

# Vía Campesina's Struggle for the Right to Food Sovereignty: From Above or from Below?

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**Abstract** The transnational agrarian movement La Vía Campesina has successfully mobilized a human rights discourse in its struggle against capitalism and neoliberalism. As La Vía Campesina celebrates its 20th anniversary, this chapter proposes a critical overview of the right of peoples to food sovereignty. Looking at food sovereignty both as La Vía Campesina's most prominent collective action frame and as a new collective human right, this chapter explores some of the challenges social movements are confronted with when using human rights. It discusses efforts by La Vía Campesina to achieve the international recognition of food sovereignty as a new human right and explores past and current challenges involved in the institutionalization of food sovereignty.

## 1 Introduction

The transnational agrarian movement Vía Campesina is known for having successfully mobilized a human rights discourse in its struggle against capitalism and neoliberalism in agriculture. Rights have provided a common language to peasants' and small-scale farmers' organizations which are politically, culturally and ideologically radically different.<sup>1</sup> Rights talk has shaped the movement.<sup>2</sup> As this transnational

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<sup>1</sup> Saturnino Borras, *La Vía Campesina and its Global Campaign for Agrarian Reform*, in TRANSNATIONAL AGRARIAN MOVEMENTS CONFRONTING GLOBALIZATION 109 (Saturnino Borras, Marc Edelman & Cristóbal Kay eds., 2008).

<sup>2</sup> Peter Rosset & Maria Elena Martinez, *La Vía Campesina: the Birth and Evolution of a Transnational Social Movement*, 37 J. PEASANT STUD. 149 (2010); Peter P. Houtzager, *The Movement of the Landless (MST): Juridical Field, and Legal Change in Brazil*, in LAW AND GLOBALIZATION FROM BELOW: TOWARDS A COSMOPOLITAN LEGALITY (Boaventura De Sousa Santos & César A. Rodríguez-

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peasant movement celebrates its 20th anniversary, this chapter proposes a critical overview of the *right of peoples to food sovereignty*, which is probably Vía Campesina's most emblematic invention in the area of human rights. Looking at food sovereignty both as Vía Campesina's most prominent collective action frame and as a new collective human right, this chapter explores some of the challenges social movements are confronted with when using human rights.

This chapter starts with a short introduction to Vía Campesina. It traces the origins of the movement and describes the various ways in which it has used human rights. The main argument of this chapter is that the use of rights has confronted peasant movements with the "paradox of institutionalization".<sup>3</sup> The first and well-known aspect of that paradox has to do with the institutionalization of social movement organizations<sup>4</sup> and their engagement with the institutional world. The second aspect of the paradox has to do with the fact that the institutionalization of human rights constantly threatens their subversive potential.

The first part of this chapter discusses the advantages and constraints of the human rights framework. It then examines how Vía Campesina has dealt with both the conceptual and strategic limitations of the human rights framework, in an attempt to keep intact the subversive potential of its rights-based claims. The second part of this chapter analyzes the institutional trajectory of the new right of peoples to food sovereignty. It discusses efforts by Vía Campesina to achieve the international recognition of food sovereignty as a new human right and explores past and current challenges involved in the institutionalization of food sovereignty.

## 2 The Food Sovereignty Movement and the Rights Master Frame

Vía Campesina developed in the early 1990s as small farmers from Central America, North America and Europe sought to articulate a common response to the free-market onslaught that had devastated their lives.<sup>5</sup> The movement emerged in reaction to the drastic reshaping of state-society relations and the multiplication of neoliberal policies aimed at overcoming rampant inflation and declining rates of profits and growth. Indeed, a double movement of state restructuring took place in the 1980s: from the outside, the privatization of public enterprises—"the minimal state"—put an end to the "producer state"; from the inside, the creation of a

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Garavito eds., 2005); Rajeev Patel, *Transgressing Rights: La Vía Campesina's Call for Food Sovereignty*, 13 FEMINIST ECON. 87 (2007); TRANSNATIONAL AGRARIAN MOVEMENTS CONFRONTING GLOBALIZATION (Saturnino Borrás, Marc Edelman & Cristóbal Kay eds., 2008).

