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**Master's degree in
Human Rights and Multi-level Governance**



**RETHINKING THE RIGHT TO FOOD:
HOW THE FOOD SOVEREIGNTY MOVEMENT
(VIA CAMPESINA) CHALLENGES THE HUMAN
RIGHTS SYSTEM**

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Acronyms

AI: Amnesty International
ARI: Associazione Rurale Italiana
CFS: UN Committee on World Food Security
CEDAW: Committee on the Elimination of Discrimination against Women
CESCR: Committee on Economic, Social and Cultural Rights [Treaty Body of ICESCR]
CSO: Civil Society Organization
ECVC: European Coordination Via Campesina
ETOs: Extra Territorial Obligations
FAO: Food and Agriculture Organization
FIAN: International: Foodfirst Information and Action Network
FSM: Food Sovereignty Movement
GATT: General Agreement on Tariffs and Trade
GC: General Comment
GFRP: Global Food Crisis Response Program [of the WB]
GMO: Genetically Modified Organism
HLPF: UN High Level Political Forum
HRBA: Human Rights Based Approach
HRC: Human Rights Committee [Treaty Body of ICCPR]
ICC: International Coordination Committee [of LVC]
ICCPR: International Covenant on Civil and Political Rights
ICESCR: International Covenant on Economic, Social and Cultural Rights
ICJ: International Court of Justice
IFAD: International Fund for Agricultural Development
IFI: International Financial Institution
ILO: International Labour Organization
IMF: International Monetary Fund
IGO: Intergovernmental Organization
IO: International Organization

IOS: International Operative Secretariat [of LVC]
IPC: International Planning Committee for Food Sovereignty
ISI: Import Substituting Industrialization
ITPGRFA: International Treaty on Plant Genetic Resources for Food and Agriculture
ITO: International Trade Organization
LVC: La Via Campesina
MDG: Millennium Development Goal
NHRI: National Human Rights Institution
NIEO: New International Economic Order
OECD: Organization for Economic Cooperation and Development
OEIGWG: Open-ended Intergovernmental Working Group
OHCHR: Office of the High Commissioner for Human Rights
PPF: People's Food Policy [of Canada]
SDG: Sustainable Development Goal
TGs: Voluntary Guidelines of Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security
UDHR: Universal Declaration of Human Rights
UN: United Nations
UNCCD: UN Convention to Combat Desertification
UNFFF: UN Decade of Family Farming
UNDP: United Nations Development Programme
UNDRD: UN Declaration on the Right to Development
UNDRIP: UN Declaration on the Rights of Indigenous Peoples
UNDROP: United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
UNEP: United Nations Environment Programme
UNESCO: United Nations Educational, Scientific and Cultural Organization
UNGA: United Nations General Assembly
UNHRC: United Nations Human Rights Council
UNICEF: United Nations International Children's Emergency Fund
UNSC: United Nations Security Council
WB: World Bank
WC: Washington Consensus
WFP: World Food Program
WHO: World Health Organization
WTO: World Trade Organization

Introduction

The thesis focuses on the Food Sovereignty Movement (FSM), and on its main representative La Via Campesina (LVC) and analyses the attempts of the movement to recognize a new human right to food sovereignty and peasants' rights in the United Nations (UN) human rights system. LVC, fundamental actor within the FSM, is a global social movement of peasants. It was created in 1993 by 46 farm leaders from Central America, the Caribbean, North America, and Europe gathered in Mons (Belgium), for what became known as the First International Conference of La Via Campesina (Claeys, 2015, p.5). Today LVC is composed of 182 organizations from 81 countries and "it brings together [more than 200] millions of peasants, small and medium-size farmers, women farmers, landless people, indigenous people, migrants and agricultural workers and youth from around the world" (La Via Campesina, 2018, p.46). LVC advocates for a new and alternative strategy to address hunger and malnutrition, to promote the right to food and food security, to revitalize the agricultural sector and to tackle rural poverty, based on the concept of food sovereignty. The idea of food sovereignty seems to have emerged in the 1980s among rural communities in Latin America, particularly hit by structural adjustment programs and trade agreements of the World Bank (WB), the International Monetary Fund (IMF) and the World Trade Organization (WTO). Presented as an alternative paradigm to an economic system based on neoliberalism (Wittman et al., 2010, p.2), food sovereignty condemned a globalized food system (Martínez-Torres & Rosset, 2010, p.5) tightly controlled by international institutions, developed countries and transnational corporations. Food sovereignty was firstly presented on the international scene at the NGO Forum to the World Food Summit of 1996. In the following years, especially through the International Conferences of La Via Campesina, the concept was reviewed, re-elaborated and refined. The most famous definition is from the Nyéléni Declaration of 2007, according to which, "*food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems*" (Nyéléni - International Movement for Food Sovereignty, 2007). From the definition, it is clear that food sovereignty is not just about protecting the right to food. With its emphasis on

small-scale agriculture, sustainable agricultural practices, sovereignty over land and natural resources, local food system and the regulation of international agricultural markets, it promotes a more holistic and comprehensive approach than the one envisaged by the existing human rights framework based on the right to food.

Initially LVC concentrated its efforts mainly against the WTO and international agricultural trade agreements. The position of LVC towards the WTO is well exemplified by the slogans “Agriculture out of the WTO” (La Via Campesina, 1999) and “WTO out of Agriculture” (La Via Campesina, 2022), which LVC have been shouting on the streets of Geneva protesting against the Ministerial Conferences of the WTO from the early 1990s until today. In the early 2000, LVC started framing food sovereignty in rights terms and started campaigning at the UN, with the Secretary General and the UN Human Rights Council (UNHRC), to recognize the right to food sovereignty and peasants’ rights in the UN human rights system. The adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) in 2018 certainly represents a major achievement for LVC. Since then, peasants’ rights and the right to food sovereignty became part of the UN human rights system. However, as the thesis will explore, UNDROP is just the beginning of a longer process to recognize and implement collective human rights. Indeed, at present, it is very difficult to reconcile the rigid structure of the human rights system with some revolutionary elements of the proposal of the FSM and of LVC. None the less, the number of hungry and malnourished people in the world has continuously grown over the years. The latest data published by the UN Food and Agriculture Organization (FAO) show that “the number of people affected by hunger globally rose to as many as 828 million in 2021, an increase of about 46 million since 2020 and 150 million since the outbreak of the COVID-19 pandemic” (*UN Report on Global Hunger, 2022*). Moreover, 75% “of the world’s poorest people live in rural areas” (*Rural Poverty Reduction, 2016*). This is yet another confirmation that the existing food production system based on agribusiness, industrial agriculture and free international agricultural markets is not working and that the strategy to combat poverty, hunger and malnutrition based on the right to food and on food security strategies is not giving the expected results. A radical change, as the one advocated by LVC, may represent a valid alternative.

The methodology of the thesis is based on theoretical research of relevant primary, secondary, and tertiary sources and, on interviews. For the theoretical research, the primary sources that I consulted can be divided into two main categories. First, I consulted relevant instruments of international human rights law and documents produced by UN Agencies, mainly FAO. Among them: the UN Charter, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), General

Comments of the Human Rights Committee (HRC) and of the Committee on Economic, Social and Cultural Rights (CESCR), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, UNDROP and the final declarations of world summits on the right to food and food security (from the World Food Conference of 1974 to the Food System Summit of 2021). Second, I consulted the main documents produced by LVC, the European Coordination Via Campesina (ECVC), the Nyéléni Food Sovereignty Network and the International Planning Committee for Food Sovereignty (IPC). Among them, the final declarations of the International Conferences of LVC (from Managua in 1992 to Derio in 2017), of the Youth and Women Assemblies of LVC and the Declaration of the International Forum for Agroecology of Nyéléni. The analysis of these two categories of primary sources allowed me to compare the way in which the human rights system protects the right to food and other human rights related to agriculture with the approach of the FSM. For the secondary sources, I relied on the main scholars that studied the right to food and food sovereignty. Thus, I consulted the literature of scholars as Priscilla Claeys, Annette Aurélie Desmarais, Marc Edelman, Peter Rosset, Hannah Wittman, and Nettie Wiebe, but also the critical voices of Otto Hospes, Bina Agarwal, Henry Bernstein, Kim Burnett, and Sophia Murphy. In general, I consulted research papers and literature on the right to food, food security and food sovereignty, on group and collective rights, on third-generation or solidarity rights. For the tertiary sources, I relied on manuals of international human rights law. Finally, another relevant source is represented by the interviews that I conducted with two representatives of Associazione Rurale Italiana (ARI), Italian member organization of ECVC and of LVC global: Antonio Onorati, Coordinator of the Region Lazio, and Fabrizio Garbarino, President of ARI and Coordinator of the Region Piemonte. Interviews were conducted on Zoom and subsequently transcribed. The interviews with Onorati and Garbarino have been very useful to understand more some aspects of the concept of food sovereignty and to try to address some of the weaknesses and contradictions highlighted by scholars. They proved very helpful to understand what food sovereignty means in practice for the people promoting it, to grasp the relationship that LVC has with institutions at the Italian, European, and UN level, and to understand the strategies that ARI (at the Italian level), ECVC (at the European level) and LVC (at the global level) implement to achieve food sovereignty.

The thesis is structured as follows. Chapter 1 (*A History of the Food Sovereignty Movement and of La Via Campesina*) provides a critical overview of the concept of food sovereignty and of the history of LVC. The chapter describes the historical, economic, and political context in which the idea of food sovereignty emerged. It analyses the causes of the global food

crisis of 2007-2008 and its consequences for the FSM and its relationship with FAO and the UNHRC. Then, the chapter analyses the main documents produced by LVC during its international conferences and what is to date the most important achievement of LVC, UNDROP. Finally, the chapter offers an overview of the main critiques moved to the FSM. Chapter 2 (*Human Rights, Food, and Agriculture*) analyses how the human rights system protects the right to food and other rights related to agriculture. The chapter reviews several human rights instruments protecting the right to food, water, land and natural resources, the right to self-determination, the right to development, the rights of indigenous peoples and UN food security strategies. Attention is devoted to identifying right-holders and duty bearers and the obligations that derive from each right. The choice of the human rights examined in Chapter 2 is based on UNDROP, which recognizes peasants as a special category worth of human rights protection, and it is the first human rights instrument that recognizes the right to food sovereignty. Starting from the analysis in Chapters 1 and 2, Chapter 3 (*Looking for a synthesis: the claim for a new human right to food sovereignty and for peasants' rights*) tries to find a synthesis between the FSM and the human rights discourse. The chapter reviews the food sovereignty paradigm, trying to address some of the critiques presented in Chapter 1, relying, among other sources, on the interviews with Onorati and Garbarino. Then, the chapter looks at similarities and differences between the FSM and the human rights system to identify spaces of convergence and desalination between the two paradigms. Thus, the chapter tries to understand in what the right to food sovereignty differs from the right to food, what elements of the human rights system are present also in the discourse of the FSM and what additional elements are proposed by the latter. After reviewing the concepts of group, collective and solidarity rights and what it means to claim new or newly focused human rights, the chapter presents the efforts of LVC to recognize in the UN human rights system the right to food sovereignty and peasants' rights. The conclusion tries to answer the research questions of the thesis. Finally, in the appendix it is possible to read the full transcript of the interviews with Onorati and Garbarino.

The research questions of the thesis are: are new human rights to food sovereignty and peasants' rights necessary to combat hunger and malnutrition, better protect the right to food, achieve food security and revitalize the rural sector? Or, is the existing human rights framework (presented in chapter 2), once reviewed and expanded according to food sovereignty principles, sufficient? Hence, should we consider the right to food sovereignty as a new human right or as a new conceptualization of the right to food?

CHAPTER 1

A History of the Food Sovereignty Movement and of La Via Campesina

The first chapter provides a critical overview of the meaning of food sovereignty and of the history of LVC, the main representative of the FSM. To do so, the chapter analyses the main documents produced by LVC and the Nyéléni Food Sovereignty Network as well as the contributions of some scholars who closely studied the topic – such as Priscilla Claeys, Annette Aurélie Desmarais, Marc Edelman, Peter Rosset, Hannah Wittman, and Nettie Wiebe. To better understand the when, where, and why of the FSM, paragraph 2 presents the historical, economic, and political context in which the idea of food sovereignty emerged. Paragraphs 3 and 4 go through the history of LVC by revising the main outcomes of the seven international conferences of LVC where the concept of food sovereignty was progressively refined, and the strategies of the movement developed. Paragraph 5 sheds light on the main causes and features of the global food crisis of 2007-2008, considered a watershed for all the actors and institutions trying to achieve food security, the right to food and food sovereignty. Paragraph 6 focuses on the consequences that the global food crisis had for the FSM and its relationship with FAO and the UNHRC. It also describes what is to date the most important achievement of LVC: the adoption by the UN General Assembly (UNGA) in 2018 of the UNDROP which recognizes peasants as a category worth of human rights protection. Finally, to gain a more complete picture of the social movement, paragraph 7 offers an overview of the main critiques moved to the FSM.

