the EU system from which Japan intends to benefit (Port 2014).

This is achieved by leveraging the European Union and the WTO by augmenting intellectual property enforcement for marquee export-oriented products and oft-defrauded products (e.g., matcha powder, top-grade green tea,

dried kaki persimmons, wagyu beef, premium melons, etc.) while more quietly exploiting the rest of the legal opening provided by TRIPS to prop up more vulnerable, domestically important products/regions with marketing assistance and public sector legitimation. This is evident in both the intention and pattern of GI registrations since the GI law went into force in 2015. For one, and in contrast to the Cambodian case, the Japanese sui generis GI law is implemented by the Ministry of Agriculture rather than an intellectual property division,² which essentially adds GI to the portfolio of rural support mechanisms in Japan. This helps explain how, in seeming violation of the European spirit of GI laws, the Ministry of Agriculture expected to register an astounding number of 1,000 non-alcohol products (Kojo 2006, 14); for reference, Italy has registered 274 non-alcohol GIs, whereas the whole EU has just over 1,300 (according to the European Union's database of origin and registration (DOOR), as of October 2018). Although expectations have since been tempered about this number, the goal of channeling support to smaller production areas in Japan was proudly announced in an informational session for prospective GI candidates in the Nara region in 2015, the first year of the policy.³ This goal has already partially come to fruition with the successful GI registration and subsequent marketing support (e.g., website, local events, media coverage) provided to relatively obscure and small-scale agricultural products such as national varieties of shellfish, eggplant, turnip and burdock root. In the meantime, owners of the more iconic brands/GIs have been emboldened to chase down their intellectual property rights in China, in Europe and domestically.⁴

Cambodia, under the Ministry of Commerce (Department of Intellectual Property, or DIP), has also exploited the recent worldwide GI turn but has taken a different strategic approach more in line with its developing country status – that is, by harvesting development aid and logistical support from European sources for expensive marquee GIs while incrementally cultivating local capacity and starting domestically important initiatives in the background. Central to this strategy has been the privileging of practical learning about the technical aspects of GI, which was largely achieved by allowing certain flagship GIs to begin institutionalizing themselves even before the Law on Geographical Indications was finalized in 2014. Beginning in 2007, the Cambodian authorities let the French development agency and FAO guide much of the process and help draft the law. As the head of the DIP noted in 2017, this allowed them to “see how the French would do it and learn how to make [their] own adjustments along the way.”⁵ The result was that the two initial GI registrations in 2010 for Kampot pepper and Kampong Speu palm sugar, which were entirely funded by international organizations (WIPO, FAO) and European aid (mostly French bilateral assistance), fell closely in line with EU norms; simultaneously, this experience provided Cambodian authorities a crash course in GI implementation years before the relevant policy was enacted. This achieved two parallel goals: maintaining an open lifeline to development aid for costly export-oriented GI valorization and building up local capacity for later attempts to economize on more domestically important GIs.⁶

Indicative of this bifurcation is the prospective gap between these initial GI registrations and most of the GIs in the pipeline. The first two products are produced or marketed in ways that make them largely irrelevant to the Cambodian domestic market while requiring significant investments in promotion and export. Kampot pepper has been transformed almost entirely into a souvenir and a prestige ingredient for foodies and European haute cuisine, while Kampong Speu palm sugar is mostly processed into granules, a product form which is alien to Khmer cooking.⁷ Both products are also certified organic to European and other international standards, but most brands have ignored the domestic certification from the Cambodian Organic Agriculture Association (COorAA). In any case, the next products in the GI pipeline, Koh Trung Pomelo and Kampot sea salt, are less blatantly neocolonial: They are likely to be purchased as gifts or for ceremonies and may be exported as well.⁸ Subsequent GI products, moreover, are far more likely to gain local traction because they are not widely known outside of Cambodia and Khmer cuisine or have properties (such as fishy smells or exclusive local culinary use) that do not lend themselves to wide (international) promotion. In this sense, the intended result is comparable to the Japanese case: heavy investments in valorization and international promotion for symbolically important and EU-approved products, followed up by more domestically relevant products and local promotion.