<sup>3</sup> NEIL STAMMERS, HUMAN RIGHTS AND SOCIAL MOVEMENTS 102 (2009).

<sup>4</sup> SIDNEY TARROW, POWER IN MOVEMENT (1998).

<sup>5</sup> ANNETTE AURÉLIE DESMARAIS, LA VÍA CAMPESINA: UNE RÉPONSE PAYSANNE À LA CRISE ALIMENTAIRE (2008); Rosset & Martinez, *supra* note 2; TRANSNATIONAL AGRARIAN MOVEMENTS CONFRONTING GLOBALIZATION, *supra* note 2.

"managerial state" led to the structuring of new relations between government and social subjects.<sup>6</sup> National self-sufficiency in cereals, livestock and fish products was abandoned as an objective of national economic policy, as states adopted agricultural export-led strategies as "the principal means of enhancing rural accumulation".<sup>7</sup>

Peasants in the South saw a drastic decline in their livelihood options as crops and livestock prices dropped. They were hit by the combined effects of subsidies in the North—which had been triggered by low world prices and were in turn to blame for low commodity prices<sup>8</sup>—and the dismantling of supply management schemes<sup>9</sup> in the South resulting in over-supply<sup>10</sup>. In this context, exchanges between peasant organizations from North America, Central America, and Europe helped develop ties between farmers who soon realized that they faced similar problems. A French peasant from the Confédération paysanne who attended the first meeting of Via Campesina, in 1993, in Mons, Belgium,<sup>11</sup> recalls: "before, the state of mind was, we need to help the starving poor in Africa, but then we realized that we were destroying each other".<sup>12</sup>

Since then, 148 national and sub-national rural organisations from 69 countries—mobilizing against genetic crops, dams, mining concessions, natural reserves, and/or trade liberalization—have joined forces in what some consider "the most dynamic" contemporary transnational agrarian movement.<sup>13</sup> The movement has opposed "global

<sup>6</sup> PIERRE DARDOT & CHRISTIAN LAVAL, *LA NOUVELLE RAISON DU MONDE* 355 (2009).

<sup>7</sup> Haroon Akram Lodhi & Cristóbal Kay, *Neoliberal Globalisation: the Traits of Rural Accumulation and Rural Politics, the Agrarian Question in the Twentieth Century*, in PEASANTS AND GLOBALISATION: POLITICAL ECONOMY, RURAL TRANSFORMATION AND THE AGRARIAN QUESTION 318 (Haroon Akram Lodhi & Cristóbal Kay, 2008).

<sup>8</sup> PETER ROSSET, *FOOD IS DIFFERENT: WHY WE MUST GET THE WTO OUT OF AGRICULTURE* 43 (Global Issues Series, 2006).

<sup>9</sup> *Id.* at 30.

<sup>10</sup> Adding to the impacts of trade liberalization, the technical transformation of farming through chemicalization and mechanization in the US and industrialized North resulted in increased concentration and a growing labor and land productivity gap between large scale capitalist farmers in both North and South and small-scale farmers mostly in the South. Moreover, the elimination of capital controls among economies, to enable speculative capital to move quickly to take advantage of differentials in value of currencies, stocks and other financial instruments, resulted in the emergence of a truly unified global capital market. As input-output chains became territorially optimized, and were no longer producer-driven but buyer-driven, farmers found themselves to be mere price-takers with little information at hand. As these chains grew, they often merged with, acquired or forced out smaller retailers.

<sup>11</sup> The Mons meeting led to the creation of Via Campesina as a transnational network. Peasant leaders who attended the 1993 meeting defined five regions and elected a Coordinating Commission made up of the Movimento dos Trabalhadores Rurais Sem Terra (MST), representing South America, ASOCODE, representing Central America, the Caribbean, and North America, Peasant Solidarnosc (Poland), representing Eastern Europe, KMP (Philippines), representing Asia, and CPE (Europe), representing Western Europe.

