

Peasants' Rights and the Future of Food. Food as a Commodity of Climate Adaptation or as Collective Right for Climate Mitigation?

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Abstract: This essay explores the *futures of food* in two perspectives. In the first moment it will be shown that the emancipation to environmental concerns, risk and catastrophes can be seen from a hegemonic standpoint, accounted by improving technology, being *efficient*, *clean* or *green*. At a second moment, this paradigm is questioned and its limitations are described through a *contra-hegemonic* perspective, here given by La Via Campesina (LVC). Central to this standpoint is the (re)definition of concept of food production and local consumption, framing it as human right. The emancipation framework consists in re-orientating the control over the definition, implementation and assessment of policies that relate the small-scale farmer, through a human-right *framing*, underlining the needed legal protection. This is a comparative study focused on the discursive, normative and axiological differences between LVC Declaration, 2009; the Draft Declaration A/HRC/WG.15/5/2 developed by the Open-Ended Intergovernmental Working Group (OEIGW) and the final United Nations (UN) Resolution A/C.3/73/L.30. The main scope is understanding the *modus operandi* of the UN rights system and its processes of institutionalization of rights. This essay is conducted through qualitative via documental analysis and literature review.

Keywords: Sustainable development, Right to food, Social movements, La Via Campesina, Food sovereignty.

1. Introduction

For the past three centuries, the effects of humans on the global environment have escalated¹. As such, human influence has been detected in many ways, and, as Lenton (2013) argues «our collective impact» can be well assessed by looking at the potential tipping points² in the Earth System. These

¹ P.J. Crutzen and H.G. Brauch (ed.), *Paul J. Crutzen, A Pioneer on Atmospheric Chemistry and Climate Change in the Anthropocene*, Nobel Laureates 50, 2016, DOI 10.1007/978-3-319-27460-7_10.

² A tipping point is a critical threshold at which the future state of a system can be qualitatively altered by a small change in forcing. Here the focus is on large-scale tipping points in the physi-

are: 1) Ice melting³; 2) Biome loss⁴; 3) Circulation change⁵. On the other hand, as observed by the International Panel on Climate Change (IPCC), «climate-related risks for natural and human systems [...] depend on the magnitude and rate of warming, geographic location, levels of development and vulnerability, and on the choices and implementation of adaptation and mitigation options»⁶.

In this regard, the modern *risks* and uncertainties have let society to a constant *Drang* towards *choosing better* mitigation and adaption strategies. For conceptual clarity, in this essay we employ the concept of *adaptation as the act or process of changing something to fit a new use or situation*⁷; and *mitigation as to make more bearable or less severe*⁸, distancing ourselves from the IPCC Framework, provided by the III Working Group⁹.

Hence, questions related to climate change and sustainable development being central concern in our society, here we focus on the Human Right to Food, and on the strategic framework given by the Sustainable Development Goals (SDGs)¹⁰, namely SDG 2. – End hunger, achieve food security¹¹ and improved

cal, chemical, and biological make-up of our planet, cfr. T. Lenton, *Food security, biodiversity, and ecosystems degradation*, in T. Lenton, T. O’Riordan (ed.), *Addressing Tipping Points*, Oxford University Press, Oxford 2013, p. 24.

³ Land ice sheets have been losing mass since 2002. Both ice sheets have seen an acceleration of ice mass loss since 2009. Source NASA, 2018: <https://climate.nasa.gov/vital-signs/ice-sheets/>.

⁴ «The amazon rainforest, could reach to be a tipping point if “anthropogenic-forced” (Vecchi *et al.* 2006) lengthening of the dry season continues, and droughts increase in frequency or severity (Cox *et al.* 2008) (...) resulting in dieback of up to 80 per cent of trees», in. Lenton, *Food security, biodiversity and ecosystems degradation, op. cit.*

⁵ For example, The Indian Summer Monsoon (ISM) is already being disrupted and rice harvests impaired by an atmospheric brown cloud (ABC) haze – that comprises a mixture of soot, which absorbs sunlight, and some reflecting sulphate. Cfr T. Lenton, *Food security, biodiversity, and ecosystems degradation, op. cit.*, p. 29.

⁶ «Summary for Policymakers», In V. Masson-Delmotte *et al.* (ed), *Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, International Panel on Climate Change, 2018, p. 8.

⁷ <https://www.merriam-webster.com/thesaurus/adaptation>.

⁸ <https://www.merriam-webster.com/thesaurus/mitigation>.

⁹ Mitigation as «A human intervention to reduce the sources or enhance the sinks of greenhouse gases (GHGs)», IPCC, WGIII, http://ipcc-data.org/guidelines/pages/glossary/glossary_lm.html and Adaptation as «The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate harm or exploit beneficial opportunities. In natural systems, human intervention may facilitate adjustment to expected climate and its effects», http://ipcc-data.org/guidelines/pages/glossary/glossary_a.html.

¹⁰ 17 Sustainable Development Goals (SDGs), which are an urgent call for action for all countries. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests, in UN, *Sustainable Development Goals for 2015-2030*, 2015, <https://nacoesunidas.org/pos2015>.

¹¹ Given by its 4 dimensions: food availability, access, utilization and, stability. Cfr. *The State of Food Security and Nutrition in the World 2018. Building climate resilience for food security and nutrition*, FAO, Rome 2018. Licence: CC BY-NC-SA 3.0 IGO, <http://www.fao.org/3/I9553EN/i9553en.pdf>.

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nutrition and promote sustainable agriculture. We also underline that this *Drang* can be observed at several levels, namely:

- 1) at a political level, as in the requirements set out by the European Agenda 2030¹²;
- 2) at an economic level, by establishing new frameworks as in the green economy¹³;
- 3) at an institutional level by the exponential growth of scientific production and know-how related to values such as efficiency, boost productivity and create climate change resistance and resilience through increased use of technologies, i.e., biotechnologies¹⁴ and genetic-engineering¹⁵.