In Cambodia and Japan, concerted efforts have been made to appropriate the legal and logistical benefits, as well as the enthusiasm, generated by the successful expansion of European GI policy while also preparing the ground for (or reinforcing) more locally relevant and utilitarian product promotion. Demonstrating this dramatically, the Cambodian Minister of Commerce, H.E. Pan Sorasak, led a memorable delegation to Geneva in March 2018 to be the first country to deposit instruments of ratification to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. His remarks on the occasion, that Kampot pepper is proudly the first GI product in Southeast Asia to receive EU protection, outwardly communicate his wish to enable international protection for Cambodia's excellent products with national origin (Khan 2016), but he is also realistic about the international prospects for many of Cambodia's less evidently famous products. Rather, he is more likely aiming to use the GI law to protect Cambodian producers from competition from neighboring countries in Southeast Asia, which is why the GI law is implemented in the Department of Intellectual Property rather than the Ministry of Agriculture, Forestry and Fisheries. This concern is reversed in Japan, a country with declining agricultural production that is less concerned about fraudulent sale of little-known traditional products and more hopeful about creating a strong pretext for protectionist rural development measures. This inward orientation in both countries reflects, on the one hand, low expectations about promoting many unique traditional products abroad and, on the other hand, a need to promote domestic products locally or regionally in the face of declining consumer interest and skill. The former point is not unfamiliar to the European case, where many countries have registered obscure or

small-scale GI products that are not destined for international (or even extra-regional) audiences. The latter point, which is more proactively recognized in Asia, is more of a latent realization in the EU countries that GI certifications will increasingly fall on deaf ears if consumer food knowledge (and willingness to pay) does not keep pace (Chabrol and Muchnik 2011); in other words, a continuous process of revalorization is necessary for each product (category), or more integrated processes of rural development similar to van der Ploeg and Roep (2003) are necessary. Asian countries with fresh GI laws seem to be aware of the longer-term problems of the *sui generis* system and are preemptively moving to avert them by crafting more locally adapted policies while outwardly still playing by the old rules. This suggests that the cultivation of a “GI culture,” as opposed to simply the implementation of GI policies, is a more strategic endeavor meant to fully use the support structures associated with the “GI turn” in recent decades.

**For geographical indications, failure is often success,
or at least a surprisingly productive endeavor**

The “GI turn” has created inertia in the directions of product valorization, certification and international trade such that turning away from the constructed sense of inevitability of GI can take considerable self-reflection. Even as a researcher in the field, I was swept up in this fervor to such an extent that I found myself feeling uncritically disappointed upon learning that various producers had given up on their GI registrations or were left out of a promising GI initiative. Later, I came to discover, or was convinced by other observers, that these events were for the best or were at least strategic in nature. Indeed, often the “prospect” of a new GI, as opposed to its eventual realization, is sufficient to engender change by galvanizing various secondary changes. And even GIs with direct outcomes that are considered poor or undesirable can have notably positive impacts if the scope of evaluation is adjusted or reframed. Consider, for example, the distraught Normans when, in 1926, an appellate court in France ruled that camembert was henceforth a generic term. This loss of monopoly power, however, quickly led to even greater appreciation for camembert from Normandy and a worldwide bonanza for camembert styles that has benefited the French (Boisard 2003, 16–18). In understanding how GI policies are being embraced and negotiated in Asia, it is important to view not only planned but also contingent processes of reflection and response. These are reviewed in the next section, with particular attention drawn to particular processes of realignment (of the domestic market, expectations, allies), spillover (into secondary markets) and resolution (of historic conflicts).