<sup>12</sup> "Avant, l'état d'esprit c'était 'il faut aider les petits noirs' [referring to the African famines of 1973–74 and of the mid-80s], là on a réalisé qu'on se détruisait l'un l'autre". Interview with French Peasant, Confédération paysanne, Via Campesina, in Montreuil, Fr. (May 4, 2010).

<sup>13</sup> Marc Edelman & Carwil James, *Peasants' Rights and the UN System: Quixotic Struggle? Or Emancipatory Idea Whose Time Has Come?*, 38 J. PEASANT STUD., 90 (2011).

depeasantization”<sup>14</sup> and the emerging “corporate food regime”.<sup>15</sup> It has developed a “food sovereignty” model to counterpose the dominant “market economy” paradigm.<sup>16</sup> It has managed to build a common agenda across the North–South divide, and to gain the support of numerous non-governmental organizations (NGO)s, academics, environmentalists and even states that today defend some version of food sovereignty.<sup>17</sup>

To do this, Vía Campesina efficiently deployed a powerful “rights master frame”.<sup>18</sup> Framing is one of the core activities of social movements. Movements carry and transmit mobilizing beliefs and ideas, but they are also actively engaged in the production of meaning for participants and opposers. This productive work, which may involve the shaping and restructuring of existing meanings, has been conceptualized as framing in the social movements literature.<sup>19</sup> Framing serves the purposes of diagnosing certain situations as problematic, offering solutions and calling to action.<sup>20</sup> While most collective action frames are movement-specific or “organizational”—in the sense that they are limited to the interests of a particular group or to a set of related problems—some frames function as a kind of algorithm that colours and constrains the orientations and activities of other movements. These more generic frames are referred to as “master frames”.<sup>21</sup> The “rights master frame” is a good example of a collective action frame which has been identified as sufficiently broad in interpretive scope, inclusivity, flexibility and cultural resonance to function as a master frame.<sup>22</sup> The rights master frame was mobilized by the civil rights movement<sup>23</sup> and later adopted by gay and lesbian rights groups.<sup>24</sup> It is prominent in

<sup>14</sup> Farshad A. Araghi, *Global Depeasantization, 1945–1990*, 36 Soc. Q. 337 (1995).

<sup>15</sup> Philip McMichael, *A Food Regime Genealogy*, 36 J. PEASANT STUD. 139 (2009).

<sup>16</sup> Rosset & Martinez, *supra* note 2, at 154.

<sup>17</sup> Tina D. Beuchelt & Detlef Virchow, *Food Sovereignty or the Human Right to Adequate Food: Which Concept Serves Better as International Development Policy for Global Hunger and Poverty Reduction?*, 29 AGRIC. & HUM. VALUES 259 (2012).

<sup>18</sup> Priscilla Claeys, *The Creation of New Rights by the Food Sovereignty Movement: The Challenge of Institutionalizing Subversion*, 46 Soc. 844, 845, (2012).

<sup>19</sup> Robert Benford & David Snow, *Ideology, Frame Resonance, and Participant Mobilization*, 1 INT’L SOC. MOVEMENTS RES. 197, 198 (1988).

<sup>20</sup> *Id.* at 199.

<sup>21</sup> Robert Benford & David Snow, *Framing Processes and Social Movements: an Overview and Assessment*, 26 ANN. REV. SOC. 611, 618 (2000).

<sup>22</sup> *Id.* at 619.

<sup>23</sup> Doug McAdam, *The Framing Function of Movement Tactics: Strategic Dramaturgy in the American Civil Rights Movements*, in COMPARATIVE PERSPECTIVES ON SOCIAL MOVEMENTS: POLITICAL OPPORTUNITIES, MOBILIZING STRUCTURES, AND CULTURAL FRAMINGS 338 (Doug McAdam, John D. McCarthy & Mayer N. Zald eds., 1996); Steve Valocchi, *The Emergence of the Integrationist Ideology in the Civil Rights Movement*, 43 SOCIAL PROBS. 116 (1996).