1.1 What is food sovereignty?

“Whether it is called an idea, concept, framework, mobilizing tactic, counter-narrative, countermovement, political project, campaign, process, vision, or even a living organism, food sovereignty has captured the hearts and minds of many who struggle for social change” (Desmarais, 2015, p.156). But what is food sovereignty? As defined in the Nyéléni Declaration, “food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to

define their own food and agriculture systems”¹(Nyéléni - International Movement for Food Sovereignty, 2007a). The concept is articulated into six pillars that help understanding and deepening its meaning. Thus, food sovereignty: (1) focuses on food for people, (2) values food providers, (3) localizes food systems, (4) puts control locally, (5) builds knowledge and skills, and (6) works with nature (Nyéléni - International Movement for Food Sovereignty, 2007b). A seventh pillar – food is sacred – was added by the Indigenous Circle of Canada within the People’s Food Policy (PFP) project² (Levkoe & Sheedy, 2017, p.6), a process that involved different civil society actors and indigenous peoples to discuss and reflect on how to apply food sovereignty in Canada (Levkoe & Sheedy, 2017, p.1). The seventh pillar of food sovereignty “understands food as sacred and part of a web of relationships with the natural world that sustains culture and community”. Therefore, natural resources are viewed “as sources of life itself” (Food Secure Canada, 2015, p.9). From this brief definition, it is already clear that food sovereignty is not simply about protecting the fundamental human right to food. It is also about promoting an efficient agrarian reform, ensuring food producers the right to access to natural resources, reforming food trade (Desmarais, 2015, p.154-157) and rejecting the commodification of food (Levkoe & Sheedy, 2017, p.6). Moreover, food sovereignty is not a fixed recipe with a series of technical solutions to be applied everywhere in the same manner (ECVC, 2018, p.2). Starting from its six pillars and from the universal principles of human dignity, sovereignty, and self-determination, it must be tailored to different realities. It thus “offers a sophisticated attempt at developing a ‘grounded, localized and yet international humanism around the food system” (Martínez-Torres & Rosset, 2010, p.161). It promotes a process of democratization of the food system, that forces us to “rethink our relationships with food, agriculture [,] () the environment () [and] with one another” (Wittman et al., 2010, p.4) and to achieve a “socially just, rights-based, ecologically sustainable “future without hunger” (Desmarais, 2015, pp.154-157). A key word in understanding food sovereignty is indeed ‘sovereignty’. As Rosset explains, “feeding a nation’s people is an issue of national security – of sovereignty. If the people of a country must depend for their next meal on the vagaries of the global economy, on the goodwill of a superpower not to use food as a weapon, or on the unpredictability and high cost of long-distance shipping, that country is not secure in the sense of either national security or food security” (Rosset, 2003, p.1). The Canadian PFP talks about ‘food citizenship’, meaning that people (as members of a community, as citizens) must be involved in the decision-making process surrounding the food system (Food Secure Canada, 2015, p.9); while a delegate at the Nyéléni Forum of 2007 said that “food sovereignty is only possible if it takes place at the same time as political sovereignty of peoples”(Nyéléni - International

¹ For other definitions see: the Final Declaration of the World Forum on Food Sovereignty (2001), the NGO/CSO Forum for Food Sovereignty (2002), UNDROP (2018).

² For more information, visit <https://foodsecurecanada.org/people-food-policy>

Movement for Food Sovereignty, 2007b, p.16). The focus on sovereignty distances food sovereignty from food security. As defined by FAO, “food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life” (FAO, 1996). Food security strategies focus on eliminating hunger by increasing food production and by ensuring everyone access to food. There is little or no attention to where, how and by whom food is produced. Food security strategies encouraged the liberalization of agricultural markets and favored the emergence of few large agri-food corporations (Wittman et al., 2010, p.3). A typical feature of this system is ‘dumping’: “the export of products [mainly from Europe and the US] to Third World countries at prices below the cost of production”. When this happens, local and small-scale farmers in Third World countries are no longer competitive and are often forced to migrate to urban areas under precarious conditions. Significantly, dumping also hurts farmers in the global North, subjected to lower prices imposed by large food corporations and not protected by any form of subsidy (Martínez-Torres & Rosset, 2010, p.162).

Dominant Model versus Food Sovereignty Mode

ISSUE	DOMINANT MODEL	FOOD SOVEREIGNTY MODEL
Trade	Free trade in everything	Food and agriculture exempt from trade agreements
Production priority	Agroexports	Food for local markets
Crop prices	“What the market dictates” (leave intact mechanisms that enforce low prices)	Fair prices that cover costs of production and allow farmers and farmworkers a dignity
Market access	Access to foreign markets	Access to local markets; an end to the displacement of farmers from their own by agribusiness
Subsidies	While prohibited in the Third World, many subsidies are allowed in the US and Europe—but are paid only to the largest farmers	Subsidies that do not damage other countries (via dumping) are okay; i.e., grant only to family farmers, for direct marketing, price/income support, soil conservation to sustainable farming, research, etc.
Food	Chiefly a commodity; in practice, this means processed, contaminated food that is full of fat, sugar, high fructose corn syrup, and toxic residues	A human right: specifically, should be healthy, nutritious, affordable, culturally and locally produced
Being able to produce	An option for the economically efficient	A right of rural peoples
Hunger	Due to low productivity	A problem of access and distribution; due to poverty and inequality
Food security	Achieved by importing food from where it is cheapest	Greatest when food production is in the hands of the hungry, or when food is produced locally
Control over productive resources (land, water, forests)	Privatized	Local; community controlled
Access to land	Via the market	Via genuine agrarian reform; without access to land, the rest is meaningless
Seeds	A patentable commodity	A common heritage of humanity, held in trust by rural communities and culture “no patents on life”
Rural credit and investment	From private banks and corporations	From the public sector, designed to support family agriculture
Dumping	Not an issue	Must be prohibited
Monopoly	Not an issue	The root of most problems; monopolies must be broken up
Overproduction	No such thing, by definition	Drives prices down and farmers into poverty; we need supply management policies
Genetically modified organisms (GMOs)	The wave of the future	Bad for health and the environment; an unnecessary technology
Farming technology	Industrial, monoculture, chemical-intensive; uses GMOs	Agroecological, sustainable farming methods, no GMOs
Farmers	Anachronisms; the inefficient will disappear	Guardians of culture and crop germplasm; stewards of productive resources; repositories of traditional knowledge; internal market and building block of broad-based, inclusive economic development

Figure 1: from Rosset, 2003

Food sovereignty also distances itself from the dominant neoliberal economic model. The table developed by Rosset (Figure 1) is illustrative of the main differences between the two models. While food sovereignty considers farmers as fundamental actors to promote local and national economic development, the neoliberal model sees them as “an inefficient anachronism that should disappear with development”. Moreover, food sovereignty considers “the conversion of farmland that once belonged to family smallholders to export cropping, as the driving force behind the growth of hunger and immiseration in rural areas”, while the neoliberal model believes it to be the solution to “generate the foreign exchange needed to import cheap food for the hungry”. Finally, on the one hand food sovereignty supports sustainable agricultural practices based on innovation and traditional knowledge; on the other hand, the neoliberal model sponsors intensive agricultural practices and the use of pesticides and genetically modified crops (GMOs) to increase productivity (Rosset, 2003, pp. 3-4). In Rosset’s view, the only way to ensure food security is by strengthening a system of local production and consumption of food, that allows farmers to earn a decent living and the local population to have access to safe and nutritious food (Rosset, 2003, p. 1). This solution is embraced by the concept of food sovereignty.

The idea of food sovereignty seems to have emerged in the 1980s among rural communities in Latin America, particularly hit by structural adjustment programs and trade agreements of the WB, the IMF and the WTO. Presented as an alternative paradigm to an economic system based on neoliberalism (Wittman et al., 2010, p. 2), it condemned a globalized food system (Martínez-Torres & Rosset, 2010, p. 5) tightly controlled by international institutions, developed countries and transnational corporations. Indeed, food is political, and the management of the food system gives power to those in charge of it (ECVC, 2018, p. 1). The concept of food sovereignty was firstly presented on the international scene at the NGO Forum to the World Food Summit of 1996 and it was considered by its main proponent (LVC) “as a precondition to genuine food security”. After 1996, it became the framework used by many different actors around the world to fight for a change of the food system. It now includes movements that defend agroecology³, climate justice, farmers’ and migrants’ rights and labor rights in general. The popularity and the relevance of this new paradigm is also testified by the fact that several countries included food sovereignty in their constitution or use it as a framework for policies and programs (ECVC, 2018, pp.11, 28). However, notwithstanding the increasing popularity and appeal of the concept,

³ “Agroecology is a holistic and integrated approach that simultaneously applies ecological and social concepts and principles to the design and management of sustainable agriculture and food systems. It seeks to optimize the interactions between plants, animals, humans and the environment while also addressing the need for socially equitable food systems within which people can exercise choice over what they eat and how and where it is produced. Agroecology is concurrently a science, a set of practices and a social movement and has evolved as a concept over recent decades to expand in scope from a focus on fields and farms to encompass the entirety of agriculture and food systems. It now represents a transdisciplinary field that includes the ecological, socio-cultural, technological, economic and political dimensions of food systems, from production to consumption” (FAO, n.d.).

“because food sovereignty aims to transform dominant forces, including those related to politics, economics, gender, the environment and social organization, there will, no doubt, be a long and hard struggle to see food sovereignty become the standard model for food production and rural development” (Wittman et al., 2010, p.2).

1.2 Setting the context: neoliberalism, structural adjustment programs, and trade agreements

To understand the context in which the FSM and LVC emerged, this paragraph focuses on neoliberal theories and structural adjustment programs introduced in developing countries in the 1980s to foster economic growth and development. Neoliberal policies had been preceded from the 1950s to the 1970s by development strategies aimed at modernizing and strengthening the industrial sector, taking advantage of the unproductive workforce from agriculture. The so-called Import Substituting Industrialization (ISI) strategy consisted in introducing duties on imports to protect the ‘infant industry’ from the competition of old industrial countries and to prompt domestic demand with investments in other sectors. The role of the state in directing investments and financial capital and in providing public services was fundamental (Biggeri & Volpi, 2006, p.60). Financial aid and public services provided by the state to the agricultural sector were mostly aimed at increasing food production to ensure enough food in urban areas and to sustain the industrialization process. These measures often did not solve rural poverty (Martínez-Torres & Rosset, 2010, pp.151-152). The ISI strategy did not promote the expected results and it was criticized for generating a process of economic growth marked by strong inequalities and poverty. Moreover, the attention devoted to the industrial sector dismissed the importance of the agricultural sector in countries where the majority of the population lived and worked in rural areas. The fact that industries were mostly localized in urban areas produced massive migration flows from rural areas and unemployment and difficult living conditions became a serious problem for many. In the 1970s, with the so-called Green Revolution, there was a partial revision of the ISI strategy in favor of agricultural development. Programs of the WB aimed at increasing agricultural productivity by using selected seeds and at increasing rural income by adopting labor-intensive techniques. They also promoted access to education, health-care services and trainings for the rural class and tried to reduce the gap between rural and urban areas. However, seldom these programs succeeded, and small-scale farmers and landless people often remained excluded (Biggeri & Volpi, 2006, pp.61-63). At the end of the 1970s, because of the failure of ISI, neoliberal theories re-emerged. Among the factors that help explaining this shift there is the rise of the inflation rate in

OECD⁴ countries. In particular, the lower competitiveness of the US market compared to the European and the Japanese ones, the Vietnam war, and the oil shocks of 1973 and 1979 concurred in determining a decrease in the value of the dollar and an increase in internal prices in the US. This led in 1971 to the abandonment of the Bretton Woods regime of fixed exchange rates (Cornia et al., 2022, pp.411-413). The oil shocks determined an economic crisis that mainly hit the industrial sector and put an abrupt end to the so-called *golden age*, a period in which developed countries experienced economic growth and prosperity. Also, developing countries, undergoing a process of industrialization, were significantly hit by the crisis and saw their international debt rising (Dini, 2012, pp.109, 113-114). The strong influence of the state in the regulation of the market started being criticized for creating distortions in the functioning of the market, in the orientation of investments and in the creation of prices. Similarly, arguments were advanced to limit state interventions in the provision of public services, since the state was not seen as a benign actor, with enough information to make the right decisions about the collection of taxes and their allocation for public services and policies. Finally, monetary measures introduced in the US to reduce inflation produced an economic recession in the US and in other developed countries that spread to developing countries. The demand by developed countries for raw materials from developing countries diminished, interest rates on international loans increased and developed countries introduced protectionist measures which further damaged the economy of developing countries. In August 1982, Mexico announced its inability to pay back its international debts, shortly followed by other developing countries (Cornia et al., 2022, pp.411-413).