Failure to consolidate a definition of geographical indication

While GI laws often require applicants to prove that their products are historical – that is, they have been produced in a comparable manner for at least a certain

period (twenty-five years in Japan and the European Union) – there is often no requirement for the oldest, strictest, most traditional or most natural characteristics to be codified. The “strawberries of Sologne” described by Augustin-Jean (2012b, 60–61) exemplify a case in which quality does not arise from exclusively localized tradition and know-how *from* Sologne but rather from a concerted effort *in* Sologne to standardize good practices from around France. In this sense, its connection to place is illusory at best, while its destruction of strawberry diversity and reductiveness toward strawberry farming systems stand largely in opposition to the socialized expectations of GI as the vanguard of local traditions. A comparable case is on display currently in Japan in the conflict over the definition of Hatcho miso, a red fermented bean paste that has continuously been produced in Hatcho district in Okazaki, a city in Aichi Prefecture, for almost 700 years. A GI for Hatcho miso was granted in December 2017 to a consortium of more recent red miso producers from other parts of Aichi Prefecture, with the oldest two producers in Hatcho district refusing to join on the grounds that the standards proposed by the other producers were not strict enough to be respectful of the product’s storied history.⁹ Subsequently, the historical producers from Hatcho district submitted a formal complaint to the Ministry of Agriculture and have initiated a petition to protest their treatment. This form of “competition,” to impose certain standards and relativize authenticity, again disrupts popular expectations about a GI policy’s capacity to neatly consolidate the proposed products. Instead, the GI registration offers a public platform and some urgency for the resolution of simmering internecine struggles, as well as some less binary methods (compared to trademarks) for recognizing subtle quality differences among heterogeneous products (Allaire 2012, 85). The potential to leverage this aspect of GI legislation, however, depends on the manner in which the narrative of the product is socially constructed, and this in turn is subject to power relations between producers and to the whims of government arbitration.

Failure to establish a seemingly promising geographical indication

The case of persimmon growers in the Nara region of Japan to opt out of a GI registration process represents an ambivalence toward an inscription process that imposes a rigid or reified production structure. This consortium of producers decided not to apply for a GI after hearing a promotional session on Japan’s 2015 GI law and despite the enthusiastic support of a member of their local city council. Although they understood the “honor” associated with receiving a worldwide certification, the producers noted that they had already achieved fair marketing conditions on their own accord. They had a well-functioning producers’ cooperative and had developed short value chains through their direct-order model, such that they internally maintained and controlled the quality of persimmons sold to their regular customers in Japan and China. The onerous GI registration and associated limitations on flexibility imposed by fixed

production guidelines seemed an unnecessary burden for their cooperative. In fact, the realization that their operations were already ahead of the curve was a source of pride and motivation.¹⁰

In contrast, the case of a proposed GI for oranges in Cambodia reflects the challenges faced when trying to artificially impose a narrow frame of reference onto a product and production area with a high informal reputation but little preexisting technical or social consolidation. The “Pursat orange” of Cambodia, which is in fact green in skin color, was transformed into a sought-after product during the French protectorate, when colonial botanists worked to improve local varieties of oranges. Their research station, in Dap Bat commune of Pursat province, was so well-known that the colloquialism “Pursat orange” became commonplace. Nearby districts in Pursat province developed well-known orange plantations, but so did many districts in neighboring Battambang province.¹¹ Eventually, Battambang-sourced oranges became more famous due to their sweetness, leading to the awkward linguistic result “Pursat oranges of Battambang” (*kroich pousat battambang*). Although the citrus itself and many of the associated farm practices arose in Pursat province, this arose from colonial (i.e., foreign) imposition rather than the natural evolution of soil and know-how that is fetishized for geographically indicated products. In fact, the ensuing expansion of orange growing to nearby districts of Battambang province and the accompanying improvement in reputation is more indicative of this natural process of refinement, but in transgressing an administrative border, the orange’s name began to be at odds with its highest quality production area. This has more recently led to a conflict between the producers in Battambang and Pursat, with each accusing each other of appropriating part of the product’s identity: either its history or its currently high reputation. The imported concept of *sui generis* GI has, for example, emboldened many new settler farmers in Pursat with limited know-how and untested growing conditions to argue that their product inherently deserves the title of Pursat orange. Reconciling these simmering struggles is not a romantic consummation of a historic product, but it can, even when it fails, achieve other important secondary impacts.