<sup>24</sup> Kathleen E. Hull, *The Political Limits of the Rights Frame: the Case of Same-Sex Marriage in Hawaii*, 44 Soc. PERSP. 207 (2001); Ken Plummer, *Rights Work: Constructing Lesbian, Gay and Sexual Rights in Late Modern Times*, in RIGHTS: SOCIOLOGICAL PERSPECTIVES (Lydia Morris ed., 2006).

pro-life versus pro-choice debates and in struggles over workers' rights, mothers' rights and welfare rights<sup>25</sup> as well as women's and migrants' rights.<sup>26</sup>

The advantages of mobilizing a rights master frame have been well documented. Human rights can be used by activists to transform ordinary perceptions of what is just and unjust and to redefine the boundaries between what is normal and unacceptable.<sup>27</sup> They allow social movements to frame claims in a way that does not emphasize particular or sectorial interests. Rights allow for a flexible and open master frame,<sup>28</sup> that facilitates the integration of multiple ideologies. Indeed, as we will see in the case of Vía Campesina, a variety of ideologies can be framed with the concept of rights<sup>29</sup> and rights facilitate the international exportation of claims to movements with divergent ideological references and who belong to different geographical contexts.<sup>30</sup> Also, a rights master frame combines easily with other master frames, and therefore allows for the constitution of a very potent multivocal frame.

Yet, to frame social movement claims as rights presents social movements with a number of constraints, which can considerably hinder the subversive potential of human rights. Two sets of challenges will be explored in this article. First, contemporary conceptions of human rights are rooted in the "enlightenment era"<sup>31</sup> and liberal streams of thought. The liberal origins of human rights represent a considerable challenge for movements that decide to use rights talk in their struggle against capitalism and neoliberalism. Second, rights-based social change has been conceptualized as a top-down process which insists on stronger laws, responsive legal institutions and accountability mechanisms.<sup>32</sup> This insistence on change from the top may be at odds with grassroots mobilization and "repertoires of collective action",<sup>33</sup> such as protests, that are traditionally deployed by social movements.

<sup>25</sup> Ellen Reese & Garnett Newcombe, *Income Rights, Mothers' Rights, or Workers' Rights? Collective Action Frames, Organizational Ideologies, and the American Welfare Rights Movement*, 50 SOC. PROBS. 294 (2003).

<sup>26</sup> Juanita Elias, *Transnational Migration, Gender, and Rights: Advocacy and Activism in the Malaysian Context*, 48 INT'L MIGRATION 44, 44–71 (2010).

<sup>27</sup> Eric Agrikoliansky, *Les Usages Protestataires du Droit*, in PENSER LES MOUVEMENTS SOCIAUX: CONFLITS SOCIAUX ET CONTESTATIONS DANS LES SOCIÉTÉS CONTEMPORAINES 229 (Olivier Fillieule, Eric Agrikoliansky & Isabelle Sommier eds., 2010).

<sup>28</sup> Patrick H. Mooney & Scott A. Hunt, *A Repertoire of Interpretations: Master Frames and Ideological Continuity in U.S. Agrarian Mobilization*, 37 SOC. Q. 179 (1996).

<sup>29</sup> Valocchi, *supra* note 23, at 118.

<sup>30</sup> Agrikoliansky, *supra* note 27, at 232.

<sup>31</sup> Kevin Kolben, *Labor Rights as Human Rights?*, 50 VA. J. INT'L L. 453 (2008).

<sup>32</sup> *Id.* at 477.

<sup>33</sup> CHARLES TILLY, *LA FRANCE CONTESTE* (1986).