Nonetheless, according to available data, the number of people who suffer from hunger has been growing over the past three years, returning to levels from a decade ago. The absolute number of people in the world affected by under-nourishment, or chronic food deprivation, is now estimated to have increased from around 804 million in 2016 to nearly 821 million in 2017¹⁶.

Moreover, the modern industrialized food system continues to rely on unequal patterns of production, distribution and consumption and, as we try to underline throughout the essay, the reinforcement of the productivity has a cost, generally in the line of re-orientation of control of the local producer to agencies or highly specialized economic actors. As United Nations Environmental Programme (UNEP) stated, «the concept of a *green economy* does not replace sustainable development, but there is now a growing recognition that achieving sustainability rests almost entirely on getting the economy right»¹⁷.

In this concern, from a hegemonic point of view, sustainability and food security can be attained by improving technology in agriculture, framing, eventually, food utterly as a *commodity of climate adaptation*.

On the other hand, what happens when the small-scale food producers try to reclaim their voice and their legal rights to *well-being* by creating new human rights and expanding the responsibilities of States so as to include the produc-

¹² The global ambition of «Transforming Our World: the 2030 Agenda for Sustainable Development» was adopted by world leaders during the 2015 United Nations Summit. This global policy framework commits the international community to end poverty, hunger and malnutrition, tackle climate change and achieve equitable and sustainable development in its three dimensions (social, economic and environmental) (FAO, *The State of Food Security*, cit., p. 95).

¹³ In general, green economy is considered to be able to reduce environmental risks and ecological scarcities, aiming for sustainable development without degrading the environment.

¹⁴ «Any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use». UN, *Convention on Biological Diversity*, 1992, <https://www.cbd.int/doc/legal/cbd-en.pdf>. Biotechnology is much broader than genetic engineering, including also genomics and bioinformatics, marker-assisted selection, micropropagation, tissue culture, cloning, artificial insemination, embryo transfer and other technologies, cfr. FAO, *The state of food and agriculture, 2003-2004. Biotechnology for the poor?*, 2004, <http://www.fao.org/docrep/006/Y5160E/Y5160E00.htm>.

¹⁵ Genetic engineering is the direct manipulation of an organism's DNA using divergent methods.

¹⁶ FAO, *The State of Food Security*, cit., XIII.

¹⁷ United Nations Environmental Programme, *Towards a Green Economy: Pathways to Sustainable Development and Poverty Eradication – A Synthesis for Policy Makers*, 2011, p. 2, www.unep.org/greeneconomy.

tion of food through *traditional* methods and *local* consumption in the struggle for sustainable development?

Considering the perspective of La Vía Campesina¹⁸, an international social movement, here considered as the «collective voice» of 200 million small-scale farmers that are the «back-bone of the food system»¹⁹, sustainability should be achieved by an active participation of the peasants in the design of their rights, needs, priorities and realities.

The organisation argues that, through a vindication of their individual and collective rights, peasants have the possibility of mitigating the effects of climate change and environmental destruction caused by the industrial agricultural sector. In this perspective, can food be a *collective right for climate change mitigation*?

Drawing upon the theoretical framework given by Ulrich Beck's notion of *subpolitics*²⁰ and the concept of contra-hegemonic globalization²¹ defined by Boaventura de Sousa Santos, we will highlight the role of LVC's action as a contra-hegemonic force capable of enabling shifts in food policy, even when faced with limitations inherent to the various processes of policies design. We will proceed by exploring how the peasants' rights adopted in 2018 by the UN General Assembly diverge from the version proposed by LVC in 2009 through a comparative study focused on the discursive, normative and axiological differences between LVC Declaration, 2009; A/HRC/WG.15/5/2, designed by the Open-ended intergovernmental working group²², and the final Resolution A/C.3/73/L.30 adopted recently by the Third Committee (Social, Humanitarian and Cultural) of the UN General Assembly in October 2018²³.

Furthermore, according to the characterization of human rights framing evidenced by Benford and Snow²⁴, we analyse how LVC's task consists, generally,

¹⁸ La Via Campesina is «an autonomous, pluralist and multicultural movement, independent from any political, economic or other type of affiliation», cfr. <https://viacampesina.org/en/index.php/organisation-mainmenu-44>.

¹⁹ LVC, *Declaration of Rights of Peasants Women and Men*, 2009, <https://viacampesina.net/downloads/PDF/EN-3.pdf>.

²⁰ The concept is based on the possibility of political representation outside the national parliamentary institution, implying the possibility for global actors whose field of action is transnational and whose intervention is punctual. Once this intervention is *successful*, subpolitics can activate national policy to cover new objectives, themes and interdependencies. (Beck, [1986] 2015: 178). Beck, Ulrich (2015), *Weltrisiko-gesellschaft*, Suhrkamp.

²¹ Represented by social movement or ONG, it consists of practices of resistance to the hegemonic globalization put forth by factors such as international trade liberalization, privatization, ecologic-dumping, Cfr. B. de Sousa Santos, *Globalização: Fatalidade ou Utopia?*, Edições Afrontamento, Lisboa 2012.

²² Open-ended intergovernmental working group on the rights of peasants and other people working in rural areas (OEIWG), *Revised draft United Nations declaration on the rights of peasants and other people working in rural areas*, 2018, Fifth session, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/038/14/PDF/G1803814.pdf?OpenElement>

²³ Third Committee, Agenda item 74 (b), Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, 2018. In: <https://undocs.org/en/A/C.3/73/L.30>

²⁴ There are three core framing tasks: 1- a diagnosis of some event or aspect of social life as problematic and in need of alteration; 2- a proposed solution to the diagnosed problem that specifies

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in framing the current state of agricultural monopolization of resources (human and natural) as *problematic* and, in order to overcome challenging issues such as hunger, food waste and slave labour, it aims to change them by rekindling collective action, so as to implement solution that underline the advantages and limitations of said human-rights framings, as maintained by Clayes²⁵.

The central questions of this essay are:

1. What are the demands of the *subject of Rights, i.e. the Peasants*? 2. How are the rights defined? 3. What is the scope of their application? 4. Can these declarations produce, create or enforce rights of any kind since they represent just a non-binding framework? 5. What is left of the peasants' agency in promoting sustainability and granting the realisation of their rights?