As in the example of the strawberries of Sologne and wine from the Republic of Georgia (see Shtaltovna and Feuer, this volume), the Pursat orange lies at the confluence of efforts to consolidate and promote a unified product, whose differentiation and quality have emerged in a multipolar way. The consistent failure to reach an agreement about the origin and name was a drag on the Cambodian regional orange economy and left both provinces vulnerable to even more severe fraud from oranges imported from Vietnam. The GI negotiation process pushed these parties to important technical and social reflections. Battambang province orange growers with excellent quality are now working to more concretely specify the uniqueness of their product and have begun earnest negotiations with orange growers in Pursat province to amicably resolve questions of the naming and origin of these oranges, as well as to work together to fend off mislabeled imported oranges.¹²

Failure to achieve socially optimal goals of a geographical indication

Even in the most lauded cases of establishing new GIs, such as that of Kampot pepper in Cambodia, the particulars of the welfare impacts of GI are important to note. Such analyses are not uncommon upon the establishment of a GI (Bramley, Biénabe and Kirsten 2009, 122), but the distribution of rents invariably evolves over time and therefore should be re-evaluated periodically. And indeed, some of the sharpest criticism and overall pessimism toward GI is directed at this progression (Belletti, Maescotti and Touzard 2017; Kerr 2006). Despite the celebrated rollout of the Kampot pepper GI, and the encouraging farmgate and retail prices realized,¹³ the welfare impacts have remained under scrutiny. The president of the Kampot Pepper Promotion Association (KPPA) noted that although he enjoys his new status and invitations to black-tie events, “the Kampot pepper GI is not really for Cambodians.”¹⁴ This was in reference to the three most common worries associated with developing country GI policies (Augustin-Jean 2012a, 7). The first, and perhaps most glaring, is that almost the entire GI pepper crop is purchased by foreigners (70 percent is exported, and most of the remainder is sold locally as souvenirs), thereby economically and structurally excluding most Cambodian consumers. This is associated with the second worry, namely that the bulk of the profits (including for secondary markets such as ecotourism) are absorbed by intermediaries, most of whom are external to the territory or foreigners.¹⁵ Here, the French colonial history is particularly obvious, with much of the processing and packaging conducted by French nationals and exported to France, layered on the historical detail that Kampot pepper is a French colonial-era construct associated with the French “discovery” of excellent pepper in Cambodia and its export through the seaport of Kampot (Direction de l’Agriculture et du Commerce 1899; Kitagawa 2005; Société de géographie commerciale de Bordeaux 1900). The third worry, now being realized, is that corporate raiders or foreigners will encroach on the valuable land and process of pepper production itself. In 2017, Chinese and Singaporean firms bought up major plantation size tracts of Kampot pepper land, adding to the existing landscape of major American, French and Australian ownership (Cheng 2017). These issues have tarnished the GI’s reputation for rural development.

From a minimalist perspective, however, the Kampot pepper GI should still be considered a success. Whether farm laborer, manager or distributor, there are higher salaries and more pepper-related jobs for Cambodians in Kampot than other cultivation areas. And yet, other cultivation areas, particularly those with comparable quality to Kampot, are cashing in on the notoriety of Cambodia for pepper and the retreat of the Kampot area from the domestic market. The historically excellent producers from Kirivong-Takeo province have gained relatively in domestic stature, while provinces like Koh Kong and Monduliri have produced excellent-quality products that have supported the domestic organic certification scheme. Fraudulent use of the Kampot pepper name in domestic markets is also decreasing due to the renewed interest in alternative production

sites and absence of affordable certified Kampot pepper. In short, the illusory and fraudulent dominance of the Kampot namesake is being replaced by more openness and plurality in the domestic pepper market.