### 3 Overcoming the Liberal Origins of Human Rights

From a conceptual perspective, three main obstacles commonly associated with human rights had to be overcome by *Vía Campesina*: the dominance of a Western, liberal and individualist conception of rights; state-centrism and the inability of international human rights law to adequately address the responsibilities of (increasingly threatening) private and transnational actors; and the fundamentally liberal<sup>34</sup> character of human rights regimes and the resulting emphasis on economic liberty—understood as individual appropriation of, access to and control over economic resources—at the expense of equality of outcome/welfare.<sup>35</sup>

In order to deploy a rights master frame that serves the movement's goals, resonates with activists' worldviews and encourages them to take action, *Vía Campesina* had to develop an alternative conception of rights. Indeed, the social-democratic approach to human rights, which underlies the existing and already codified human right to adequate food—as well as other economic, social and cultural rights—did not provide *Vía Campesina* with the narrative, autonomy and vision it needed.<sup>36</sup>

Instead, the movement mobilized around a newly created “right of peoples to food sovereignty” and sought to develop a conception of human rights that would: emphasize the collective dimension of claims over the individual one; target the various levels where food and agricultural governance issues ought to be deliberated, from the local, national, regional to the international, rather than rely on a statist framework; and provide the tools to fight neoliberalism and capitalism in agriculture, through the defense of autonomy and equality-reinforcing food systems.

#### 3.1 *The Right to Food Sovereignty*

Food sovereignty (“soberanía alimentaria”) apparently emerged<sup>37</sup> as early as the mid-80s in Central America, essentially in response to a combination of drastic structural adjustment programs, the deliquescence of state support for agriculture and the arrival of food imports from the United States. Food sovereignty was understood at the time as meaning “national food security” and was usually coupled with the “right to continue being producers”.<sup>38</sup> The *right to food sovereignty* made

<sup>34</sup> Liberalism can be defined as a project that “promotes social outcomes that are, as far as possible, the result of free individual choices, provided that such choices respect equal freedom and the rights of others”. For more on this, see JOHN CHARVET & ELISA KACZYNSKA-NAY, *THE LIBERAL PROJECT AND HUMAN RIGHTS: THE THEORY AND PRACTICE OF A NEW WORLD ORDER 2* (2008).

<sup>35</sup> *Id.* at 11–12.

<sup>36</sup> Claeys, *supra* note 18, at 848.

<sup>37</sup> MARC EDELMAN, *PEASANTS AGAINST GLOBALIZATION: RURAL SOCIAL MOVEMENTS IN COSTA RICA* (1999).

<sup>38</sup> *Id.* at 102–103.

its appearance on the international scene in 1996.<sup>39</sup> At the occasion of the World Food Summit which was held in Rome, the NGO Forum to the World Food Summit insisted that: "Each nation must have the right to food sovereignty to achieve the level of food sufficiency and nutritional quality it considers appropriate without suffering retaliation of any kind".<sup>40</sup> The diagnosis was explicit: "The neo-liberal agricultural policies have led to the destruction of our family farm economies and to a profound crisis in our societies".<sup>41</sup> In reaction, Vía Campesina demanded that the global community "establish alternatives to the neo-liberal policies and institutions such as the WTO [World Trade Organization], WB [World Bank] and the IMF [International Monetary Fund]".<sup>42</sup>

In the late 1990s and early 2000s, the right to food sovereignty dealt mainly with trade and the WTO.<sup>43</sup> The direct effects of the entry into force of WTO's Agreement on Agriculture (AoA) on developing countries were relatively limited since many countries had already dismantled trade policy instruments such as quantitative import restrictions, either as part of IMF/World Bank conditionalities or as a result of unilateral liberalization.<sup>44</sup> Yet, the WTO quickly became the predominant target of the global justice movement,<sup>45</sup> and certainly of Vía Campesina activists. Opposition to the WTO helped federate the movement and protests during WTO Ministerial Conferences—the topmost decision-making body of the WTO, which usually meets every two years—punctuated the life of the food sovereignty movement. The WTO came under attack as an institution, and as a symbol, despite the fact that, according to members of its secretariat, the WTO is first and foremost a members-driven organization over which the WTO secretariat exercises relatively little influence.<sup>46</sup>

This period was crucial to the elaboration of food sovereignty as Vía Campesina's central collective action frame. A first period of "frame formulation" can be identified in the mid-1980s to the early 1990s during which the right to food sovereignty tapped, quite naturally, into dormant Marxist, anti-imperialist, and

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<sup>39</sup> As early as 1993, in the Mons Declaration, Vía Campesina demanded "the right of every country to define its own agricultural policy according to the nation's interest and in concertación [sic] with the peasant and Indigenous organizations, guaranteeing their real participation", although not explicitly linking these claims to food sovereignty.