Finally, we will underline the need to answer questions regarding social development as well as the necessity of distancing ourselves from the purely economic development conveyed by neoliberal agriculture policy. Therefore, we will call for the need of a paradigm shift in agrarian reform by *listening* to those who got their rights systematically violated. Equally, LVC's human rights framing will be explored as an efficient tool against human rights abuses.

In conclusion we should ask- as Dobson²⁶ underlined- if categories like human rights are still valid and whether they are tools fit to solve the world's most pressuring problems and challenges.

2. Hegemonic interpretations and normative shifts in European Policy

The right to food is a human right since 1948, when it was recognized in the Universal Declaration of Human Rights Article 25, paragraph (1)²⁷ and in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which came into force in 1976. It is equally recognized in specific international instruments such as the Convention on the Rights of the Child (Art. 24(2)(c) and 27(3)), the Convention on the Elimination of All Forms of Discrimination against Women (Art. 12(2)), or the Convention on the Rights

what needs to be done; 3- a call to arms or rational for engaging in ameliorative or correlative action. Cfr. R. Benford, D. Snow, *Ideology, frame resonance, and participant mobilization. International Social Movements Research*, 1, 1988, 197-217.

²⁵ P. Clayes, "Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina's Rights Claims over the Last 20 Years", *Globalizations*, vol. 12, n°4 2014.

²⁶ A. Dobson, *Justice and the Environment*, Oxford University Press, Oxford 1998, p. 242. Cfr. as well M. Redclift, "Sustainable Development (1987-2005). An Oxymoron Comes of Age", *Horizontes Antropológicos*, year 12 n. 25, 2006, p. 65-84.

²⁷ «Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control». UN General Assembly, *Universal Declaration of Human Rights*, 1948. In <http://www.un.org/en/universal-declaration-human-rights/>.

of Persons with Disabilities (Art. 25(f) and 28(1))²⁸. The right to food is also recognized in various regional instruments²⁹.

FAO's formation in 1945 had as well a major impact in the normative developments on the future of food. As underlined by FAO already in 1945³⁰ the common welfare shall be guaranteed through a) raising the levels of nutrition and standards of living; b) securing improvements in the efficiency of the production and distribution of all food and agricultural products; c) bettering the condition of rural populations; d) contributing toward an expanding world economy and ensuring humanity's freedom from hunger.

The concept of Food security can be associated with FAO's formation and it sets an agenda carried out in a progressive realization of four different goals: food availability, access, utilization and stability³¹.

Nonetheless the mandate to protect consumer's health, in a globalized world, foresees a normative agenda in the context of trade. This is given by The Codex Alimentarius, or *Food Code*, that is a set of standards, guidelines and codes of practice adopted by the Codex Alimentarius Commission. The Commission, also known as CAC, is the central part of the Joint FAO/WHO Food Standards Programme³² and its code is based on the *Agreement on the Application of Sanitary and Phytosanitary Measure* (SPS Agreement)³³ and the *Agreement on Technical Barriers to Trade* (TBT Agreement)³⁴.

²⁸ P. Claves, *The right to food in international law*, in P. B. Thompson, D.M. Kaplan, K. Millar, L. Heldke, R. Bawden (ed.), *Encyclopedia of Food and Agricultural Ethics*, Springer, Dordrecht 2014.

²⁹ Such as – the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, known as the Protocol of San Salvador (1988), the African Charter on the Rights and Welfare of the Child (1990) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003); and in numerous national constitutions. Cfr. P. Claves, "The creation of New Rights by the Food Sovereignty Movement: The Challenge of Institutionalizing Subversion", *Sociology*, 46(5), 2012, pp. 844-860, <http://journals.sagepub.com/doi/abs/10.1177/0038038512451534>.

³⁰ FAO, *Constitution of the Food and Agricultural Organization*, 1945, <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000003-1288.pdf>.

³¹ FAO, *The State of Food Security and Nutrition in the World 2018*, cit.

³² In 1953, the governing body of WHO, the World Health Assembly, stated that the widening use of chemicals in food presented a new public health problem, and it was proposed that the two Organizations should conduct relevant studies. FAO and WHO convened the first joint FAO/WHO Conference on Food Additives in 1955. FAO, WHO, *Understanding Codex*, Rome 20016, <http://www.fao.org/3/a-i5667e.pdf>.

³³ In its pursuance of harmonization, with regard to food safety, the SPS Agreement has specifically identified the standards, guidelines and recommendations established by the Codex Alimentarius Commission for food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice. Cfr. FAO, WHO, *Understanding Codex*, cit.

³⁴ The Agreement on Technical Barriers to Trade seeks to ensure that technical regulations and standards, including packaging, marking and labelling requirements, and analytical procedures for assessing conformity with technical regulations and standards do create unnecessary obstacles to trade. It should be noted that the TBT Agreement applies to all regulations and standards and is not specific to food. Cfr. FAO, WHO, *Understanding Codex*, cit.

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In Europe, trade policy helped turn the EU from net importer to the world's top exporter of agri-food products and it has been driven by EU agricultural policies, structural change and technological progress in the agri-food sector³⁵. A recent study conducted by the European Commission on the impact of implemented trade agreements shows that EU bilateral trade agreements contribute to increased EU exports and imports, the latter not necessarily at the expense of domestic production³⁶.

In addition, the European CAP (Common Agricultural Policy), with close to 40% of the EU's budget devoted to it, is also one of the EU's longest standing policies. Overall, it underwent five reforms³⁷, but with the one enforced in 2013, new general objectives were set for the CAP, namely: economic (i.e. ensuring food security through increasing competitiveness); environmental (involving the sustainable use of natural resources and the fight against climate change), and territorial (ensuring economic and social diversity in rural areas).

Agri-food products are mostly traded within the EU but exports to third countries are increasingly important, thus, the EU remains one of the largest producers of agricultural commodities worldwide, even though it has lost ground to large emerging economies like Brazil (which in 15 years increased its poultry production by more than 7 million t (+ 116%), beef +3 million t and pork +1.2 million t)³⁸. This is due to European Animal Welfare laws³⁹.