Conclusion: geographical indications – a box of unintended tools

It is tempting to believe that the emphasis on trade and value generation by agri-food GIs has been the primary driver behind the success of the European promotion of *sui generis* GI policies in Asia, but the two country cases in this chapter demonstrate that Asian governments are discovering more utility in subsidiary aspects of GI, such as differentiating domestic products, privileging national producers and slowing quality erosion in agri-food products. Producers are also discovering that, as in Europe, GIs provide an inconsistent bulwark against domestic corporatization and/or appropriation of value by foreign entities. In developing countries, such as Cambodia, the disregard for the domestic market and appropriation of locally created value by foreigners in the early GI products smacks of neocolonialism and can even be argued to be a trojan horse for aggressive neoliberal market forces to gain a foothold in these rural areas. In richer countries, like Japan, the advent of the *sui generis* GI law provided cover for the government's claim that they are protecting the interests of traditional agri-food producers, but their actions have continued to privilege corporate actors and protect export industries (Sekine and Bonanno 2017, 13–38). Asian governments' interest in GI thus arrives at a time when many are pushed to support national agricultural patrimony but are also pulled to maintain their participation in the project of world trade liberalization.

These situational conditions for the emergence of GI in Asia also align with a more fundamental association of food and territory in many culinary imaginaries. So, in part, the post-2000 “GI turn” can be explained by the aggressive promotion by the European Union of its preferred mechanism of intellectual property rights, but its speedy blossoming arises from the internal attractiveness of *sui generis* GI, particularly for Asian countries with a preexisting tendency to associate place with quality. The more fundamental and optimistic initiative to legitimate GI-like products is seen as separate from the otherwise pessimistic perception about the extent of capture of the world heritage food trade by European countries (including sweets, meats and alcohol, among others). Of course, it is not uncommon for strong, unique flavors such as Scotch whiskey or Roquefort cheese to gain traction in foreign milieux, but it is perhaps rational for many Asian countries to remain sanguine about the prospects for odorous or unusual products such as Cambodian fish paste (*prahok*) or Japanese fermented soybeans (*natto*) to make a splash in world markets. Perhaps this is why the trajectory of many Asian GI policies appears to be one of initially subscribing to the world GI community based on a few emblematic products while ultimately aiming to appropriate the GI concept for domestically relevant agri-food promotion. This potentiality is not, in fact, contrary to the European

conception of international GI promotion (Augustin-Jean 2012a, 5), which expects endless bargaining and different outcomes related to each country's history, culture and economy – not to mention a cohort of GI products that is unlikely to become well-known outside of each country.

Part of the attraction to GI policies in Asia is the recognition that GIs can be used as an endogenous platform for demonstrating the value, and encouraging the continued cultivation, of consumer food skills that are necessary for society to reproduce interest in traditional cuisine. In many of the gift-giving cultures across East Asia, one is disproportionately honored for presenting agricultural products and being able to render their quality in narrative and technical terms (Lin and Mao 2015). Unlike many value-added certifications, GIs do not have a linear and easily understood impact on food purchases; they demand that consumers are already aware and motivated to buy certain regional specialties, and then they provide a guarantee of origin and consistency (Chabrol and Muchnik 2011). This burden is not alleviated by finding products from a certain origin, as many GIs are heterogeneous, so further quality assessments and decisions are required. This is particularly the case with wine and spirits, but it is also important when choosing agri-food products. The aggregation that occurs through GI registration may mask, but does not strongly inhibit, a diverse range of expressions of quality by individual producers (Van der Ploeg 2008, 136). In this sense, GI is perhaps evolving to be an alternative form of requalification worldwide that is a counterweight to more mainstream processes of standardization and commoditization under globalization. However, without consumers exhibiting sufficient aptitude to differentiate products, and thereby justify higher value, even GIs will tend toward internal homogeneity or require additional layers of certification to perpetuate difference.