<sup>40</sup> NGO FORUM TO THE WORLD FOOD SUMMIT, PROFIT FOR A FEW OR FOOD FOR ALL, STATEMENT AT THE OCCASION OF THE WORLD FOOD SUMMIT, ROME, ITALY (Nov. 1996).

<sup>41</sup> VÍA CAMPESINA, SEATTLE DECLARATION: TAKE WTO OUT OF AGRICULTURE (Dec. 3, 1999).

<sup>42</sup> *Id.*

<sup>43</sup> Although WTO and trade were the main focus of mobilizations between Rome (1996) and Seattle (1999), anti-GMOs mobilizations were very important also, in particular in the 1998–2003 period, and were often led under the food sovereignty banner.

<sup>44</sup> Tobias Reichert, *Agricultural Trade Liberalization in Multilateral and Bilateral Negotiations*, in THE GLOBAL FOOD CHALLENGE: TOWARDS A HUMAN RIGHTS APPROACH TO TRADE AND INVESTMENT POLICIES 33 (FIAN & IATP, 2009).

<sup>45</sup> RUTH REITAN, GLOBAL ACTIVISM (2007).

<sup>46</sup> Interview with WTO Staff, Geneva, Switz. (June 25, 2008).



anti-colonialist frames.<sup>47</sup> It reactivated/amplified<sup>48</sup> the “self-determination” frame<sup>49</sup> in particular. Vía Campesina leader Paul Nicholson, from the farmers’ organization EHNE in the Basque country in Spain, recalls: “When the concept came out, it was intuitive and uncontrollable, it came out of a small group, which today is the whole world”.<sup>50</sup>

Some time in the mid-1990s, food sovereignty became the reference—or organizational—frame of Vía Campesina, and its international “diffusion” appears to have taken place quite organically and rapidly within Vía Campesina member organizations. The (right to) food sovereignty frame was successful in mobilizing not only the rights master frame but also a number of other master frames, such as the “cultural pluralist” and “environmental” master frames<sup>51</sup> and the “producer” and “agrarian” master frames that run through agrarian mobilizations.<sup>52</sup> Moreover, it was able to link up to a number of ideologies present in the movement—Marxist, agrarian populist, anarchist and environmentalist.<sup>53</sup>

Since then, it has undergone processes of further “elaboration/articulation” and has continuously been reconstituted through interactions among movement activists.<sup>54</sup> To this day, activists spend a lot of time discussing what is (the right to) food sovereignty, why it is important to them, how it should be defined, and how it should be implemented. As the right to food sovereignty frame has evolved in the face of new international events, new strategies,<sup>55</sup> new members, and counterframing by adversaries,<sup>56</sup> it has needed to be constantly re-elaborated and appropriated by movement activists.

<sup>47</sup> Frames are intimately connected to the social, cultural and political environments in which they emerge; they are built using available cultural toolkits. Benford & Snow, *supra* note 21, at 629.

<sup>48</sup> “Frame amplification” designates attempts by activists to invigorate existing values or beliefs. *Id.* at 624.

<sup>49</sup> Mooney and Hunt use the term “repertoires of interpretations” to highlight that movements interpret and reconstruct existing systems of meanings. They contend that such repertoires can draw on several frames and that ideological themes persist between movements over time. Ideologies might lead an underground existence, survive and re-emerge in what they call “abeyance processes”. Mooney & Hunt, *supra* note 28, at 179.