In this historical moment, many Latin American and African countries turned to the IMF and the WB for help. The two organizations embraced a new approach, known as the Washington Consensus (WC), based on the economic theory of neoliberalism (Biggeri & Volpi, 2006, pp.66-68). The main elements of the WC were: macroeconomic stabilization to keep the inflation low, obtained through a reduction of public expenses and the incentive to export; the deregulation of the internal market of goods, labor and capital; the liberalization of imports with the elimination of duties that protected the 'infant industry'; and the privatization of public enterprises. ISI strategies were substituted by structural adjustment programs following the WC criteria and developing countries could access loans (particularly of the IMF) only if they introduced specific macroeconomic policies (Cornia et al., 2022, pp.413-423). The IMF required countries to stabilize the currency, to reduce imports and promote exports, and to increase the efficiency of the economy. The WB had the long-term objective of removing structural obstacles to economic growth by deregulating the economy, strengthening the public administration, and diminishing the

⁴ Organization for Economic Cooperation and Development.

costs of the welfare state. With the introduction of structural adjustment programs, the role of the state as provider of public services was significantly reduced and the impact on vulnerable groups and poor people was significant (Biggeri & Volpi, 2006, pp.66-68). Income distribution became increasingly unequal, testified in many countries by a rise of the Gini Index⁵ (Cornia et al., 2022, pp.413-423). In relation to the agricultural sector, neoliberal policies produced “lower commodity prices, the consolidation of giant agribusinesses, a homogenization of the global food system, and the erosion of supply management mechanisms and public-sector supports for farmers” (Edelman, 2005, p.337). In the same years, the last round of trade negotiations of the General Agreement on Tariffs and Trade (GATT) – the Uruguay Round (1986-1994) – was taking place. The GATT was supposed to be the third of the Bretton Woods institutions (next to the WB and the IMF) to regulate trade and economic cooperation with a strong liberal orientation. However, the International Trade Organization (ITO) was never created, and GATT functioned through a series of rounds of negotiations among states from 1948 to 1995 when the WTO was finally instituted (WTO, n.d.-b). The Uruguay Round was “the biggest reform of the world’s trading system since GATT was created” and it “covered virtually every outstanding trade policy issue”, including a reform of trade in relation to the agricultural sector⁶. Its conclusion came on the 15 April 1994 when the Marrakesh agreement was signed (WTO, n.d.-c). “The (...) inclusion of agriculture in the [GATT] (...) brought into sharp relief communities’ widespread loss of control over food markets, environments, land and rural cultures” (Wittman et al., 2010, p.2). It constituted “the framework for today’s anti-peasant ‘corporate food regime’” (Martínez-Torres & Rosset, 2010, p.162). The resurgence of neoliberalism, structural adjustment programs of the WB and the IMF and trade negotiations of the Uruguay Round and the WTO are three central factors that explain the birth of the FSM and of LVC.

1.3 The birth of La Via Campesina

As anticipated in previous paragraphs, the term food sovereignty appeared for the first time in Latin America to denounce structural adjustment programs, the lack of state support to the agricultural sector (Claeys, 2015, p.12) and to affirm moral norms of just prices and the ‘right to continue being agriculturalists’ (Edelman, 2005, pp.332, 340).

⁵“The Gini coefficient is based on the comparison of cumulative proportions of the population against cumulative proportions of income they receive, and it ranges between 0 in the case of perfect equality and 1 in the case of perfect inequality” (OECD, n.d.).

⁶ Negotiations over agriculture continued in the next round of negotiations (the Doha Round) where the following topics were tackled: “Rural development and food security for developing countries”, “Least-developed and net food-importing developing countries”, “Export credits, export credit guarantees or insurance programmes”, “Tariff rate quotas” (WTO, n.d.-a).

The region experienced a significant decline in the standard of living of peasants, also due to a very unequal distribution of land. But this condition was not unique of Latin America and similar experiences characterized also other regions of the world. Therefore, in 1992, during the Second Congress of the *Union Nacional de Agricultores y Ganaderos*, peasant organizations from Central America, the Caribbean, North America, and Europe met in Managua (Nicaragua) to discuss a common strategy (Martínez-Torres & Rosset, 2010, pp.154-156). The active role of peasant organizations in this period is again (at least partly) the result of structural adjustment programs. With a lower role played by the state, the capacity of political parties to control peasant organizations diminished. Thus, in the 1980s, peasant organizations became much more independent from state, political parties, and religious influence⁷ (Martínez-Torres & Rosset, 2010, pp.151-153). Besides, international organizations such as the WTO, the WB and the IMF substituted the state as the main target of their protests in an effort “to put in the spotlight the institutional agency behind the increasingly deterritorialized and invasive market forces” (Edelman, 2005, pp.337, 332-333).

Peasant organizations gathering in Managua adopted the Managua Declaration, which focused on four main points: a strong condemnation of neoliberal policies, which seriously threatened the existence of rural people; the affirmation of the fundamental role of farmers in providing the world population with adequate food; the right of peasants to participate in the decision-making process of agri-food policies; and the importance of ensuring peasants a life of dignity. The declaration further called for the elimination of the external debt to developing countries, a new environmentally sustainable agricultural system, and the participation of farmers in the GATT negotiations. Peasants condemned GATT policies for promoting “low prices, liberalized markets, the export of surpluses, dumping and export subsidies”, while, in their view, international trade should promote justice and cooperation. Finally, the declaration stressed the need to strengthen the unity among peasant organizations to construct an alternative model to neoliberalism (La Via Campesina, 1992).

In 1993, as a follow-up meeting to Managua, 46 farm leaders gathered in Mons (Belgium) to formalize their alliance with the creation of LVC. During this first International Conference of the Via Campesina, the Mons Declaration was adopted (Claeys, 2015, p.5). The declaration denounced that poverty among rural communities was increasing, forcing them to move to urban areas where they faced even more precarious conditions. Besides, the abandonment of land had serious consequences for the environment and for the quality of the soil. Neoliberal and development policies, promoting the industrialization of

⁷ Until the 1970s, during the period of ISI, peasant organizations were often associated with a political party, characterized by clientelism, and not truly sensitive to the needs of the people that they should have represented (Martínez-Torres & Rosset, 2010, pp.151-152).

agriculture in developed countries and the maximization of food production and exports, created unequal distribution of food and the fact that hunger coexisted with high surpluses of food. Thus, the declaration called for: “the right of small farmers to a living countryside; (...) the right to a diversified agriculture which guarantees (...) a supply of healthy, high-quality food for all peoples of the world, based on a profound respect for the environment, for a balanced society and for effective access to the land. [And] the right of every country to define its own agricultural policy according to the nation’s interest and in concertation with the peasant and indigenous organizations, guaranteeing their real participation” (La Via Campesina, 1993). These three points already expressed in a nutshell the meaning of food sovereignty.

In Mons, the basic organizational structure of LVC was set and the history of this global movement promoting ‘the peasant way’ began. Progressively, LVC became a transnational peasant movement capable of bringing together peasant organizations from all over the world and of “bridging ‘the global divide’” by including actors from the Global North and the Global South. All peasants experienced the same problems in the face of neoliberal and structural adjustment programs and “a shared peasant identity” represented the glue to hold “the struggle together despite widely different internal cultures” (Martínez-Torres & Rosset, 2010, pp.149-150). Since its creation, the membership of LVC was made exclusively of “true, grassroots-based peasant organizations”. To maintain its independence from external influences, LVC did not accept resources and funds from actors pretending to have a say in the decisions of the movement. Autonomy was fundamental and allowed LVC to speak for itself and to present itself as valuable interlocutor during international negotiations related to the agricultural sector (Martínez-Torres & Rosset, 2010, p.158). Today the membership of LVC is composed of 182 organizations from 81 countries and “it brings together [more than 200] millions of peasants, small and medium-size farmers, women farmers, landless people, indigenous people, migrants and agricultural workers and youth from around the world” (La Via Campesina, 2018, p.46). LVC “is a Movement of Movements” that gives voice to peasants by ensuring their presence in national, regional, and global fora (La Via Campesina, 2021).

Its internal structure is made of 9 regional arms: Central America, the Caribbean, South America, North America, Southern and Eastern Africa, Western and Central Africa, South Asia, Southeast and East Asia and Europe⁸. Representatives from all regions participate in the International Conferences of the Via Campesina, which take place every three or four years in a different location. After the first one in Mons (1993), LVC organized other six conferences (see the next paragraph) (La Via Campesina, 2021). Each delegation can be chosen autonomously but it must be composed of 50% women, 33% youth and the

⁸ A tenth region – Middle East and North Africa (MENA) is under discussion (La Via Campesina, 2017a, p.5).

remaining 17% adult men (La Via Campesina, 2014, p.3). The International Conference is the most important decision-making body of LVC. It is a forum to debate, discuss, and negotiate the strategies and objective of the movement, to redefine its internal structure (Martínez-Torres & Rosset, 2010, pp.164-166), to welcome new member organizations, to elect the 18 members of the International Coordination Committee (ICC) and to establish the new location and the functioning of the International Operative Secretariat (IOS) (La Via Campesina, 2014, pp.2-3). The conference is organized in a plenary session and a set of parallel sessions such as regional or thematic debates, the Youth and the Women Assembly and spaces for dialogue with allied organizations and the press. Only member organizations have the right to vote (La Via Campesina, 2014, pp.2-3). Consultation and consensus form the basis of the decision-making process of LVC. Each member organization can express its views and concerns and then through long discussions and negotiations a common position is reached. Although the process may be sometimes slow, it has allowed the movement to remain cohesive and united overtime (Martínez-Torres & Rosset, 2010, pp.164-166). A fundamental role is played by volunteers and interpreters who offer translations in the four official languages of LVC (English, Spanish, French and Portuguese) and in some others. Local hosts are mainly in charge of the organization of the conference. However, given the high financial costs, the organization is “a collaborative effort” that demonstrates the “commitment to remain a democratic and plural movement where the most important decisions (...) are made face to face in a collective manner” (La Via Campesina, 2014, pp.2-3).

The ICC, a body composed of elected peasant representatives from all regions of the world, oversees the implementation of the decisions taken at the International Conferences (La Via Campesina, 2021) and the activities of LVC’s collectives. These are permanent thematic working groups to develop strategies and future actions of the movement. Some of them deal with Seeds, Biodiversity and Agroecology; Land, Water and Territories; Climate and Environmental Justice; Migration and Wage workers; Public Policies for Food Sovereignty; WTO and FTA; Peasants’ Rights (La Via Campesina, 2017a, p.2). The ICC meets at least twice a year. Its membership is very diverse: it includes men and women, non-binary people and youth. The work of the ICC is supported by a third fundamental body – the IOS – which is moved from time to time according to the decision of the International Conference. Firstly located in Belgium (1993-1996), it is currently in Bagnolet (France) (La Via Campesina, 2021). Finally, LVC promotes campaigns to address specific issues. Some of them are: the Global Campaign for Agrarian Reform; Seeds: Heritage of Rural Peoples in the Service of Humanity; the Campaign to End All Forms of Violence Against Women, and the Campaign for an International Charter of Peasant Rights (Martínez-Torres & Rosset, 2010, pp.164-166).

1.4 International Conferences of the Via Campesina and other international appointments

This paragraph presents the six International Conferences and some of the campaigns organized, after its birth in 1993, by LVC. International Conferences of the Via Campesina have always been important occasions for members of LVC to gather, discuss, redefine their strategies, organize the struggle, refine the meaning of food sovereignty, and welcoming new members. Every conference saw more countries, organizations and people participating. This clearly demonstrates the attractive force of the concept of food sovereignty and of the movement promoting it.

1.4.1 Second International Conference, Tlaxcala, and the World Food Summit (1996)

In 1996 the Second International Conference of the Via Campesina took place in Tlaxcala (Mexico). The final outcome of the conference – the Tlaxcala Declaration – defined LVC as a “movement of peasant and farm organizations” (La Via Campesina, 1996) and not simply as a “peasant initiative” as in Mons (La Via Campesina, 1993). During the conference, LVC better defined its structure and internal organization with particular attention to gender issues (Martínez-Torres & Rosset, 2010, p.159). It also elaborated the 11 pillars composing the strategy of food sovereignty and the functioning of the movement (Wittman et al., 2010, p.3). Some of the pillars dealt with the internal organization of LVC and aimed at strengthening its regional arms, establishing regional secretariats, creating solid links among member organizations and among women in LVC and improving communication within and outside the organization. Other pillars dealt with the role of LVC in trade negotiations and the need to present the food sovereignty claim at the international level before FAO, the WB, the IMF, the WTO, and the International Labour Organization (ILO). Finally, the declaration called for fair trade and denounced violence against peasants and the genetic patenting privatization process (La Via Campesina, 1996).

Later the same year, LVC appeared for the first time on the international scene at the World Food Summit in Rome. All the points highlighted in the Tlaxcala Declaration were integrated into the Statement by the NGO FORUM to the World Food Summit (Claeys, 2015, p.13). After recalling the importance of the human right to food, the statement indicated global economy, the lack of transparency of transnational corporations, industrialized agriculture, structural adjustment programs, conflicts, and natural disasters as the main causes of poverty, hunger, and food insecurity. Given this picture, civil society organizations (CSOs) proposed an innovative strategy to achieve

food security. The strategy was based on six points⁹, the sixth being food sovereignty.