In the post-2000 era, governments adopting GI policies are also presented with an opportunity to leverage the logistical support (financial, technical and legal) and the trade benefits that the European Union has helped enshrine in TRIPS. As discussed in the context of marquee GI products, a new GI policy must at least have the basic instruments necessary to promote and register a few internationally oriented, EU-approved products but otherwise can be molded and implemented in ways that suit each domestic context. The advent of GI creates sudden new space for tailoring development to specialized producers, and much of the palpable excitement in Asia relates to this fact, but ultimately the flexibility to design their GI policy to “cater to domestic needs” can be interpreted by governments as an opportunity to calibrate their agricultural sector more to the neoliberal world order. In this process, if the ideals on which GI is based become suppressed, these new GI policies will be hollowed out and do little to provide an alternative to neoliberal market capitalism.

Notes

- 1 Organization for an International Geographical Indications Network (oriGIN), Strengthening International Research on Geographical Indications (SINER-GI), World Intellectual Property Organization (WIPO), Agence française de développement (AFD)

- 2 Place of origin certifications for alcoholic beverages are governed separately by the Japanese National Tax Agency
- 3 Personal communication, Nara, 21 August 2015.
- 4 Personal communication with representatives of the following products: Nishio matcha (Aichi), 22 January 2018; Hacho miso (Aichi), 29 January 2018; Kobe beef (Hyogo), 7 March 2018.
- 5 Personal communication, Phnom Penh, 12 September 2017.
- 6 The financial burden of registering GIs is highly contextual. There are estimates of around US\$1 million for the registration of the first two Cambodian GIs (Khmer Times 2015), but these cases were highly promoted for export. Notwithstanding, most of the Japanese GI registrations have been completed with minimal costs for registration (officially around US\$800 for an indefinite GI registration) and administration due to the presence of preexisting producer groups (which play roles far beyond managing the GI).
- 7 Palm sugar is most commonly used as a paste but occasionally also in hardened blocks. Historically, it has not been granulated. Regarding pepper, Khmer cooking calls for either fresh whole corns or finely ground dust, which are distinct from the common product forms for Kampot pepper – coarse grinds or dried whole corns.
- 8 Personal communication: Phnom Penh, director of the DIP, Ministry of Commerce, 23 March 2018; Kratie province, head of the Koh Trung Eco-Tourism Community, 15 September 2017.
- 9 Personal communication, Okazaki-Aichi, 29 January 2018.
- 10 Personal communication, Nara, 21 August 2015; by telephone, 20 September 2015.
- 11 Opening speech by Chhim Vichara, head of the Battambang Provincial Department of Agriculture, Forestry and Fisheries. Presentation and Discussion on Research Results of Pursat-Battambang Orange Production and Market Linkage Project, 9 October 2017.
- 12 Personal communication with orange farmers in Pursat and Battambang provinces: 10–11 October 2017, 17 February 2018.
- 13 In 2017, the farmgate price of generic black pepper in Cambodia was US\$3–4 per kg, whereas GI Kampot pepper farmers received US\$15 per kg. Retail prices range from US\$90 to US\$300 per kg, depending on the quantity and form factor.
- 14 Personal communication, Kampot province, 5 September 2017
- 15 One notable exception here is the prominent Cambodian owner of Ngov Heng, who produces GI certified pepper as well as other uncertified products of origin, such as Kampot fish sauce.