As observed, the axiological agenda in agroindustrial development can be expressed simply by the «Codex philosophy» that is «embracing harmonization, consumer protection and facilitation of international trade»⁴⁰.

³⁵ DG Agriculture and Rural Development, Unit Farm Economics for European Commission, *Production, yields and productivity*, 2018, <https://ec.europa.eu/agriculture/sites/agriculture/files/statistics/facts-figures/production-yields-productivity.pdf>.

³⁶ Copenhagen Economics for European Commission, *Study on the impact of EU agriculture and agricultural trade of EU concluded bilateral trade agreements*, 2016, https://ec.europa.eu/agriculture/external-studies/2016-bilateral-trade-agreements_en.

³⁷ The most recent were in 2003 (mid-term review), in 2009 (the "Health Check"), and in 2013 for the 2014-2020 period. Each change has, however, added new dimensions to the policy. Cfr. J. McEldowney, 2017, *Current priorities and challenges in EU agricultural policy*, European Parliamentary Research Service, Members' Research Service, [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/607262/EPRS_BRI\(2017\)607262_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/607262/EPRS_BRI(2017)607262_EN.pdf).

³⁸ Regarding meat, for example, most of the production regions outside of the EU benefit from lower costs of production than EU farms. Beef can be produced less expensively in Ukraine or South America than in any of the EU reference farms, cfr. European Commission, *Production, yields and productivity*, cit.

³⁹ This means the well-being of farm animals. European Union rules specify that animals should enjoy the following freedoms: freedom from hunger and thirst, freedom from discomfort, freedom from pain, injury and disease, freedom to express normal behaviour and freedom from fear and distress. Other things being equal, the fact that farmers are obliged to respect these standards when rearing animals means that the cost of producing milk, meat and other animal products in the European Union is higher than in countries where such standards do not apply, in European Commission Agricultural and Rural Development, *Glossary*, 2015.

⁴⁰ FAO, WHO, *Understanding Codex*, cit.

Limitations to the concretization of food security and agriculture sustainability are «conflict, climate and economic slowdowns»⁴¹; shifting food patterns that promote an intensification of livestock production⁴²; or climate change and land take, i.e. the conversion of land to, for example, settlements and infrastructure⁴³.

3. Mapping the limitations and the need to put-forth an ecosocial transition through human right framing: the case of peasant rights and LVC

The development in the agricultural sector has made considerable shifts, mostly by designing agricultural policies that favour monopolization of land and resources. As underlined by international social movements, about 80% of farm aid goes to about 20% of EU farmers – those with the largest holdings. In 2011, the top 1.5% farms captured 1/3 of CAP subsidies. In 2011, Western Europe with 44% of the farms received 80% of CAP subsidies. Eastern Europe with 56% of European farms received only 20%⁴⁴.

As Rosset's analysis points out⁴⁵, with the unfolding the crisis of 2008, a clear failure of the international framework of human rights and the specific Mechanisms of the Human Right Council was underlined. Otherwise, how explain that the top CAP beneficiaries in 2009 were FrieslandCampina⁴⁶ (Netherlands), Arla Foods⁴⁷ (Denmark), Tate & Lyle⁴⁸ or Nestle UK⁴⁹?

Part of the peasants' conceptualization of sustainable development is found in the (re)gaining control, autonomy and self-determination over their means of

⁴¹ FAO, *The State of Food Security and Nutrition in the World 2018*, cit., p. 38.

⁴² FAO, *The State of Food and Agriculture, 2003-2004*, p. 168.

⁴³ European Environment Agency (EEA), *Agriculture*, 2017, <https://www.eea.europa.eu/themes/agriculture/intro#tab-news-and-articles>.

⁴⁴ The Transnational Institute (TNI), *The State of Land in Europe*, 2014, <https://www.tni.org/en/article/state-land-europe>.

⁴⁵ P. Rosset, "Food Sovereignty and the contemporary food crises", *Society for International Development*, 51(4), 2008, pp. 460–463.

⁴⁶ Offices in 34 countries and with annual revenue of 12.1 billion euros, FrieslandCampina is one of the world's largest dairy companies. <https://www.frieslandcampina.com/en/organisation/who-we-are/>

⁴⁷ Result of an early merger in 2000; in 2016 it had a revenue of 9.6 billion\$. <http://docs.arla.com/annual-report/2016/EN/?page=4>

⁴⁸ Having an 8% increase in Food & Beverage Solutions profit to £137m, with good volume and New Products momentum; 5% increase in Sucralose profit to £55m and a 30% increase in Primary Products profit to £166m, 11% profit growth in main business; and a Commodities +£24m (<https://www.tateandlyle.com/news/tate-lyle-plc-statement-full-year-results>). Part of the Target is «US\$100 million of productivity savings over the next four years», https://www.tateandlyle.com/sites/default/files/2018-06/Annual%20Report%202018%20-%20inter-active%20FINAL_1.pdf.

⁴⁹ Nestlé, in general, is present in 189 countries around the world and includes more than 2000 brands. It factored 89.8 billion CHF in group sales in 2017. https://www.nestle.com/asset-library/documents/library/documents/annual_reports/2017-annual-review-en.pdf.

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life. Therefore, peasants' struggle is just one dimension of the general struggle for emancipation – one dimension of the struggle for all rights, in general.

The institutionalization of peasants' rights has been a long process⁵⁰. For the purpose of this study, the normative agenda proposed by LVC will be largely based on the 2008 Maputo Declaration⁵¹. In this sense, the normative agenda is based upon five action priorities:

- 1) To strengthen La Via Campesina as an international movement of peasants and small producers for a greater representation;
- 2) To build an alternative model of rural development;
- 3) To define strategies and common action plans;
- 4) To analyse the international situation through the frame of the peasants' struggle;
- 5) To analyse the impact of trade agreements, of the issue of biodiversity and seeds, of agrofuels, of climate changes and of the models for production on Food Sovereignty⁵².