“International law must guarantee the right to food, ensuring that food sovereignty takes precedence over macro-economic policies and trade liberalization. Food cannot be considered as a commodity, because of its social and cultural dimension.

6.1 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. Market forces at national and international levels will not, by themselves, resolve the problem of food insecurity. In many cases, they may undermine or exacerbate food insecurity. The Uruguay Round agreements must be reviewed accordingly.

6.2 All countries and peoples have the right to develop their own agriculture. Agriculture fulfils multiple functions, all essential to achieving food security.

6.3 Negotiations should be carried out to develop more effective instruments to implement the right to food. (...)

6.4 Structural food aid must be replaced progressively by support to local agriculture” (NGO Forum to the World Food Summit, 1996).

1.4.2 Third International Conference, Bangalore (2000)

In 2000, the Third International Conference of the Via Campesina took place in Bangalore (India). During the conference the internal organization of LVC was restructured in order to ensure equality and shared responsibilities between men and women (La Via Campesina, 2000a). The first Women Assembly of the Via Campesina took place and a specific position paper on gender issues was adopted. As the paper affirmed, women, given their historical responsibility in producing food for children and their communities and in protecting biodiversity, have a central role in the “building of healthy, sustainable rural communities, caring for the land and achieving genuine, long-term food security”. However, rural women are more vulnerable to the devastating effects of neoliberal policies in rural areas, because of “a history of subjugation and voicelessness”. Thus, LVC committed to promote: (1) the respect of equality and human rights of women by ensuring their participation in the movement on an equal foot to men; (2) economic justice by ensuring women a major role in reshaping the economy as well as access to land, credit, training, equal wages and freedom from violence on the workplace; and (3) social development by ensuring access to health-care services and healthy food. The position paper included also an action plan to make sure to achieve gender equality within LVC (La Via Campesina, 2000c). Since the very beginning, gender equality has been a central pillar of food sovereignty (Desmarais, 2015, p.157). The adoption in Bangalore of a rule “requiring gender parity of representation at all levels of La Via Campesina (...) makes La Via Campesina the only known transnational

⁹ The other points are: “(1) The capacity of family farmers, including indigenous peoples, women, and youth, along with local and regional food systems must be strengthened. (2) The concentration of wealth and power must be reversed and action taken to prevent further concentration. (3) Agriculture and food production systems that rely on non-renewable resources, which negatively affect the environment, must be changed toward a model based on agro-ecological principles. (4) National and local governments and States have the prime responsibility to ensure food security. Their capacity to fulfil this role must be strengthened and mechanisms for ensuring accountability must be enhanced. (5) The participation of peoples’ organizations and NGOs at all levels must be strengthened and deepened” (NGO Forum to the World Food Summit, 1996).

rural movement with gender parity at the highest level of representation” (Martínez-Torres & Rosset, 2010, p.161).

In Bangalore, other three topics were discussed: agrarian reforms, biodiversity and genetic resources and farmers’ rights. Agrarian reforms are an essential instrument to promote food sovereignty. Historically, in Third World countries effective agrarian reforms were not undertaken for two reasons: “the existence of a dependent, colonial capitalist model that developed the large properties with the exportation of primary products” and “the political power of rural oligarchies, large landowners, united with the local and foreign bourgeoisie”. For LVC, agrarian reforms should have promoted a redistribution of land in favor of food producers and their families, the only ones who, according to LVC, have a right to land. To avoid concentration of land in the hands of few people with financial resources, LVC called for “the principle of the maximum size of the social ownership of the land per family”. Besides, governments needed to invest in family farming, the right to education in rural areas and the construction of adequate infrastructures. Also important were seeds banks controlled by peasants, the cultivation of local crops with sustainable agricultural methods, and access to water. LVC believed that agrarian reforms are not just for peasant, but for the whole society. And, accordingly, they should be intended as part of a wider social, economic and cultural change (La Via Campesina, 2000d). The second topic discussed in Bangalore – biodiversity and genetic resources – stressed that, since the birth of agriculture, peasant and indigenous communities in developing countries have been guardians of our common biological and cultural heritage. In the aftermath of the Second World War, food production increasingly became a business in the hands of governments, international organizations, and transnational corporations. Genetic resources were no longer considered as humanity’s heritage and started being subjected to protected patents. LVC strongly opposed this development, especially because “95% of the world’s food patents are held in only 7 countries, all of them OECD (developed countries)”. Forcing peasants to buy patented seeds could break “rural traditions like the keeping of seed for later cycles of cultivation, exchange of seeds among farmers and communities, and the development of [traditional] knowledge”. LVC was also very critical of GMOs, considered very dangerous for humans and for the environment (La Via Campesina, 2000b). Regarding the last topic – farmers’ rights – LVC stressed that human rights must intersect all areas of interest of LVC¹⁰. Farmers are a marginalized and vulnerable group subjected to all kinds of human rights violations. As a global social movement of peasants, LVC expressed its commitment to campaign and work to have an international legal instrument protecting the rights of peasants and small-scale farmers (La Via Campesina, 2000e). Farmers’ rights were to be intended mainly as collective rights, and include, among others, the right to

¹⁰ Food sovereignty, agrarian reform, biodiversity and genetic resources, rural women’s role within LVC and, sustainable agriculture.

genetic resources (right to land, water, seeds), the right to participate in decision-making and policy-making regarding the agricultural sector, the right to participate in research activities and the right to access to new technologies (La Via Campesina, 2000b).

1.4.3 The World Forum on Food Sovereignty (2001) and the NGO/CSO Forum on Food Sovereignty in conjunction with the World Food Summit: Five Years Later (2002)

In the following years, LVC participated, together with other CSOs, in international events to specify and strengthen the food sovereignty framework. Two occasions are worth mentioning: the World Forum on Food Sovereignty held in Cuba in 2001 and the NGO/CSO Forum on Food Sovereignty held in Rome in 2002 in conjunction with the World Food Summit: Five Years Later.

The World Forum on Food Sovereignty was organized by the Cuban National Association of Small Farmers together with other transnational movements and organizations working on the right to food, agriculture and food sovereignty and it saw the participation of 400 delegates from 60 countries. The Final Declaration reaffirmed that the true causes of hunger and malnutrition are the result of specific policies imposed by developed countries and transnational corporations to maintain their hegemony over developing countries. This form of ‘food imperialism’ “uses food as a weapon of political and economic pressure” and “threatens the diversity of the peoples’ food cultures and their national, cultural and ethnic identities”. Participants in the forum argued that trade liberalization does not necessarily result in economic growth and better quality of life. On the contrary, the principle of comparative advantages determines a food system in which developing countries rely on imports of cheap basic food commodities from developed countries and reorient their economy towards export crops. Consequently, developed countries and a few transnational corporations become richer, while external debt, poverty, food dependency and food insecurity increase in developing countries. In light of this, the declaration called for a Convention on Food Sovereignty and Nutritional Well-Being to protect everyone’s right to food and the rights of food producers (World Forum on Food Sovereignty, 2001). The second international appointment was the 2002 NGO/CSO Forum on Food Sovereignty held in Rome in conjunction with the FAO World Food Summit: Five Years Later. In the final statement (“Food Sovereignty: A Right For All”) representatives of the civil society, including LVC, rejected the official Declaration of the World Food Summit: five years later. The declaration, they argued, did not correct the mistakes present in the Declaration and Plan of Action of 1996 as it still indicated trade liberalization, structural adjustment programs and privatization of land and natural resources as instruments to fight

hunger and poverty. Again, CSOs proposed food sovereignty as the solution to end hunger and called for “a Convention on Food Sovereignty in order to enshrine the principles of Food Sovereignty in international law and institute food sovereignty as the principal policy framework for addressing food and agriculture” (NGO/CSO Forum for Food Sovereignty, 2002). These are the first attempts made at official international events to recognize food sovereignty not only as a strategy but also as a human right.

1.4.4 Fourth International Conference, São Paulo (2004)

LVC hold its Fourth International Conference in São Paulo (Brazil) in 2004. The conference focused mainly on food sovereignty, agrarian reform and GMOs and it was preceded by two important events of LVC: the first Youth Assembly and the second Women’s Assembly¹¹. The final declaration of the conference (the São Paulo Declaration) recognized rural women (together with young generations of farmers) as a marginalized group, particularly vulnerable to “the privatization of basic services, the concentration of land ownership, and the destruction of local markets and local forms of food and agriculture as well as the exploitation and slave labour imposed by the transnationals”. It affirmed LVC’s commitment to fight patriarchy and to strive for achieving substantial gender parity within the movement. Importantly, the São Paulo Declaration put a lot of emphasis on human rights, underlining the efforts to promote the Human Rights of Peasants by drafting an International Peasants’ Rights Charter and to improve the conditions of migrant workers in line with relevant ILO Conventions (La Via Campesina, 2004c).

1.4.5 The Nyéléni Forum (2007)

Given the failure of neoliberalism and structural adjustment programs, food sovereignty became increasingly popular among political and social circles. In 2006, LVC, together with other organizations¹², decided to organize for the next year in Selingue (Mali) a forum entirely dedicated to food sovereignty and named after a legendary African peasant woman (*About the Nyéléni Forum 2007*, n.d.)¹³. The forum represented an incredible opportunity

¹¹ To know more, please check: La Via Campesina, 2004a and La Via Campesina, 2004b.

¹² The other organizations in the International Steering Committee that organized the forum were: the World Women’s March, the World Forum of Fish Harvesters and Fish Workers (WFF), the World Forum of Fisher Peoples (WFFP), Friends of the Earth International, the IPC, the Food Sovereignty Network (represented by the Development Fund, Norway and Food & Water Watch, USA), the Network of Peasants and Farmers of West Africa (ROPPA), and the Coordination National de Organisations Paysannes, Mali (CNOP) (Nyéléni - International Movement for Food Sovereignty, 2007b, p.18).

¹³ The decision to hold the forum there was motivated by the fact that as other African countries, the majority of the population worked in the agricultural sector. Besides, Africa is often depicted by the media as “a continent that is incapable of feeding itself”. However, thanks to food sovereignty, African countries could reclaim “the rights of states to define their own [agricultural and food] policies”, which were denied by WB and IMF structural adjustment programs (Nyéléni - International Movement for Food Sovereignty, 2007b, p.20).

to strengthen the FSM. The main goals were to further conceptualize the idea of food sovereignty, to encourage dialogue among participating organizations and to finalize a joint agenda for action (Nyéléni - International Movement for Food Sovereignty, 2007b, p.50). The forum was organized by an International Steering Committee, composed of several organizations (including LVC), and a local committee from Mali (Nyéléni - International Movement for Food Sovereignty, 2007b, p.18) and it saw the participation of around 500 CSOs representatives from 80 countries in the Global North and South (Desmarais et al., 2011, p.21). A great deal of attention was devoted at ensuring diversity and equal representation of various actors and categories. There were six economic sectors present – peasants and small farmers; fisherfolk; pastoralists; indigenous peoples; workers and migrant workers; and consumers and urban movements – and three interest groups representing women, youth, and environmentalists to ensure that their specific points of view were included in the debates and outcomes of the forum (Nyéléni - International Movement for Food Sovereignty, 2007b, pp.18-19).

Discussions at the forum were centered around 7 topics. Topic 1 (Local markets and international trade) stressed that “Food Sovereignty is not against international, regional or national trade but places priority on local production for local markets”, fair trade with fair prices, and transparent food systems. Topic 2 (Local Knowledge and Technology) condemned the so-called green (crops), blue (aquaculture) and white (milk) revolutions and the privatization of agricultural research for their negative impact on local economies and the environment. Topic 3 (Access and control over natural resources) called for a genuine agrarian reform that ensures local communities and women access to land and natural resources. Topic 4 (Sharing territories) promoted the idea of defining “territories beyond geopolitical boundaries so as to include the territories of indigenous peoples, nomadic and pastoralist communities and beach-based fisherfolk”. It also stressed the importance of considering nature as sacred and not just as a set of resources to be exploited. Topic 5 (Conflicts, occupations and natural disasters) considered that conflicts, occupations and disasters, as well as inappropriate food aid and development projects often threaten food sovereignty. In such situations, access to market is physically problematic, people can be displaced and lose control over land and natural resources. Therefore, “food sovereignty is essential for community resilience and response to all disasters” so that affected communities can “lead the relief, recovery and rebuilding efforts”. Topic 6 (Social conditions and forced migrations) highlighted the need “to integrate the struggle for food sovereignty in the fight for migrants’ rights”. Finally, topic 7 (Production models) urged to accelerate the shift from industrial agriculture to agroecology and sustainable fisheries practices, “to switch to a ‘solidarity economy’ that supports local farmers, livestock keepers, artisanal fisherfolk” and to persuade “authorities at all levels to buy locally produced foods for schools, hospitals

and other public institutions” (Nyéléni - International Movement for Food Sovereignty, 2007c, pp.2-5).