References

- Addor, Felix, Nikolaus Thumm, and Alexandra Grazioli. 2003. *Geographical Indications: Important Issues for Industrialized and Developing Countries*, 74. Seville: Institute for Prospective Technological Studies.
- Allaire, Gilles. 2012. “The Multidimensional Definition of Quality.” In *Geographical Indications and International Agricultural Trade: The Challenge for Asia*, edited by L. Augustin-Jean, H. Ilbert and N. Saavedra-Rivano, 71–90. London: Palgrave Macmillan.
- Augustin-Jean, Louis. 2012a. “Introduction: The Globalization of Geographical Indications: The Challenge for Asia.” In *Geographical Indications and International Agricultural Trade: The Challenge for Asia*, edited by L. Augustin-Jean, H. Ilbert and N. Saavedra-Rivano, 1–16. London: Palgrave Macmillan.
- Augustin-Jean, Louis. 2012b. “Standardization vs Products of Origins: What Kinds of Agricultural Products Have the Potential to Become a Protected Geographical Indication?” In *Geographical Indications and International Agricultural Trade: The Challenge for Asia*, edited by L. Augustin-Jean, H. Ilbert and N. Saavedra-Rivano, 48–70. London: Palgrave Macmillan.

- Belletti, Giovanni, Andrea Marescotti, and Jean-Marc Touzard. 2017. "Geographical Indications, Public Goods, and Sustainable Development: The Roles of Actors' Strategies and Public Policies." *World Development* 98: 45–57.
- Blakeney, Michael. 2015. "Geographical Indications: An Introduction to the Literature." In *Geographical Indications*. Vol. 1, *Critical Concepts in Intellectual Property Law*, edited by M. Blakeney, xiii–lii. Cheltenham, UK: Edward Elgar Publishing.
- Boisard, Pierre. 2003. *Camembert: A National Myth*. Berkeley and Los Angeles: University of California Press.
- Bramley, Cerkia, Estelle Biénabe, and Johann Kirsten. 2009. "The Economics of Geographical Indications: Towards a Conceptual Framework for Geographical Indication Research in Developing Countries." In *The Economics of Intellectual Property: Suggestions for Further Research in Developing Countries and Countries with Economies in Transition*, 109–41. Geneva: World Intellectual Property Organization.
- Calboli, Irene. 2017. "Geographical Indications Between Trade, Development, Culture, and Marketing: Framing a Fair(Er) System of Protection in the Global Economy?" In *Geographical Indications at the Crossroads of Trade, Development, and Culture: Focus on Asia-Pacific*, edited by I. Calboli and N. L. W. Loon, 3–22. Cambridge: Cambridge University Press.
- . 2006. *Expanding the Protection of Geographical Indications of Origin Under TRIPS: Old Debate or New Opportunity?* Milwaukee, WI: Marquette University.
- Chabrol, Didier, and Jose Muchnik. 2011. "Consumer Skills Contribute to Maintaining and Diffusing Heritage Food Products." *Anthropology of Food* 8.
- Cheng, Sokhorn. 2017. "Pepper Sector Shaken by Boom." *Phnom Penh Post*, August 17.
- De Launey, Guy. 2005. "Cambodia Targets Organic Market." *BBC News*, October 17.
- de Gaudemar, Matthieu. 2016. "Cambodian Producers Urged to Build Effective Brands." *Phnom Penh Post*, September 16.
- Direction de l'Agriculture et du Commerce. 1899. *Les Plantations de Poiviers au Cambodge en 1899*, 18. Saigon: Gouvernement Général de L'Indo-chine.
- Heath, Christopher. 2017. "How Would Geographical Indications from Asia Fare in Europe?" In *Geographical Indications at the Crossroads of Trade, Development, and Culture: A Focus on Asia-Pacific*, edited by I. Calboli and N. L. W. Loon, 186–211. Cambridge: Cambridge University Press.
- Hughes, Justin. 2017. "The Limited Promise of Geographical Indications for Farmers in Developing Countries." In *Geographical Indications at the Crossroads of Trade, Development, and Culture: A Focus on Asia-Pacific*, edited by I. Calboli and N. L. W. Loon, 61–86. Cambridge: Cambridge University Press.
- IIP. 2011. *Working Paper on the Legal Survey of Geographical Indication Based on Preliminary Research Findings*. Tokyo: Institute of Intellectual Property (in Japanese).
- Källander, Inger, and Gunnar Rundgren. 2008. *Building Sustainable Organic Sectors*. Bonn, Germany: International Federation of Organic Agriculture Movements (IFOAM).
- Kerr, William A. 2006. "Enjoying a Good Port with a Clear Conscience: Geographic Indicators, Rent Seeking and Development." *The Estey Centre Journal of International Law and Trade Policy* 7 (1): 1–14.
- Khan, Sophirom. 2016. "Kampot Pepper Successfully Registered as GI in EU." *Agence Kampuchea Presse*, February 23.
- Khmer Times. 2015. "Agro Brand-Building Tool Has Benefits, and Drawbacks." March 19.
- Kitagawa, Takako. 2005. "Kampot of the Belle Époque: From the Outlet of Cambodia to a Colonial Resort." *Southeast Asian Studies* 42 (4): 394–417.
- Kojo, Daisuke. 2006. "The Importance of the Geographic Origin of Agricultural Products: A Comparison of Japanese and American Approaches." *Journal of Environmental and Sustainability Law* 14 (2): 275–321.