In order to expose the links between the dynamics of the agricultural sector and the current social, economic and environmental risks, LVC has been underlining the need to defend small-scale sustainable agriculture and an agrarian reform based on social mobilization, thus acknowledging the failures and limits of the dominant framework focused on three historical processes: industrial capitalism, the green revolution, and financial processes in agriculture; likewise LVC emphasizes the necessity to reject the economic and political conditions that are behind unsustainable dynamics, as binding trade agreements, which are seen as the main cause of poverty in rural farmers, leading to the degradation of natural resources and the accumulation of capital by transnational corporations; finally, the organizations stresses the urgency of (actively) defining new rights at UN-Level, as a process of revendication of human rights and dignity⁵³.

It can be argued that the need to redefine our current legal instruments arises in large part from the continued expansion of the role of transnational corporations in the reproduction of unsustainable policies that systematically lead towards environmental, social and economic inequalities: hence the need to strengthen States' regulatory power, including fulfilling extra-territorial obligations, in matters related to regulate, manage and apply sanctions to those, pertaining whether to the public or private sector, who violate human rights.

⁵⁰ For a detailed analysis, see Annex 1 in the Appendix.

⁵¹ International Conference of La Via Campesina, Maputo, Mozambique, October 19-22, 2008, *Food Sovereignty now! Unity and struggle of the people!*

⁵² Via Campesina launched the idea of *Food Sovereignty* at the World Food Summit in 1996. This idea has now grown into a global people's movement carried by a large diversity of social sectors. In general, Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through sustainable methods and their right to define their own food and agriculture systems. It develops a model of small-scale sustainable production benefiting communities and their environment, cfr. LVC, *Declaration of Rights of Peasants Women and Men*, cit.

⁵³ Cfr. N. Silva (interview), in K.M. Schwemmlin, *Serviço social, desenvolvimento sustentável e soberania alimentar*, 2017, <https://repositorio.iscte-iul.pt/handle/10071/15386>, pp. 51-52.

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The agrarian reform La Via Campesina has been advocating for is built on Food Sovereignty: according to this concept, food is always seen first and foremost as a basic human right. Secondly, it implies the right to produce food for local consumption based on *traditional* instruments⁵⁴.

LVC considers the creation of new rights as a necessity since UN's international human rights framework (which includes thematic mechanisms of the Human Rights Council, such as the right to food, water, health and housing, or the right of indigenous peoples, women and non-discrimination) is seen as unsatisfactory⁵⁵. As Clayes pointed out⁵⁶, human rights occupy an essential place in most LVC declarations and problematizations, i.e. at a local level, such as struggles over seeds, land, and natural resources, or at an international level, concerning struggles over trade and investment in food and agriculture.

The axiological agenda set by the analysis of LVC is laid out in the Bangalore Declaration, 2000⁵⁷, where it is stated that

food is a key part of culture, and the neoliberal agenda is destroying the very basis of our lives and cultures. We do not accept the hunger and displacement. We demand food sovereignty, which means the right to produce our own food: The Via Campesina is on the frontlines of the struggle against the privatization of natural resources. This is a peasant struggle for all of humankind.

Hence, the peasants' rights ought to be connected to

new relationships between human beings and nature based on solidarity, cooperation and complementarity. At the heart of our struggle is an ethic of life. La Via Campesina is committed to giving visibility to all of the local struggles around the world, ensuring that these are understood from international perspectives and integrated into a global movement for food sovereignty, social change and self-determination for the peoples of the world. We call on our organisations, allies, friends, and all those committed to a better future to reject the "green economy" and build food sovereignty.⁵⁸

For conceptual clarity, the main prepositions and assumptions of LVC contra-hegemonic perspective can be summarized in the following eight points. These points are at the same time the stances and assumptions that the organisation is try-

⁵⁴ A. A. Desmarais, P. Nicholson, *La Via Campesina: An Historical and Political Analysis*, in *La Via Campesina's Open Book: Celebrating 20 Years of Struggle and Hope*, 2016, <https://viacampesina.org/en/publications-mainmenu-30/1409-la-via-campesina-s-open-bookcelebrating-20-years-of-struggle-and-hope>, p. 4.

⁵⁵ LVC, *Declaration of Rights of Peasants Women and Men*, cit., p. 3.

⁵⁶ P. Clayes, "Food Sovereignty and the Recognition of New Rights for Peasants at the UN", *op. cit.*

⁵⁷ *Bangalore Declaration of The Via Campesina*, 3rd International Assembly, <https://viacampesina.org/en/index.php/our-conferences-mainmenu-28/3-bangalore-2000-mainmenu-55/420-bangalore-declaration-of-the-via-campesina>.

⁵⁸ *The Jakarta Call. Call of the VI Conference of La Via Campesina*, 2013, <https://viacampesina.org/en/index.php/our-conferences-mainmenu-28/6-jakarta-2013/resolutions-and-declarations>.

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ing to institutionalize through *Human Right Framing*, «that serves the purposes of diagnosing certain situations as problematic, offering solutions and calling to action»⁵⁹.

1. Peasants' profoundly transhistorical connection to the earth;
2. The struggle for right to control and decide the future of genetic resources and the right to define the legal framework of ownership of those resources;
3. Considering collective rights as a different legal framework from those of private property and intellectual property;
4. The right to decide in defining, formulating and executing policies and programs related to natural resources.
5. The right to appropriate technology, and the right to participate in, designing it and to carry out research programs.
6. The right to define the control and use of benefits derived from the use, preservation and management of the resources.
7. The right to use, choose, store and freely exchange genetic resources.
8. The right to develop models of sustainable agriculture which protect biodiversity, and to influence policies which promote them.

The rights defined in 2009 by LVC can be seen in the Appendix (Annex 2).

We can state that the process of institutionalization of rights represents the peasants' collective effort to expose the systematic discrimination that they suffer, putting an emphasis on the fact that the «small-scale agriculture, fishing, livestock rearing can contribute to mitigate the climate crises and to secure a sustainable food production for all»⁶⁰.