<sup>50</sup> “Cuando salió el concepto, fue intuitivo e incontrolable, salió de un grupo pequeño, que hoy es todo el mundo”. Vía Campesina Leader Paul Nicholson, at ECVC Seminar on Food Sovereignty and Trade, Paris, Fr. (Jan. 8–9, 2009).

<sup>51</sup> Benford & Snow, *supra* note 21, at 619.

<sup>52</sup> Mooney & Hunt, *supra* note 28, at 184.

<sup>53</sup> Borras, *supra* note 1, at 109.

<sup>54</sup> Benford & Snow, *supra* note 21, at 623.

<sup>55</sup> Analysis of other social movements has shown that, over time, frames are increasingly shaped by strategic decisions and contests with interlocutors. See Doug McAdam, John D. McCarthy & Mayer N. Zald, *Introduction: Opportunities, Mobilizing Structures, and Framing Processes—Towards a Synthetic, Comparative Perspective on Social Movements*, in *COMPARATIVE PERSPECTIVES ON SOCIAL MOVEMENTS: POLITICAL OPPORTUNITIES, MOBILIZING STRUCTURES, AND CULTURAL FRAMINGS* 16 (Doug McAdam, John D. McCarthy & Mayer N. Zald eds., 1996).

<sup>56</sup> Benford & Snow, *supra* note 21, at 625.



Looking at the features of the right to food sovereignty frame in 2013, it is striking how far it has expanded. It has integrated the movement's wide variety of struggles at the local and national levels—such as securing control over natural productive resources, protecting local knowledge and cultural identity, creating local markets, guaranteeing remunerative prices, and the right to land and territory—into a fully-fledged rights-based paradigm, resting on six pillars.<sup>57</sup> It has diffused to new geographic regions, including Africa,<sup>58</sup> and has taken on new meanings. If the right to food sovereignty remains extremely potent and popular, it nevertheless appears to be at crossroads. In the next section, we explore the main challenges facing the right to food sovereignty frame.

#### 4 Overcoming the Focus on Top-Down Social Change

From a strategic perspective, the use of a rights frame presented Via Campesina with three interrelated challenges. First, the human rights framework is heavily associated with strong and responsible (national) institutional and legal frameworks<sup>59</sup> as well as with encouraging the ability of citizens to claim their rights through effective accountability mechanisms. It relies on top-down social change. Second, the level of expertise required to deploy human rights arguments is such that human rights have more often than not been defended by human rights lawyers,<sup>60</sup> and not by average citizens. The prominent role of human rights experts and the associated tendency to solve conflicts in specialized arenas run the risk of undermining social movements' efforts to organize and mobilize. Third, human rights claims tend to be constructed in ways that demand their institutional instantiation,<sup>61</sup> but the institutionalization of human rights claims may considerably hinder the subversive potential of human rights.

Stammers has shown that “non-institutional activism has historically demanded the institutionalisation of human rights”.<sup>62</sup> Has Via Campesina sought to obtain the universal recognition of the right to food sovereignty or to translate this right in alternative international trade rules for food and agriculture? If yes, has it managed to do so without undermining the subversive potential of this new right?

<sup>57</sup> Food Sovereignty rests on 6 pillars: Focuses on Food for people (1), Values Food Providers (2), Localizes Food Systems (3), Puts Control Locally (4), Builds Knowledge and Skills (5), Works with Nature (6). NYELENI FOOD SOVEREIGNTY FORUM, SYNTHESIS REPORT: NYELENI FORUM FOR FOOD SOVEREIGNTY 2007 (2007).

<sup>58</sup> The selection and adaptation of frames to other contexts, a direct result of frame diffusion processes, have been well documented. Benford & Snow, *supra* note 21, at 627.

<sup>59</sup> Kolben, *supra* note 31, at 477.

<sup>60</sup> Annelise Riles, *Anthropology, Human Rights, and Legal Knowledge: Culture in the Iron Cage*, 108 AM. ANTHROPOLOGIST 52 (2006).

<sup>61</sup> NEIL STAMMERS, HUMAN RIGHTS AND SOCIAL MOVEMENTS 106 (2009).