The outcome of the forum, the Nyéléni Declaration, answered to the following three questions: *What are we fighting for? What are we fighting against? What can and will we do about it?* The answer to the first question for the organizations present in Nyéléni is a world where nations and peoples can choose their own food system based on a genuine agrarian reform; where everyone can live a life of dignity and women and men are equal; where cultural diversity is respected and valued; and where local and traditional knowledge is deemed essential to preserve the environment. What they fight against is “imperialism, neo-liberalism, neo-colonialism and patriarchy, and all systems that impoverish life, resources and eco-systems”; dumping, industrialized agriculture, GMOs, the privatization of the food system and of natural resources; wars, conflicts and natural disasters and aid programs that create even more dependency from external support. And the way in which they will strive to achieve their objectives is to keep working to strengthen the movement and to implement the agenda set in Nyéléni. Most importantly, however, the declaration called for a world “where food sovereignty is considered a basic human right, recognized and implemented by communities, peoples, states and international bodies” (Nyéléni - International Movement for Food Sovereignty, 2007a).

Another central topic at the Nyéléni Forum was gender equality. As anticipated, the very name of the conference was “a tribute to () a legendary Malian peasant woman” (Nyéléni - International Movement for Food Sovereignty, 2007a), who hundreds of years ago worked hard to feed her family and her community by adopting sustainable agricultural practices, respectful of Mother Nature. The fact that the forum was named after this iconic figure had a strong symbolic meaning for all the peasant women present in Mali (Nyéléni - International Movement for Food Sovereignty, 2007b, p.14). Gender equality was practically implemented in Nyéléni by ensuring that the International Steering Committee was composed of an equal number of men and women. Gender perspectives were integrated in the official program of the forum and not dealt with separately through side events. To be adequately prepared to discuss the 7 issues from a feminist perspective, a women’s assembly was organized one day before the beginning of the forum. “Women’s access to land and the assertion of women’s knowledge of food production and preparation” emerged as two urgent topics. Particularly, customary laws, the absence of civil rights and inadequate agrarian reforms were viewed as obstacles for women’s autonomy and for the realization of food sovereignty. “In cases of separation or widowhood, women are denied the right to continue producing; their lands are taken away, they are forced to marry a brother-in-law, or their access to credit and to means of production are rendered impossible. Young women seldom inherit land. Instead, they are forced into migrating

to the cities and often into prostitution and sexual trafficking” (Nyéléni - International Movement for Food Sovereignty, 2007b, p.23). The discussion of the Women’s Assembly was fixed in the Nyéléni Women’s declaration, which embraced the discourses of the FSM and highlighted the specific problems affecting women. Particularly, the declaration denounced the patriarchal system which hurts women with physical and sexual violence and, more specifically to agriculture, with the negative impact of GMOs and of industrial agriculture on reproductive health. The declaration further denounces the current system for considering food as well as women’s body as mere commodities. The forum was a great opportunity for women “to leave behind all sexist prejudice and build a new vision of the world based on respect, equality, justice, solidarity, peace and freedom” (Nyéléni - International Movement for Food Sovereignty, 2007d).

Given its success, the Nyéléni Forum became the main platform to promote food sovereignty (ECVC, 2018, pp.13-14). Furthermore, the validity of the Nyéléni agenda was stark only one year later when a new global food crisis hit the world population (Nyéléni - International Movement for Food Sovereignty, 2007b, p.6).

1.4.6 Fifth International Conference, Maputo (2008)

In October 2008, the year after the Nyéléni Forum and amid the global food crisis, LVC held its Fifth Conference in Maputo (Mozambique). The conference saw the participation of around 550 participants from 57 countries. Besides, 41 new organizations became members of LVC. After Nyéléni, LVC started to build alliances with other social movements and CSOs sharing its values and goals (La Via Campesina, 2008c) such as workers, environmentalists, women’s movements and indigenous people’s movements (Martínez-Torres & Rosset, 2010, pp.167-168). The global food crisis, and the related climate, energy, and financial crisis, clearly showed the cracks of capitalism and neoliberalism and LVC was very conscious that it had a precious occasion to present food sovereignty as the alternative to build a more sustainable and equitable future (La Via Campesina, 2008c). To be able to catch this opportunity, the Maputo Declaration emphasized the importance of promoting internal education through political formation and training, and of improving communication within the movement and with external allies (La Via Campesina, 2008c). The role of young farmers was also highly valued. At the Second Youth Assembly, its members affirmed the need to promote “access to land and favorable agricultural policies that support the return of young people to the countryside”, a “comprehensive political training for young people”, including popular education and agroecology, and the importance of “improving communication between young people” (La Via Campesina, 2008a).

However, the most important topic discussed in Maputo was gender equality. Since the very

beginning, LVC tried to promote equality between men and women within its organization. In several documents, it emphasized the fundamental role of women in sustaining local food systems (Turner et al., 2020, p.408), and the importance of ensuring women access to land and natural resources (Desmarais, 2015, p.157). Food sovereignty could not be achieved without “changed gender relations” (Wittman et al., 2010, pp.4-5). However, there were still substantial shortcomings. For instance, although in theory, women had equal seats with men in the organization, in practice they were not always able to attend meetings for domestic or family reasons or “for power differentials in national organisations”. Therefore, in Maputo, LVC reaffirmed the importance of women’s rights (Martínez-Torres & Rosset, 2010, p.167) and launched a new campaign “Food Sovereignty means stopping violence against women” (Wittman et al., 2010, pp.4-5). The Maputo Declaration recognized the intimate relationship between capitalism, patriarchy, machismo, and neo-liberalism and affirmed:

“all the forms of violence that women face in our societies -among them physical, economic, social, cultural and macho violence, and violence based on differences of power – are also present in rural communities, and as a result, in our organizations. This, in addition to being a principal source of injustice, also limits the success of our struggles. (...) If we do not eradicate violence towards women within our movement, we will not advance in our struggles, and if we do not create new gender relations, we will not be able to build a new society” (La Via Campesina, 2008c).

United in the Third Assembly of the Women of the Via Campesina, women reclaimed the respect of their human rights (including the right to a life of dignity and sexual and reproductive rights) and condemned all forms of violence against women. They also embraced an intersectional approach, acknowledging that race, ethnicity, and socio-economic status contribute to worsen the discriminatory experience of women. Finally, they denounced that “displacements of women toward centers of corporate production, the trafficking of women to support entertainment industries, and the expulsions of women from productive lands conspire against the permanence and maintenance of rural communities and against food sovereignty” (La Via Campesina, 2008b). As a final remark, during the Maputo Conference, LVC called for a declaration on the rights of peasants, which was considered a fundamental instrument in international law to strengthen the position and the rights of peasants. As history showed, the Global Campaign for a Declaration of Peasant Rights was successful and led to the adoption in 2018 of UNDROP (La Via Campesina, 2008c).

1.4.7 Sixth International Conference, Jakarta (2013)

In June 2013, the year of the 20th anniversary of LVC, the Sixth International Conference of the Via Campesina took place in Jakarta (Indonesia). Around 500 people from 70 countries attended the conference, together with 90 allied organizations (La Via Campesina, 2014,

pp.2-4). During the conference, LVC identified the main challenges ahead: first, “maintain its ideological cohesion” to act effectively at the international level; second, “maintain the visibility of its local struggles globally” and link them to the global reality; third, promote gender equality and ensure active participation and decision-making power of women and youth; fourth, strengthen internal solidarity to fight the increasing criminalization of LVC struggles; and fifth strengthen alliances to promote social justice (La Via Campesina, 2014, p.12). The conference also approved the 2013-2017 strategic lines of action which included, in addition to some of the challenges presented above, the intention to fight against transnational corporations control over the agricultural sector, to build a food sovereignty alternative based on a genuine agrarian reform and agroecology as an alternative to green economy solutions proposed by transnational corporations; and to tackle the climate crisis (La Via Campesina, 2014, pp.24-26).

In the days prior to the official conference, the Third Youth Assembly and the Fourth Women Assembly took place. Young farmers asked for more autonomy within the movement and proposed to create “a global “youth articulation”. This would have been “a collective of youth leaders, one woman and one man from each region (...) re-elected every two years [and] responsible to integrate the La Via Campesina youth into the whole structure and system of the movement”. Indeed, young farmers are “the seeds” and the “future of the peasant movement” (Communication team of La Via Campesina, 2013b). On the other side, women in Jakarta acknowledged that thanks to their efforts 50% of the leadership positions in LVC were occupied by women. Inspired by the global movement, many member organizations introduced similar policies to address gender inequality (La Via Campesina, 2014, pp.5-6). Moreover, the Women Assembly adopted a manifesto based on three main points: the importance for women of the right to access to land; the necessity to include gender justice as a cross-cutting and central pillar of food sovereignty; and the fight against patriarchy and any form of violence against women (La Via Campesina, 2013). With the evocative slogan “Sowing the seeds of action and hope, for feminism and food sovereignty!”, women in Jakarta launched the challenge to build a peasant-based and popular feminism (Communication team of La Via Campesina, 2013a).

1.4.8 Seventh International Conference, Derio (2017)

The last International Conference of the Via Campesina (the 7th) so far took place in Derio (Spain) in 2017. That time, almost 700 people participated. In addition to the typical topics of discussion of LVC (agroecology, agrarian reform and trade), the conference touched upon new pressing issues: peasant feminism, climate and environmental justice, migration and peasants’ rights (La Via Campesina, 2017b, pp.1, 17-25). In Derio, LVC

tried to define its own feminism. Peasant-based and popular feminism acknowledged the peculiar identity of rural women and addressed their specific experiences and struggles (La Via Campesina, 2017c). Peasant-based and popular feminism came “from people who work the land, who are bound into the relationship between society and the natural world”. This conception of feminism distinguished it from “urban feminisms” and “business feminism”, that try to promote women’s rights without questioning the system (La Via Campesina, 2017b). Moreover, for the first time, at the registration process of the conference it was possible to indicate a gender that was neither feminine nor masculine and during the conference around 50 people in a self-organized side meeting discussed for the first time about gender and sexual diversity, an issue that had never been raised officially by LVC before (Communication team of La Via Campesina, 2017). Besides, the Derio Declaration affirmed that LVC was committed to increase the efforts “to understand and create positive environments around gender” within LVC and with its allies and that “a diverse, non-violent and inclusive countryside” was fundamental for LVC (La Via Campesina, 2017a). Also the Youth Assembly Declaration reinforced this positions saying that young farmers “recognize and respect diversity of all forms, including race, gender, sexuality and class” (La Via Campesina, 2017d). Finally, another important achievement of LVC was about to come. The Derio Declaration recalled LVC efforts to adopt at the UN a declaration on peasants’ rights (La Via Campesina, 2017a). UNDROP will be adopted the next year, in 2018.

1.5 The global food crisis (2007-2008)

The years 2007-2008 were marked by another global food crisis that saw international prices of food touching their highest levels since the 1980s (Onorati et al., 2017, p.8). The crisis was determined by a combination of long-term and short-term factors, many of which “were long-standing – if largely hidden – problems in food systems” (Murphy & Schiavoni, 2017, p.17). The crisis was preceded by a period of substantial decline in food prices. After the food crisis of the 1970s, prices remained stable and low during the 1980s through the first years of the new millennium. Thus, many governments did not deem it important to invest in the agricultural sector and relied mainly on food imports to achieve national food security (Headey & Fan, 2010, p.x). However, starting in 2005, “international prices of major food cereals surged upward” at an unprecedented speed. In a few months, “the World Bank Food Price Index rose by 60 percent (...) and international prices of maize, rice, and wheat increased by 70 percent, 180 percent, and 120 percent, respectively, compared to the mid-2007”. The WB estimated that 105 million people in low-income countries were kept

or pushed into poverty (*Global Food Crisis Response Program*, 2013)¹⁴ and episodes of social unrest shook many developing countries (Zhu, n.d.). Given its multiple implications, the crisis was described by some as “a multifold food, fuel, finance, and climate crisis—and even a human rights crisis”, since the human right to food of many was at risk (Onorati et al., 2017, p.8).