4. *The main implication of institutionalization of the struggle for resources, land, income, justice through human rights: Peasant rights and the Translation by the UN*

LVC can be said to have been effectively engaged in the creation of new human rights since the recognition of the peasants' rights before the Third Committee (Social, Humanitarian and Cultural) of the UN General Assembly⁶¹ in October 2018.

From a contra-hegemonic perspective this process was pivotal in order to relate food policies to geopolitical issues⁶² and stress that much of the world hunger can be associated with a) failure of the global corporate food system and agrarian policy conveyed by capitalist and export interests and b) States failure to regulate

⁵⁹ P. Clayes, *From Food Sovereignty to Peasants' Rights: An Overview of Via Campesina's Struggle for New Human Rights*, in *La Via Campesina's Open Book: Celebrating 20 Years of Struggle and Hope*, Via Campesina, Harare 2013, <https://viacampesina.org/en/wp-content/uploads/sites/2/2013/05/EN-02.pdf>, p. 2.

⁶⁰ LVC, *Declaration of Rights of Peasants Women and Men*, cit., Introduction.

⁶¹ With 119 votes in favour, 7 votes against and 49 abstentions, resolution A/C.3/73/L.30 was accepted.

⁶² L. Jarosz, "Comparing food security and food sovereignty discourses", *Dialogues in Human Geography*, 4 (2), 2014, pp. 168-181, <http://journals.sagepub.com/doi/abs/10.1177/2043820614537161>.

Transnational Companies (TNCs), c) continuous land and water grabbing⁶³. According to what we discussed until now, can the institutionalized peasants' rights put forth the eco-social transition demanded by the small-scale farmers? Can Food Sovereignty complement the agro-industrial model of food production and consumption? And finally, are peasants' rights creating new pathways for climate change mitigation?

In order to answer those questions, we will analyse the main axiological⁶⁴, normative⁶⁵ and discursive⁶⁶ shifts that were identified along the process of institutionalization. This will be done by drawing upon LVC's Declaration in 2009, insofar it can be considered as the first attempt at an institutionalized, collective effort; the OEIWG resolution A/HRC/WG.15/5/2, as an intermediary state and result of a process of dialog between experts and country representatives at UN level; and UN's final accepted resolution, A/C.3/73/L.30.

By this comparison, we will underline some throwbacks in the intended emancipatory effect of the rights, such as limitations in scope and in States responsibility. This is outlined in three dimensions: Micro, Meso e Macro.

4.1 *Micro: Impossibilities of representations of the contra-hegemonic (collective) identity*

In the Introduction of the 2009 Declaration, LVC stated that «the security of the population depends on the well-being of the peasant and sustainable agriculture. To protect human life, it is important to respect, protect and fulfil the rights of the peasants». Nonetheless, human right framing, as appointed by Claeys, 2014, can pose several challenges to the ONGs.

In LVC's case, in the early Declaration, it was possible to trace a «collective identity» throughout some articles, as in the right to land and territory (2008, A.IV, §1), when it stated that «Peasants (women and men) have the right to own land, collectively or individually, for their housing and farming». Nonetheless, in the institutionalization process, it was underlined that the collective character could not be carried out, since human rights are strongly rooted in the western, liberal and individualistic perspectives⁶⁷. This appears clearly in the following discursive shifts: the right to water (Article 21, OEIWG) was only guaranteed as

⁶³ That is, the purchase and/or rental of vacant land by powerful transnational actors or national economic actors.

⁶⁴ Intended as a shift in values, ethics and morals.

⁶⁵ Intended as a shift in legal norms, standards and State responsibility.

⁶⁶ Intended as a shift in the lexis, in terms of different terminology.

⁶⁷ See J. Donnelly, "Human Rights and Human Dignity: An Analytic critique of non-western conceptions of human rights", *The American Political Science Review*, 76(2), 1982, pp. 303-316; S. Engle Merry, *Changing Rights, Changing Culture*, in J.K. Cowan, M.-B. Dembour, R.A. Wilson (ed.), *Culture and Rights: Anthropological Perspectives*, Cambridge University Press, New York 1997; B. Rajagopal, *International Law From Below: Development, Social Movements, and Third World Resistance*, Cambridge University Press, New York 2003.

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the right to water «for personal use or domestic use» or «drinking water», undermining the collective dimension of this right and its pivotal functions for environment and ecosystems. Or in Article 4 (§2.h), that defined the peasants' rights, the notion of «control over land and natural resources» (A/HRC/WG.15/5/2) was translated into «management of».

Furthermore, it is important to underline that the subject of the final resolution, «any person who engages (...) in small-scale agricultural production [...]» (A.1, §1) and all types of related activities⁶⁸, excludes all migrant workers without a «legal status», i.e., refugees and stateless persons, as defined in previous versions⁶⁹, since it only guarantees rights to all migrant workers, «independently of their “migratory status”» – and it is very important to underline the practical difference: the UN Convention on the Rights of Migrants defines a migrant worker as a «person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national»⁷⁰. This definition indicates that the term *migrant* does not refer to «refugees and stateless persons», as evidenced in the first versions. The same shift occurred in Article 22, regarding social security.

4.2 Meso: Impossibilities of regional and community agrarian practice shifts

Action at the community level and construction of sustainable agrarian practices, that respect local systems, are a big component of LVC action plan. However, the qualitative community-based development demanded by LVC lost some of its scope through the process of institutionalization and paved the way for the *access* framework: by recognizing solely the *access* as «freedom or ability to obtain or make use of something»⁷¹, multiples Articles lost much of the legal base. This can be seen throughout the comparative study of the two last Declarations, in Article 5- right to natural resources; Article 15- right to adequate food; Article 17- right to land and other natural resources; Article 18. right to a safe, clean and healthy environment; Article 19- right to seeds.

In the same way, most of the rights developed for small-scale producers were transformed into State responsibilities, as visible in the elimination of the conceptual division between producers of food (industry vs small-scale) concerning market-related issues, systems of evaluation and certification, in Article 11 (§3)⁷².