<sup>62</sup> *Id.*

Around the year 2000, *Vía Campesina*, together with a large network of social movements and NGOs, which were mobilizing in the run up to the WTO Ministerial of Doha (2001), demanded that the right to food sovereignty be enshrined in an international convention.<sup>63</sup> The “Priority to Peoples’ Food Sovereignty—WTO out of Food and Agriculture” campaign stressed that, to ensure peoples’ food sovereignty, governments must begin working on a new multilateral framework, within a reformed United Nations (UN), to govern sustainable agricultural production and the food trade.<sup>64</sup> Central to the alternative multilateral framework was the demand for an International Convention on Food Sovereignty that would replace the current AoA and relevant clauses from other WTO agreements.<sup>65</sup> These calls were reiterated by the 2002 NGO Forum for Food Sovereignty<sup>66</sup> at the occasion of the inter-governmental World Food Summit: Five Years Later, during which *Vía Campesina* asked the United Nations Food and Agriculture Organization (FAO) to defend “the right of peoples to food sovereignty, the right to eat healthy foods, and the right to access productive resources such as land, water and seeds”.<sup>67</sup>

Other instruments were proposed at the time, not in the form of “a coherent package, but rather a list of incomplete ideas”<sup>68</sup>: a World Commission on Sustainable Agriculture and Food Sovereignty, which would undertake a comprehensive assessment of the impacts of trade liberalization on food sovereignty and security, and develop proposals for change; an independent dispute settlement mechanism integrated within a new International Court of Justice, especially to prevent dumping and GMOs in food aid; and an international, legally binding treaty that defined the rights of smallholder farmers to the assets, resources, and legal protections they need to be able to exercise their right to produce.<sup>69</sup>

In 2004, French activist José Bové brought *Vía Campesina*’s call for a Convention on Food Sovereignty to then UN Secretary General Kofi Annan, whom he

<sup>63</sup> Such a convention “would implement, within the international policy framework, Food Sovereignty and the basic human rights of all peoples to safe and healthy food, decent and full rural employment, labor rights and protection, and a healthy, rich and diverse natural environment. It would also incorporate trade rules on food and agricultural commodities”. See *Our World is Not for Sale: Priority to Peoples’ Food Sovereignty, WTO out of Food and Agriculture* (Nov. 6, 2001), available at [www.citizen.org/documents/wtooutoffood.pdf](http://www.citizen.org/documents/wtooutoffood.pdf).

<sup>64</sup> ANNETTE AURÉLIE DESMARAIS, *THE WTO ... WILL MEET SOMEWHERE, SOMETIME: AND WE WILL BE THERE!* (2003).

<sup>65</sup> *Our World is Not for Sale*, *supra* note 63.

<sup>66</sup> NGO/CSO FORUM FOR FOOD SOVEREIGNTY, *FOOD SOVEREIGNTY: A RIGHT FOR ALL* POLITICAL STATEMENT OF THE NGO/CSO FORUM FOR FOOD SOVEREIGNTY (2002); NGO/CSO FORUM FOR FOOD SOVEREIGNTY, *FOOD SOVEREIGNTY: ACTION AGENDA* (2002).

<sup>67</sup> *VÍA CAMPESINA, SOBRE ATRASO DE LA CUMBRE FAO EN 2001* (2001), available at <http://via-campesina.org/es/index.php/temas-principales-mainmenu-27/soberanalimentary-comercio-mainmenu-38/313-sobre-atraso-de-la-cumbre-fao-en-2001>.

<sup>68</sup> MICHAEL WINDFUHR & JENNIE JONSÉN, *FOODFIRST INFORMATION AND ACTION NETWORK (FIAN), FOOD SOVEREIGNTY: TOWARDS DEMOCRACY IN LOCALIZED FOOD SYSTEMS* 44 (2005).

<sup>69</sup> This idea later materialized in the form of a Declaration on the Rights of Peasants, Women and Men, which was adopted by the International Coordination Committee of *Vía Campesina* in March 2009, as we will see below.

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