In a rich and detailed study, Headey and Fan analysed the possible factors that produced the 2007-2008 global food crisis. A first factor was the increase in energy prices. On the supply side, since the agricultural sector was particularly oil-intensive¹⁵, the impact of higher energy prices on food prices was significant. On the demand side, in an attempt to substitute oil, international prices of cereals increased because of a higher demand of them (mainly maize) to produce biofuels (Headey & Fan, 2010, pp.25-28). According to the International Grains Council, the use of cereals for producing biofuels increased by 32% in the years of the crisis and it contributed to the rise in food prices for a 30%. So, “food and energy security (...) [became] more closely connected with political stability than ever before” (Zhu, n.d.). A second factor was the weakening of the dollar, associated with a rise in commodity prices, including food. When the dollar became strong again in 2008, food prices decreased¹⁶ (Headey & Fan, 2010, p.38). A third factor was the reduction of per capita cereal production, which “did not keep up with population growth”. The phenomenon was particularly visible in Africa, a region that experienced rapid demographic growth coupled with low investment in research and development, environmental problems, and some drawbacks of economic liberalization. Also in Europe, “land allocated to cereals (...) declined by 30 percent during 1985–2006 [and] the population working in agriculture fell by 50 percent” (Headey & Fan, 2010, pp.20-21). A fourth factor were trade shocks and the introduction of export restrictions, particularly on rice. Since rice represented a fundamental element of the diets of many people in Asia, many Asian governments used permanent trade distortions to control its price. However, export restriction introduced in India and Vietnam in late 2007 and “precautionary imports from major international consumers” produced a rapid surge in international prices (Headey & Fan, 2010, pp.43-44). Also the international price of wheat increased dramatically, but mainly due to weather shocks hitting major exporting countries such as Ukraine, Australia and Argentina (Headey & Fan, 2010, p.xiii). Finally, Headey and Fan do not consider the depletion of

¹⁴ Poor people are particularly vulnerable to food crisis as they spend most of their income in food and are often employed in the agricultural sector (Headey & Fan, 2010, p.xii).

¹⁵ Oil and energy in general are fundamental for farm machinery, irrigation systems, fertilizers (mostly obtained from natural gas) and the transportation of food. See Headey & Fan, 2010, pp.25-28 and Zhu, n.d.

¹⁶ The causality of the strength of the dollar on commodities prices occurs primarily because most commodities worldwide are bought and sold in dollars. The tendency of a weaker dollar to drive up commodities prices happens because more dollars are needed to buy commodities at a given price. Moreover, a weaker dollar means that foreign currencies exchanged for dollars in commodities will have a stronger purchasing power. Thus, demand for commodities by foreign currencies will increase, further exacerbating the rise in commodities prices.

cereals stocks and speculation in the agricultural market convincing factors to explain the crisis¹⁷(Headey & Fan, 2010, p.33).

To recover from the crisis, developing countries turned once again to the WB, asking for financial aid and policy support. The WB created the Global Food Crisis Response Program (GFRP) which consisted mainly in “boosting social protection, bolstering affected countries’ fiscal space, and maintaining short- and medium-term food production, with grant resources targeted to the poorest and most vulnerable countries”. As the emergency passed, the GFRP was modified to ensure long-term resilience of developing countries with a focus on “technical assistance, development policy lending, and investment operations” aimed at stabilizing the market, ensuring food access to vulnerable categories, increasing national food production, and introducing monitoring mechanisms. However, the 2007-2008 global food crisis brought to light the structural problems of the existing food system (*Global Food Crisis Response Program*, 2013) and it was clear that a new crisis would have surely arrived if some of the structural flaws of the system were not addressed (Headey & Fan, 2010, p.xii).

Two competing models emerged as possible solutions to future crisis: on the one hand, food sovereignty, on the other hand, the neoliberal model of industrial and highly capitalized agriculture. The rationale at the basis of the latter was that to ensure food security, it was necessary to massively expand food production. This view was endorsed by companies such as Monsanto but also by FAO, arguing for a 70% increase in food production by 2050 (Murphy & Schiavoni, 2017, pp.18-19). However, as stated by the former Special Rapporteur on the right to food, Olivier De Schutter, “the reason why increasing the overall levels of production will not suffice to combat global hunger is because hunger is the result of poverty and not of inadequate aggregate volumes of food production (De Schutter & Cordes, 2011, p.6). Moreover, members of the food sovereignty movement were convinced that the existing food system was the very responsible of the food crisis as it was based on the exploitation of rural workforce, the concentration of power in the hands of a few developed countries and transnational corporations and an unequal distribution of food and other resources (Murphy & Schiavoni, 2017, p.18). The system had also a dramatic impact on the environment, in terms of soil degradation, deforestation, water pollution, and threats to biodiversity (Bley Folly et al., 2017, p.31) and it was estimated to contribute to the climate crisis by generating around 50% of the total emissions. Thus, climate change was “inextricably linked to the model of production, distribution and consumption, as well as the cultural model and values behind it” (Forero & Drago, 2017, pp.65-66).

¹⁷ In particular, the authors consider the depletion of stocks a consequence more than a cause of the crisis. The depletion of stocks may be due to an increased demand for cereals (explained by the increased demand for maize by the biofuel industry) or a decreased production (explained by weather shocks). Or it can be the consequence of a political decision to reduce stocks considered too high and expensive and not so useful given that food prices remained low for a long time until 2003 (Headey & Fan, 2010, p.33).

The evident shortcomings of the existing food system made the food sovereignty movement very popular at the international level. Policy makers around the world realized the fundamental role played by small-scale farmers in providing communities with food. However, those farmers, particularly women, constituted also the majority of the poor and hungry (Murphy & Schiavoni, 2017, pp.18-19). Attention to food sovereignty determined an interest in strengthening domestic and local food markets, better able to connect rural and urban areas and to provide healthy and nutritious food (Álvarez, 2017, p.44). In this way, it would have been possible to correct (at least partially) regional imbalances in food production and make every country more resilient and autonomous. Many developing countries were “heavily dependent on cereal imports [also in the form of food aid] from the rest of the world”, because of low investments in the agricultural sector (see ISI and structural adjustment programs) and of agroclimatic constraints (Headey & Fan, 2010, p.99). Food sovereignty also emphasized the importance of nutrition, which again implied a shift from quantity to quality of food (Murphy & Schiavoni, 2017, pp.21-22). Moreover, “rather than simply lower prices for poor consumers, [the new system should have promoted] () stable and fair prices, with protective mechanisms for both producers and consumers” (Murphy & Schiavoni, 2017, p.25). Finally, human rights were fundamental to drive the transition to a sustainable and just food system (Forero & Drago, 2017, pp.67-68). In the new system, people should have been considered, “first and foremost, human rights holders” (Álvarez, 2017, p.43) and nature not simply “as a resource that serves human needs” but as “a life enabler that () sets limits to human activities” (Ferrando & Vivero-Pol, 2017, p.51). Thus, the global food crisis represented a great opportunity for the food sovereignty movement to present itself as a valuable solution to build a more equal, just, and sustainable food system.

1.6 After the global food crisis: a new dialogue between LVC, FAO and the UN Human Rights Council

After the global food crisis of 2007-2008, important changes happened in the management of food-related crisis and food and agriculture became central topics of discussion on the international policy agenda. One first important development was a reform in 2009 of the UN Committee on World Food Security (CFS) - the intergovernmental committee of FAO dealing with food security and hunger. In October 2008, because of its poor performances during the global food crisis, CFS member states decided reform it. The reform, guided by the principles of inclusiveness, strong linkages to the field and flexibility, aimed at: improving CFS actions, including a wider range of stakeholders, and making CFS “the central United Nations political platform dealing with food security and nutrition” (CFS,

2009, pp.1-2). After the reform the CFS became a dynamic forum to discuss and elaborate new strategies based on the right to food and food sovereignty (Bley Folly et al., 2017, p.33). It was a multilateral and democratic space, different from the G8 and the WTO. CSOs acquired an equal status with governments and, according to LVC, it was “an important space to occupy” (La Via Campesina, 2014, p.23)¹⁸. Thanks to the presence of LVC, from 2009 onwards the CFS adopted some policy recommendations and positions embracing food sovereignty and some of its main pillars such as agroecology¹⁹.

A second development was the adoption by the CFS in 2012 of the “Voluntary Guidelines of Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security” (the TGs). The TGs aimed at improving the governance of tenure of land, fisheries and forests to achieve food security, the progressive realization of the right to food and sustainable development for all. The main recipients, though, were vulnerable and marginalized groups. TGs were voluntary in nature and global in scope and could be “used by States; implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; [and] academia” (FAO & CFS, 2012, pp.1-2). The highly negotiated instrument has now become fundamental for CSOs around the world to struggle for the right to access to natural resources (Murphy & Schiavoni, 2017, p.19). The IPC²⁰, of which LVC is a partner, also embraced the TGs. In several countries the IPC promoted new laws and policies based on the TGs and on relevant international human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 169 on Indigenous and Tribal Peoples. Significantly, TGs clarify that “natural resources are a right of peasants, small-scale fishers, pastoralists, indigenous peoples, the landless, rural workers, food consumers, youth, men and women; (.) [and] of peoples and humanity as a whole” (Strapazzón, 2016, pp.29-31).

A third development, a milestone in the history of LVC, was the ratification of an agreement between FAO and LVC. On the 4th of October 2013, the then FAO Director-General

¹⁸ Next to the CFS, new institutions dealing with food aid, finance, research and early warning systems were created and international aid for agricultural development increased (Headey & Fan, 2010, pp.92, 100).

¹⁹ For example, food sovereignty and agroecology are mentioned in the following documents: the 2011 report of the CFS High Level Panel of Experts (HLPE) “Land tenure and international investments in agriculture”; the 2012 HLPE report “Food security and climate change”; the 2013 policy recommendations on “Investing in smallholder agriculture for food security and nutrition” and the corresponding report of the HLPE; the 2015 HLPE report “Water for food security and nutrition”; the 2016 HLPE report “Sustainable agricultural development for food security and nutrition: what roles for livestock?”; the 2021 policy recommendations and corresponding report of the HLPE “Agroecological and other innovative approaches for sustainable agriculture and food systems that enhance food security and nutrition” (CFS: *Policy Products*, n.d.).

²⁰ The IPC “is an autonomous and self-organised global platform of small-scale food producers and rural workers organisations and grassroots/community-based social movements whose goal is to advance the Food Sovereignty agenda at the global and regional level. More than 6000 organizations and 300 millions of small-scale food producers self-organise themselves through the IPC, sharing the principles and the 6 pillars of Food Sovereignty as outlined in the Nyeleni 2007 Declaration and synthesis report” (*The IPC: Who We Are?*, 2018).

José Graziano da Silva welcomed the General Coordinator of LVC Elisabeth Mpofu at the headquarters in Rome to formalize “an institutional framework for the partnership between the two organizations and defined proposals of collaboration in areas of common interest”. The agreement marked the official recognition by the UN of LVC’s fundamental role in representing the voices of small-scale farmers, in contributing to fight hunger and in promoting the human right to food. The partnership between FAO and LVC was “based on knowledge sharing, dialogue, policy development and cooperation” around topics of mutual interests and it allowed LVC to participate effectively in political processes around food and agriculture (*FAO - News Article*, 2013). In the words of Mpofu: “this was a very very important moment to meet with FAO, to speak with our own voices, which is a thing that we could never even dream of” (FAO, 2013).

The new partnership between FAO and LVC resulted in some important events that took place in the following years. The years 2014-2015 were marked by an increasing interest towards agroecology (Murphy & Schiavoni, 2017, p.20). In 2014, FAO organized the first International Symposium on Agroecology in Rome which “marked the first time that the FAO has ever officially and directly addressed the topic of agroecology” (Communication team of La Via Campesina, 2014). The FAO General-Director José Graziano da Silva opened the doors of FAO to agroecology, considered as a promising agricultural technique to fight hunger and food insecurity while empowering family farmers and promoting a sustainable food system. The symposium saw the participation of around 400 people, including members of academia and CSOs (Félix & Mendonça, 2015). Also LVC participated with representatives from Brazil, Cuba, Haiti, India, Italy, Mexico, Mozambique and Nicaragua. Although very pleased with this new opening, LVC remained cautious. As it underlined in a press release, “while social movements like La Via Campesina see agroecology as the alternative to industrial agriculture, and highlight its potential help in transforming grim rural realities, the new institutional opening is geared more toward a scaled-back version of agroecology”. The risk of cooptation by international organizations and governments was high (Communication team of La Via Campesina, 2014). In 2015, the symposium was followed by some regional meetings in sub-Saharan Africa, Asia and the Pacific, Latin America and the Caribbean. The result were the following recommendations to guide future actions: mainstream agroecology “into public policies, programmes, legal frameworks and regulations in a cross-sectoral and coherent manner”; combine scientific and rural knowledge; implement the TGs; “recognize the potential of agroecology for climate resilience and mitigation”; and improve access to markets for agroecological products (FAO, 2016, pp.2, 19-21). Besides, FAO created an online hub dedicated to this specific agricultural practice²¹ (Murphy & Schiavoni, 2017, p.20). In 2015

²¹ For more information, please see (FAO, n.d.).

social movements organized an International Forum on Agroecology in Mali. The forum was organized by a number of organizations within the IPC, including LVC, and it saw the participation of more than 200 participants “representing organizations of peasants, indigenous people, agricultural workers, artisanal fisherfolks, and nomadic pastoralists, as well as consumers and other urban people” (Communication team of La Via Campesina, 2015). The final declaration viewed agroecology as the tool to repair our food system from the dramatic impact of industrial agriculture. Moreover, it acknowledged that the popularity of agroecology was the result of pressure from social movements but also the natural consequence of the fact that the industrial food system was no longer productive and profitable “because of its internal contradictions” (IPC, 2015).