⁶⁸ «Artisanal or small-scale agriculture, the raising of livestock, pastoralism, fishing, forestry, hunting or gathering, and handicrafts» (§2); «indigenous peoples working on the land, transhumant, nomadic and semi-nomadic communities, and the landless» (§3); «hired workers, including all migrant workers, regardless of their legal status, and seasonal workers» (§4, OEIWG).

⁶⁹ Defined by (A.1, §4), present until A/HRC/WG.15/5/2.

⁷⁰ UN, *Convention on the Rights of Migrants*, 1990, Article 2 <https://www.ohchr.org/en/professionalinterest/pages/cmwa.aspx>

⁷¹ Definition of access. In <https://www.merriam-webster.com/dictionary/access>

⁷² In the OEIWG: «Peasants and other people working in rural areas have the right to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, nation and international levels, and to participate in its formulation». In comparison, UN 1990: «States shall take appropriate measures to promote the access of peasants and other people

As such, this paragraph has the potential to become an instrument to exclude (even more) small-scale farmers from the market.

It is possible to identify yet another normative shift entailed in the deletion of the paragraph 4, Article 24, that stipulated States responsibility in case of a forced or unlawful eviction⁷³.

In this regard, the violations of the peasants rights defined by LVC included the problematization of: land grabs, neglect of the farm sector, monocultures for agrofuels, transnational capital, food for speculation or export purposes, criminalization of the peasant struggle, the implementation of neoliberal policies promoted by the World Trade Organization (WTO) and Free Trade Agreements (FTA), the International Monetary Fund (IMF) implementation of the SAP, GMOs, the introduction of growth hormones or biopiracy⁷⁴. Nonetheless almost none was considered.

As Kneen puts it⁷⁵, the replacement of responsibilities by rights may undermine social solidarity, appreciation of the public good, and communal identity. Here it was found that even the emancipation power of social mobilization and the construction of a community identity was not guaranteed by an important normative shift found in Article 8, that expressed «freedom of thought, opinion and expression» and it can be considered as underlining basic human rights such as freedom of «[...] thought, belief, conscience, religion, opinion, expression and peaceful assembly». Important, in the light of the ongoing criminalisation of peasant struggles for their right and dignity⁷⁶, was the fact that these freedoms were extended to include the ability to express their opinion through «claims, petitions and mobilizations» and to be free to «participate in peaceful activities against violations of human rights and fundamental freedoms» (§1,2). Nonetheless, in the final accepted UN Version, only the right to express claims «either orally, in writing or in print, in the form of art, or through any other media of their choice» was guaranteed.

The active participation was equally denied in Article 10 by not guaranteeing peasants the right in participating in the formulation and assessment of policies, programs and projects that may affect their lives, land and livelihoods (§1).

Moreover, the concept expressed in Article 14 reframed LVC's idea of «rejecting» the agro-industrial model of production by guaranteeing the right to safety

working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation».

⁷³ «In cases of eviction, States shall guarantee the right to resettlement of peasants and other people working in rural areas, in accordance with existing international human rights standards. This includes the right to alternative housing that satisfies the criteria for adequacy, namely, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to such essential rights as those to health, education and water» (§4).

⁷⁴ LVC, *Declaration of Rights of Peasants Women and Men*, cit.

⁷⁵ B. Kneen, *The Tyranny of Rights*, The Ram's Horn, Ottawa 2009. Cfr as well P. Claves, "Food Sovereignty and the Recognition of New Rights for Peasants at the UN", *op. cit.*

⁷⁶ P. Claves, "Food Sovereignty and the Recognition of New Rights for Peasants at the UN", *op. cit.*

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and health at work i.e., «[...] the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants».

4.3 Macro: Impossibilities of a distributive agrarian reform and conquest of new political intentions

As stated in the Declaration of 2009, peasants have «[...] the right to be free from hunger through the genuine agrarian reform», nonetheless, *Redistributive agrarian reforms* was a concept not accepted in Article 17, since it can determine State performance and responsibility. Indeed, as Rosset⁷⁷ points out, global structural injustices, such as hunger, derive principally from factors such as:

1. Culminative effects of three decades of neoliberalism (privatization, liberalisation, deregulation and cuts in public spending);
2. Lack of local production; favouring big agri-food businesses in the distribution of subsidies;
3. Raising dependency on the global food market and increased market volatility;
4. Divergent food consumption patterns (more meat and milk);
5. Agrofuels and financial speculation.

All the factors mentioned above are driven by political intentions and represent a set of policies options, that have led to peasants' inability to conserve and protect the environment, thus maintaining the productive capacities of lands and resources.

Additionally, by framing the access to justice, violations of human rights and deprivation of land and natural resources in Article 12, under the notion of «*arbitrarily*», the concept is seen as not being able to cover the real problems of peasants, ignoring the difficulties that peasants face when they try to access justice, therefore resulting in a potential nullification of the efforts made. The same is done in Article 17 and 24, by introducing, beside the term *arbitrary*, the term *unlawfully*⁷⁸.

The same could be said to have happened at an axiological level: food sovereignty lost much of its scope in the formulation of the Article 15, since the framework of *right to adequate food*, *food security* and the *right to produce food* were preferred as established State goals. Only in paragraph 4 is affirmed that peasants «have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty». State responsibility is to ensure *access* and fulfilment of *needs*.

After an analysis of the main shifts associated with the process of institutionalization, we can affirm that much of the scope was lost by a) discursive changes

⁷⁷ P. Rosset, "Food Sovereignty and the contemporary food crises", *op. cit.*

⁷⁸ This word is frequently used in indictments in the description of the offence; it is necessary when the crime did not exist at common law, and when a statute, in describing an offence which it creates, uses the word. Thus, it should not be confused with illegal. IN <https://legal-dictionary.thefreedictionary.com/unlawfully>

(such as limiting the application of this declaration to a subject that has been legally employed, not foreseeing legal protection for all peasants; insisting on the individualistic *access* framework; eliminating concepts such as «control over» or overlooking the substantial difference between a small scale farmer and the industry model of agriculture); b) normative differences (such as guaranteeing flexibility to State responsibility by eliminating the notions of *redistributive* agrarian reforms and *rejection* of the agro-industrial model; or by establishing a framework of *management of*); c) axiological turn through the preference of the framework of *adequate food* to food sovereignty.