- Lin, Lin, and Pei-Chuan Mao. 2015. "Food for Memories and Culture – A Content Analysis Study of Food Specialties and Souvenirs." *Journal of Hospitality and Tourism Management* 22: 19–29.
- March, Elizabeth. 2007. "Geographical Indications: From Darjeeling to Doha." *WIPO Magazine*, 8–11.
- Passeri, Stephane, and Channy Chheng. 2016. *A New Milestone for the Development of Geographical Indications (GI) in Cambodia. Press Release*. Phnom Penh, Cambodia: Food and Agriculture Organization of the United Nations (FAO).
- Port, Kenneth L. 2014. "'Regionally Based Collective Trademark System' in Japan: Geographical Indicators by a Different Name or a Political Misdirection?" *Cybaris* 6 (2): 1–56.
- Prak, Sereyvath. 2010. "Kampong Speu Palm Sugar, Cambodia." In *Quality Linked to Geographical Origin and Geographical Indications: Lessons Learned from Six Case Studies in Asia*, edited by A. Lecoent, E. Vandecandelaere and J. J. Cadilhon, 37–55. Bangkok: Food and Agriculture Organization of the United Nations (FAO).
- Raustiala, Kal, and Stephen R. Munzer. 2007. "The Global Struggle Over Geographic Indications." *European Journal of International Law* 18 (2): 337–65.
- Sekine, Kae, and Alessandro Bonanno. 2017. "Geographical Indication and Resistance in Global Agri-Food: The Case of Miso in Japan." In *Resistance to the Neoliberal Agri-Food Regime: A Critical Analysis*, edited by A. Bonanno and S. A. Wolf, 106–19. London: Routledge.
- Société de géographie commerciale de Bordeaux. 1900. *Le Poivriers du Cambodge*. Bulletin: Bordeaux.
- UNCTAD. 2015. *Myanmar's Unique Products to Benefit from "Geographical Indication" Promotion and Protection, UNCTAD Workshop in Yangon Told*. Geneva: United Nations Convention on Trade and Development.
- UNESCAP. 2002. *Organic Agriculture and Rural Poverty Alleviation: Potential and Best Practices in Asia*. Bangkok: United Nations Economic and Social Commission for Asia and the Pacific.
- Van der Ploeg, Jan Douwe. 2008. *The New Peasantries. Struggles for Autonomy and Sustainability in an Era of Empire and Globalization*. London: Earthscan.
- Van der Ploeg, Jan Douwe, and Dirk Roep. 2003. "Multifunctionality and Rural Development: The Actual Situation in Europe." In *Multifunctional Agriculture: A New Paradigm for European Agriculture and Rural Development*, 37–53. Hampshire, UK: Ashgate.
- van Ittersum, Koert, Math J. J. M. Candel, and Matthew T. G. Meulenberg. 2003. "The Influence of the Image of a Product's Region of Origin on Product Evaluation." *Journal of Business Research* 56 (3): 215–26.