The year 2018 marked another fundamental moment for the food sovereignty movement. After 17 years of struggles and negotiations, on the 17th of December 2018, the UNGA adopted UNDROP (Edelman & Claeys, 2019, p.1). The declaration recognized peasants and other people working in rural areas as a new social group entitled to specific human rights: in particular, the right to access to natural resources (Article 5), land (Article 17), seeds (Article 19), biodiversity (Article 20), water (Article 21), and the right to food and to food sovereignty (Article 15) (UNDROP, 2018).

The process of adoption of UNDROP was very peculiar in that “it was initiated, framed and requested by the transnational social movement LVC” (Claeys, 2019, p.2) and it was defined by Edelman and Claeys as a “unique exercise in law-making from below” (Edelman & Claeys, 2019, p.2). Indeed, the declaration that LVC presented to the UNGA in 2009 was developed during its international conference in Maputo in 2008 (Claeys, 2019, pp.4-5) and it was based on LVC conceptions of peasants’ rights and human rights (Claeys, 2019, p.10). In 2012, LVC managed to get the topic on the agenda of the UNHRC. Since it did not have the consultative status in the council, the support of other actors was fundamental throughout the process. Particularly relevant were the NGOs FIAN International, the UN Special Rapporteur on the right to food, Olivier De Schutter, the former one, Jean Ziegler, and his former Special Advisor, Christopher Golay. In October 2012, the Open-ended Intergovernmental Working Group (OEIGWG) was created to draft a declaration on the rights of peasants and other people working in rural areas (Claeys, 2019, pp.5-7). The negotiation process started in 2013 and the subsequent drafts were discussed in five sessions of the UNHRC (Edelman & Claeys, 2019, p.2). The declaration was finally adopted by the UNHRC in September 2018 and, on the 17th of December 2018, by the UNGA with 121 votes in favor, 8 against and 54 abstentions (Claeys, 2019, pp.12-13). For LVC, the adoption of UNDROP represented a fundamental achievement and “a unique opportunity to establish food sovereignty as a human right of the people, recognized at the international level” (Claeys, 2015b). Moreover, it opened up the possibility “to

reconceptualize fundamental notions of human rights that have been traditionally restrained to the individual” (Bley Folly et al., 2017, p.33), by presenting peasants’ rights as individual and collective rights (Edelman & Claeys, 2019, p.2).

A final important development is represented by the UN Decade of Family Farming (UNDFE) (2019-2028). UNGA Resolution 72/239 recognized the fundamental role of family farming in promoting food security, protecting biodiversity and the environment, addressing migrations, and protecting our traditional and cultural heritage. However, although more than 80% of the world’s food is produced by family farmers, almost 80% “of the extreme poor live in rural areas and work in agriculture”. The resolution thus called on FAO, other international organizations, governments, the private sector, CSOs and academia to work to implement the UNDFE (UNGA, 2017). In May 2019, FAO organized a “Global Launch of the United Nations Decade of Family Farming (2019-2028)”. At a side event, during the UN High Level Political Forum (HLPF) in New York, Zainal Arifin Fuat, a representative of LVC, declared that the social movement welcomed the new initiative and was ready to implement it. He emphasized that the realization of the UNDFE must be based on agroecological practices, food sovereignty and human rights. In particular, he recalled the recently adopted UNDROP and the TGs. He finally underlined the importance for international organizations to act at different levels of governance, from global to local, and to work closely with peasant and family farmer organizations (Communication team of La Via Campesina, 2019). In May 2022, during the FAO regional conference for Europe, the Nyéléni Food Sovereignty Network in Europe and Central Asia hosted a side event titled “UN Decade of Family Farming and Peasants’ rights in times of crisis”. During the event, representatives of LVC stressed again the importance of adopting a human rights-based approach centered around UNDROP when realizing the UNDFE. Therefore, UNDROP, UNDFE and the Agenda 2030 should be developed consistently and coherently together to ensure a transition to a more sustainable, equitable and just future for all (UNDFE and Peasants’ Rights in Times of Crisis, 2022).

1.7 Critiques to food sovereignty

This final paragraph offers a brief overview of the main critiques that have been moved by some academics to the FSM. This is useful to better understand the challenges that the movement could face and should address to be credible and effective in its actions. In a short policy brief, Otto Hospes identified three main weaknesses of the food sovereignty movement. First, according to him, it is not clear who would benefit from applying food sovereignty as a development and food security strategy. Most likely, the condition of

small-scale farmers would improve. But would landless workers and urban communities be more food secure with a shift from industrial agriculture and reliance on international markets of food to small-scale food production? In his view, local food systems should complement, not substitute, export-led agriculture. Thus, he concludes, “there is a need for greater conceptual and empirical understanding of the effects of measures proposed by the food sovereignty movement on food security”. Second, it is not clear who is the sovereign in food sovereignty – individuals, communities, governments? – and, thus, who has the right to define agri-food policies in a state? Third, by advocating to remove agriculture from the WTO, the FSM risks to be excluded from international policymaking. In Hospes’ view, since the importance of international trade is undeniable, the FSM should build alliances also in the WTO to be at the negotiation table (Hospes, 2009).

Agarwal critique starts from the definition of food sovereignty, a definition that has continuously evolved overtime and that encompasses different elements sometimes at odds with one another. Although she recognizes the value of the food sovereignty claim, she believes that some internal contradictions should be resolved to make the concept work in practice (Agarwal, 2014, p.1264). Definitions of food sovereignty defined it as “the right of self-reliance of nations (1996)”, “the rights of people to define domestic production and trade” (2002) and, in the 2007 Nyéléni Declaration, as the rights of “everyone who is involved in the food chain” from producers to consumers. These expanding definitions allow a variety of actors (as the organizations composing the FSM and LVC) to identify themselves in them but pose many problems when it comes to their practical implementation. Entering into the merits of the definitions of food sovereignty, Agarwal firstly argues that the emphasis on family farming risks not to address gender imbalances within families. Besides, ensuring food security with small-scale agriculture requires huge investments (that few developing countries could afford) to ensure small-scale farmers access to land, inputs and technologies and to overcome productive constraints. Second, Agarwal is skeptical about the actual level of democratic debates and consensual decision-making within LVC. She wonders how gender, ethnic and social inequalities can be addressed and how a common solution can be found in such a diverse movement. Finally, she points to the tension between considering food sovereignty as an individual or a collective right. She finds no clear answer in the elaborations of the movement, which she considers a great weakness (Agarwal, 2014, pp.1247-1259).

In the critical review of the FSM by Edelman and other academics, they argue that the difference between food security and food sovereignty (an identity marker for the FSM) is not always that clear. Sometimes there are significant overlaps and food sovereignty activists themselves often considered food sovereignty as a precondition for food security (Edelman et al., 2014, p.914). A second remark is about the stance of the FSM for culturally

appropriate food. “While food cultures have historically been relatively place-based and tied to agricultural capabilities in a given region (...) calls for food sovereignty should not obscure the fact that some distance is inescapable, and that it is difficult to draw fixed lines to separate what is ‘culturally appropriate’ and might be permissible within a food sovereignty paradigm and what is not” (Edelman et al., 2014, p.916). Third, food sovereignty stresses the importance of linking food producers and consumers, rural and urban areas. However, in the authors’ view, the movement is not sufficiently aware of the tensions within the rural-urban divide and the rural-rural divide²². Moreover, they believe that the movement should engage more actively with urban agriculture movements emerged to respond to increasing migration flows in slums and poor neighborhoods. Some of them are already embracing food sovereignty principles, while others would surely benefit from an interaction with the FSM (Edelman et al., 2014, pp.918-919). Finally, they argue, “if food sovereignty is to be more than simply a populist claim for a return to traditional life on the land, then the vision will need to accommodate flourishing rural economies that include industry, services and entertainment”. The FSM should correct historical prejudices about rural life and revitalize the rural economy well beyond food production, without adopting an anti-off-farm rhetoric (Edelman et al., 2014, p.924).

In his critique, Bernstein reminds us that industrial agriculture is not all to blame. The impressive population growth from 2.5 billion to 6 billion, started in the 1950s and lasted only 50 years, was possible thanks to (among other factors) “the extraordinary development of productivity in capitalist farming”. When criticizing industrial agriculture, the FSM calls for a return to a precapitalist society. The “capital’s other” are small-scale farmers, indigenous peoples and rural communities promoting sustainable agricultural practices, conserving traditional knowledge, living in harmony with nature, nurturing social ties with the community, who promote an “alternative modernity to that of capitalism”. For Bernstein this position is problematic, if not *naive*. He asks, who are the peasants? What distinguishes small-scale farmers from family farmers, rural workers, indigenous farmers etc.? What about those peasants that still practice industrial agriculture and do not fit the FSM ideal type? And finally, as already pointed out by Agarwal, the celebration of the peasant community does not risk to hide internal gender and intergenerational discrimination? (Bernstein, 2014, pp.1040-1046)

The last authors considered are Burnett and Murphy who focused their critique on one fundamental aspect: the position of the FSM towards international trade. The two academics invite the FSM to revise their position towards international trade and engage in a productive dialogue with the WTO. Hundreds of millions of small-scale farmers and rural workers around the world already engage in international trade and rely on food

²² The rural-rural divide originated from the fact that many people living in rural areas today are not food producers but food buyers.

exports for their livelihood (Burnett & Murphy, 2014, p.1066). “Whether producing for fair trade markets, or traditional or non-traditional agricultural commodity chains, some fieldwork evidence suggests that these producers are motivated to continue their engagement in export markets”. Thus, the FSM should listen to their needs and motivations and this could help to specify the scope and meaning of food sovereignty. The authors believe that today there are the conditions to negotiate with the WTO and “to transform not only the rules of trade but the way in which those rules are determined, with some potential for the principles of food sovereignty to be integrated” (Burnett & Murphy, 2014, p.1080). The critique moved by Burnett and Murphy is probably the most common and it is shared by all the academics considered in this paragraph. Hospes suggests that local food systems should complement, not substitute, export-led agriculture. Agarwal and Edelman (et al.) criticize the excessive emphasis on national and local self-sufficiency. Not every country can produce its own food, for geographical and environmental constraints. Thus, international trade simply cannot be eliminated (Agarwal, 2014, p.1251)(Edelman et al., 2014, p.916). Besides, Edelman shares the view of right to food activists, who do not believe that food sovereignty alone could solve hunger and malnutrition (Edelman et al., 2014, p.926). Finally, Bernstein considers the position of the FSM on international trade vague and idealistic. He defines the stance for nationally owned markets, equitable markets based on fair and just prices, solidarity relationships that link food producers and consumers, and the celebration of the traditional rural knowledge and wisdom as nothing but “a wish list that slides past, rather than confronts, the contradictions intrinsic to all commodity relations and markets” (Bernstein, 2014, pp.1052-1053).

This overview, far from being exhaustive, proves helpful to gain a more complete picture of the FSM. It will be particularly helpful in the next chapters, when the human rights proposal to ensure food security and protect the human right to food will be compared with the alternative model proposed by the FSM.

CHAPTER 2

Human Rights, Food, and Agriculture

This chapter provides an analysis of how the human rights system deals with rights related to agriculture, in general, and the right to food, in particular. To do so, the chapter will review several human rights instruments protecting the right to food (including FAO food security strategies), water, land and natural resources, the right to self-determination, the right to development and the rights of indigenous peoples. Attention is devoted to identifying right-holders and duty bearers and the obligations that derive from each right. The choice of the human rights examined in this chapter is based on the human rights protected in UNDROF. UNDROF recognizes farmers as a special category worth of human rights protection, and it is the first human rights instrument that recognizes the right to food sovereignty²³. According to the declaration, farmer's rights include the right to life (Article 6), the right to adequate food and the fundamental right to be free from hunger (Article 15), the right to an adequate standard of living (Article 16), the right to land (Article 17), the right to the conservation and protection of the environment and the productive capacity of land (Article 18), the right to seeds (Article 19), the right to water (Article 21), the right to development and rights of indigenous people. The analysis conducted in this chapter will be the basis to compare the human rights approach to protect human rights related to agriculture and food security with the approach proposed by the FSM and LVC (see chapter 3).

2.1 Right to food

2.1.1 The right to food in international human rights law

The right to food is a human right recognized under international human rights and humanitarian law and in the constitution of several countries. Before being institutionalized in the UDHR and in the ICESCR, it was already known under different names such as the

²³ Defined as the right of peasants and other people working in rural areas “to determine their own food and agricultural systems, recognized by many States as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures” (Article 15 UNDROF, 2018).