5. Conclusion

This essay explored the futures of food under two different perspectives. On one hand, the hegemonic perspective of food production and consumption was framed as complying to the neoliberal agenda of constant growth, conveyed by an axiological agenda based on market liberalization and satisfaction of human needs through consumer choices. The normative setting of this agenda relies on commodification and ownership – through patents and collection of royalties – of crops resilient to the new challenges as climate change or land loss. As we tried to show, this is carried out by an ideology that is rooted in a deep trust that sustainable technocratic development is a viable instrument of emancipation from unfair human development patterns and human right abuses. While the right to food as a human right could theoretically attain a level of universality that represents an instrument of emancipation from systematic enforcement of inequalities, one could at least underline how it tends, in its concrete application, to succumb to standards, norms, discourses and values assessed, first and foremost, in the context of trade internationalisation, entailing a systematic reinforcement of relations of colonialism, imperialism and feudalism.

On the other hand, a postcolonial sustainable development model was associated to LVC *modus operandi* stressing that, through a collective struggle for human rights, an ecosocial transition could be attained and climate change could be mitigated. The necessity of defining legal instruments was seen as being rooted in a need to amplify the core of human right law by including those who have been systematically deprived of it. By *localizing* some of fundamental human rights, the organization has been able to frame problematic situations, presenting solutions or alternatives⁷⁹.

As LVC affirmed in 2018, «this UN Declaration can provide a global framework for national legislation and policies»⁸⁰. But since the adopted Declaration

⁷⁹ P. Claves, “Food Sovereignty and the Recognition of New Rights for Peasants at the UN”, *op. cit.*

⁸⁰ LVC, <https://viacampesina.org/en/un-human-rights-council-passes-a-resolution-adopting-the-peasant-rights-declaration-in-geneva/>, 2018.

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of Rights is articulated in a non-binding framework, much of its enforcement relies on political *good will* and countries *best* intentions.

Nonetheless, the Declaration can, in theory, enable better protection of the rights of peasants and improve livelihoods in rural areas, reinforcing the notion of food sovereignty, affirming the fight against climate change and enabling conservation of biodiversity⁸¹ (LVC,2018). Also, the peasants, by affirming being the subject of human rights, create the possibilities to take concrete actions to implement comprehensive agrarian reform and a better protection against land-grabbing by: realise the right of peasants to conserve, use, exchange and sell their seeds; ensure remunerative prices for peasants' production and rights for agricultural workers and a recognition of recognise the rights of peasant women and bring about social justice for people of all origin, nationality, race, colour, descent⁸² (LVC,2018).

Concerning the effects of these shifts, only careful predictions can be made, since, within a non-binding framework, further reflections should focus on the processes of implementation, ratification and additional inclusion of peasants in setting the development agenda and the future of food.

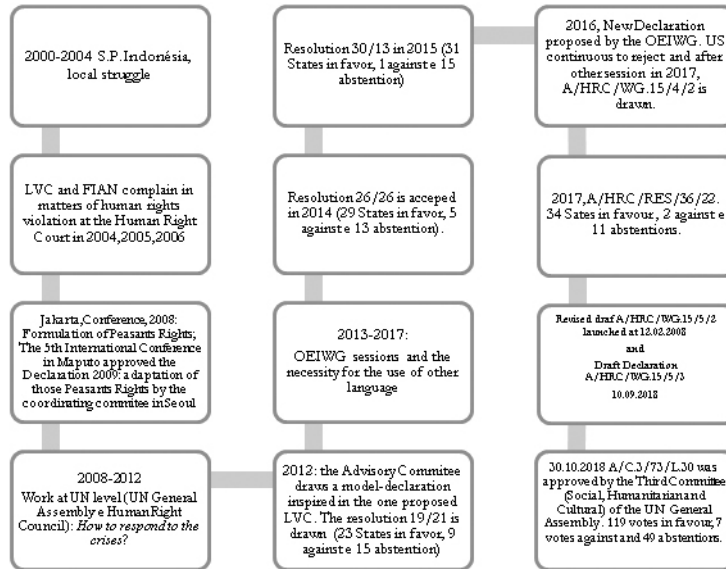
⁸¹ *Ibidem.*

⁸² *Ibidem.*

Appendix

Appendix

Annex 1 – Process of institutionalization of Peasants Rights



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Annex 2

RIGHT TO LIFE AND ADEQUATE STANDARD OF LIVING	RIGHT TO LAND AND TERRITORY	RIGHT TO SEEDS; TRADITIONAL KNOWLEDGE AND PRACTICE	RIGHT TO MEANS OF AGRICULTURAL PRODUCTION
RIGHT TO INFORMATION AND AGRICULTURAL TECHNOLOGY	FREEDOM TO DETERMINE PRICE AND MARKET FOR AGRICULTURE PRODUCTION	RIGHT TO THE PROTECTION OF AGRICULTURAL VALUES	RIGHT TO BIOLOGICAL DIVERSITY
RIGHT TO PRESERVE THE ENVIRONMENT	FREEDOMS OF ASSOCIATION; OPINION AND EXPRESSION	RIGHT TO HAVE JUSTICE	

Source: LVC, *Declaration of Rights of Peasants Women and Men*.

Annex 3

Equality and non-discrimination, and right to development	Rights of peasant women and other women working in rural areas	Right to natural resources	Right to life, liberty and security of person
Freedom of thought, opinion and expression	Freedom of association	Right to participation	Right to information with regard to production, marketing and distribution
Access to justice	Right to work	Right to safety and health at work	Right to adequate food
Right to a decent income and livelihood and the means of production	Right to land and other natural resources	Right to a safe, clean and healthy environment	Right to seeds
Right to biological diversity	Rights to water and to sanitation	Right to social security	Right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Right to adequate housing	Right to education and training	Cultural rights and traditional knowledge	

Source: Revised draft A/HRC/WG.15/5/2 (2018).