'right to subsistence', the 'right not to be hungry' or the right to 'freedom from hunger'. The right to food was also implicitly mentioned in the famous Four Freedoms' Speech of Franklin Delano Roosevelt in 1941, in which he proposed a holistic approach to human rights based on freedom of speech, freedom of worship, freedom from want and freedom from fear (Claeys, 2015, pp.61-63). The UN Charter of 1945 reaffirmed Roosevelt's freedom from want in Articles 55 and 56. Article 55 states that to achieve peace, stability and friendly relations among states, the UN should promote universal respect for human rights and the "higher standards of living, full employment, and conditions of economic and social progress and development". To do so, Article 56 highlights the importance of international cooperation among states and with the UN (UN Charter, 1945). On a similar vein, Article 28 UDHR affirms that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized" (UDHR, 1948). Since 1948 the human right to food is protected under Article 25.1 of the UDHR, reading: "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food" (UDHR, 1948). In 1966 the right to food became legally binding on those states that adopted the ICESCR. Article 11 ICESCR recognizes both the "positive right to food" (Article 11.1) and the "negative right to freedom from hunger" (Article 11.2) (Claeys, 2015, p.64). FAO had a central role in drafting Article 11 and it was the then FAO Director General to propose the drafting of Article 11.2 in 1963²⁴ (Eide, 1987, p.22). Article 11 reads as follows:

"1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need" (ICESCR, 1966).

The ICESCR entered into force in 1976. The first monitoring body was created a few years later, in 1979, as a working group of states from the UN Economic and Social Council (ECOSOC). Only in 1985 ECOSOC established an official treaty body composed

²⁴ FAO considered Article 11 of the utmost importance to eliminate hunger and malnutrition. In a 1981 report on the implementation of ICESCR, FAO wrote: "It is ... widely recognized that, by adopting the measures indicated in article 11.2 of the (Covenant), the international community would be in a position to eliminate completely the present state of chronic malnutrition and under-nourishment and to mitigate considerably the effects of calamities" (Eide, 1987, p.18).

of independent experts tasked to review country reports on the implementation of the Covenant, CESCR. The mandate of CESCR was (and still is) vast since it had to monitor all economic, social and cultural rights contained in the Convention (Eide, 1987, p.53). Besides, its functioning was complicated by the lack of commitment on the part of states (that sometimes did not even submit the initial report), by the vagueness of some Covenant's terms, by the "lack of jurisprudence to clarify obligations" and by a low interest in this category of human rights by CSOs. Thus, CESCR tried at least to "establish minimum base lines for national requirements" (Forsythe, 2000, pp.113-114). Notwithstanding some difficulties, these steps initiated a significant conceptualization process on the right to food that saw different actors, ranging from international organizations (IOs) to NGOs, CSOs, academics and independent experts, proposing different approaches to achieve the realization of this fundamental human right.

As other economic, social, and cultural rights, the right to food has to be achieved progressively (Article 2.1 ICESCR, 1966). Initially, "it has been questioned whether an obligation that is not immediately enforceable, not overtly justiciable and which is contingent on available resources can ever give rise to an entitlement at all". In reality, the nature of states' obligations under ICESCR recognizes that, because of resource constraints, many states cannot enforce the convention with immediate effect (Bantekas & Oette, 2020, pp.416-418)²⁵. This view recalls the famous (although oversimplified) classification of human rights proposed in the 1970s by Vasak. Based on the French revolution values of *liberté, égalité, fraternité*, he ordered human rights into three categories. Civil and political rights protected under the ICCPR constitute the first generation of human rights, or liberty rights. These are the first category of rights ever established and they are considered as the foundation of the human rights system. They are also known as 'negative' rights that impose an obligation on states not to do something and thus they protect individuals from an excessive power of the state. Economic, social, and cultural rights (including the right to food) protected under the ICESCR form the second generation of human rights, or equality rights. These rights "recognize that certain basic goods [e.g., food, education, employment, health care, housing] should be equally available to all people". Second-generation rights are also known as 'positive' rights as they require states to proactively implement them. The third category of human rights, the so-called fraternity or solidarity rights, include rights such as the right to development. These are normally group rights and refer "to communal aspects of human being" (Langlois, 2013, p.16). The distinction between first- and second-

²⁵ The conception of economic, social and cultural rights as goals or aspirations instead of proper rights or entitlements was shared by many countries of the international community. For example, during the World Food Summit in Rome in 1996, the US did not appreciate the emphasis on the right to food in the two main documents approved (see below in the paragraph). Thus, the US stated "that it recognized such a right "as a goal or aspiration" that "does not give rise to any international obligations nor diminish the responsibility of national governments toward their citizens" (Population Council, 1996, pp.807-808).

generation rights has been criticized by many. Indeed, both civil and political rights and economic, social, and cultural rights impose negative and positive obligations on states. Moreover, Vasak's classification seems to suggest a hierarchy between different generations of rights that views civil and political rights as more important and as precondition to the realization of other rights. Any doubt about a hierarchy of human rights was clarified in 1993 at the World Conference on Human Rights in Vienna. The Vienna Declaration and Programme of Action affirmed that "all human rights are universal, indivisible and interdependent and interrelated"²⁶ (Vienna Declaration, 1993). However, while this statement has been frequently restated by different human rights bodies, "it has not always been reflected in practice". According to Eide, the first Special Rapporteur on the right to adequate food as a human right, one reason would be "that both the precise content of a number of economic, social and cultural rights, as well as the specific obligations which they imply for States Parties to the International Covenant on Economic, Social and Cultural Rights, remain extremely vague. This vagueness, when contrasted with the degree of precision with which most civil and political rights have been elaborated, has tended to encourage the relative neglect of economic and social rights" (Eide, 1987, p.10).

In 1996, at the FAO World Food Summit in Rome, since there was still a substantial gap between international standards and the reality of many developing and developed countries, governments expressed the need for a more concrete and operational conceptualization on the right to food. The result was the adoption in 1999 of General Comment No.12 (GC No.12) by CESCR and, in 2004, of the *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security* by FAO (Claeys, 2015, p.69). GC No.12 further elaborated the content of Article 11 ICESCR. According to the CESCR, "the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights (...). It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental, and social policies" to eradicate poverty and promote human rights. Indeed, hunger is not determined by the lack of food, but by poverty and difficulties in accessing food. Hence, food should be economically and physically accessible; available in sufficient quantity and quality²⁷; adequate to the social, cultural, economic, and natural context in which it is consumed; sustainable and thus available for present and future generations; and free from toxic substances. The state, as duty-bearer, has an obligation to respect, protect and fulfil the right to food. Although the right to food must be achieved progressively, the

²⁶ The Vienna Declaration further recalled the importance of "the rights of everyone to a standard of living adequate for their health and well-being, including food" and that "food should not be used as a tool for political pressure". Moreover, in relation to the rights of the child, it encouraged states to adopt national action plans aimed, among other objectives, at reducing malnutrition and ensuring access to safe drinking water (Vienna Declaration, 1993).

²⁷ Quality food should "not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients" (GC 12 CESCR, 1999).

state has an immediate obligation to ensure “everyone under its jurisdiction access to the minimum essential food”. A violation of the right occurs “through the direct action of States or other entities insufficiently regulated by States”. At various points, GC No.12 resonates with the food sovereignty discourse. To fulfil its obligations, the state should adopt a strategy addressing all aspects of the food system from the production to the consumption stage, paying particular attention to the sustainable use of natural resources. It should also promote parallel actions in the health, educational, employment and social security sector and ensure that no discrimination exists in accessing food (particularly for women). Finally, food aid should be respectful of local traditions and needs. It should not excessively impact the local food system and it should be limited in time to “facilitate the return to food self-reliance of the beneficiaries”(GC 12 CESCR, 1999). Thus, GC No.12 certainly offers an interesting and holistic reading of the right to food and does not approach food as just another commodity. However, right-holders are all human beings mainly as consumers and there is no explicit mention of the rights of farmers.

The 2004 FAO ‘Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security’ “were celebrated for bringing an economic and social right ‘from formal recognition at the international level to full engagement by governments and international organizations’ and from principle into ‘proposals for concrete action’” (Claeys, 2015, p.70). They aimed at supporting governments in their efforts to promote the fundamental human right to food in the context of food security, while “integrating human rights into the work of agencies dealing with food and agriculture, such as FAO”. The Voluntary Guidelines are based on the principles of equality, non-discrimination, and the rule of law. They are a human rights-based instrument that considers human rights as universal, indivisible, interrelated and interdependent, as affirmed in Vienna in 1993. Adopting a human-rights based approach to eliminate hunger means to embrace human rights principles and to identify and eliminate the root causes of hunger. In addition, the Voluntary Guidelines are based on the four pillars of food security: availability, stability of supply, access, and utilization. The document is composed of 19 guidelines. A society based on democracy, human rights and the rule of law is considered fundamental to promote the right to food (Guideline 1). Besides, economic development policies should ensure adequate food supplies “through a combination of domestic production, trade, storage and distribution”. States should pursue policies of rural development and agrarian reform that ensure people working in rural areas to earn a decent living, to have access to land and natural resources, technologies and other means of production and financial resources. Sustainable agricultural practices should be encouraged, together with a sustainable management of natural resources. (Guideline 2). Food security must be included in national strategies for poverty

reduction and development, considering all aspects of the food system from production to consumption. Investments to revitalize the agricultural sector should devote particular attention to small-scale producers. (Guideline 3). Agricultural and food markets must be strengthened to promote a process of sustainable economic growth. Local and regional markets in poor rural and urban areas should be privileged. Trade policies must be in line with WTO trade agreements (Guideline 4). Appropriate public institutions should oversee the implementation of the Voluntary Guidelines (Guideline 5) and a multi-stakeholder approach that involves all relevant stakeholders (CSOs, the private sector) should be put in place (Guideline 6). National legislation should contain adequate provisions to facilitate the realization of the right to food (Guideline 7). Agricultural research and development should be encouraged, and research results should be available to everyone, particularly to small-scale farmers. Besides, States should invest in education, human capital, and training programs (Guideline 8). Food control systems should be established, and consumers should be educated “about safe storage, handling and utilization of food within the household” (Guideline 9). Dietary diversity and healthy eating habits should be encouraged. Moreover, food should be treated as part of the culture of individuals (Guideline 10). States should promote agricultural, environmental, and human rights education at all schooling levels (Guideline 11). Sufficient resources should be allocated to achieve food security (Guideline 12). Groups particularly vulnerable to food insecurity should be identified and adequately protected (Guideline 13), also through safety net programs (Guideline 14). “Donors should promote increased use of local and regional commercial markets to meet food needs in famine-prone countries and reduce dependence on food aid” (Guideline 15). In the context of natural and human-made disasters, food aid should be guaranteed in accordance with human rights and humanitarian law (Guideline 16). Monitoring mechanisms (also performed by National Human Rights Institutions, NHRIs) should be established to monitor the voluntary guidelines (Guideline 17, 18). And finally, given the importance of international cooperation to achieve food security, states should pursue these guidelines at the national and international level (Guideline 19). It is important to note that the Voluntary Guidelines took into high consideration WTO trade agreements and the São Paulo Consensus, the eleventh session of the UN Conference on Trade and Development (UNCTAD) in which agricultural trade was discussed (Voluntary Guidelines on the Right to Food, 2004). In the years following the adoption of the Voluntary Guidelines, the implementation of the right to food at the country level improved. The right to food was integrated in several national constitutions, legal frameworks, national action plans, courts decisions and in the work of NHRIs. Moreover, FAO introduced a right to food unit that later became the right to food team (Claeys, 2015, pp.70-72).

Another important step came in 2008 with the adoption of the Optional Protocol to the

ICESCR. Thanks to it, economic, social and cultural rights (including the right to food) were recognized as justiciable rights, which for many “constitutes the true test of a ‘real’ human right” (Claeys, 2015, p.72). The Optional Protocol allows CESCR to receive individual and group communications about any state party to the ICESCR that ratified the Optional Protocol. “Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party”. When the communication deals with a particularly serious violation of a Covenant article, CESCR may request a state to introduce interim measures “to avoid possible irreparable damage to the victim or victims of the alleged violations”. The Optional Protocol also envisages the possibility of inter-state communications for those states making a declaration under Article 10 of the Protocol accepting such a procedure. Finally, the Optional Protocol allows CESCR to start an inquiry procedure if it “receives reliable information indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant” (OP-ICESCR, 2008). However, it has been argued that the ICESCR and its Optional Protocol remain “a ‘blunt instrument’ that is unlikely, alone, to bring about a rapid drop in deaths caused by hunger and malnutrition” (Claeys, 2015, p.72). Also, in Eide’s view, “efforts to obtain through such [state] reporting a satisfactory assessment of the degree of realization of the right to food is bound to be unsatisfactory” (Eide, 1987, p.52). The Optional Protocol was adopted during the global food crisis of 2007-2008. At the time, different actors like “the FAO Right to Food Unit, the Office of the High Commissioner for Human Rights (OHCHR), the CESCR and the UN Special Rapporteur on the right to food, as well as certain international human rights NGOs like FIAN” proposed the right to food as an alternative strategy to food security to respond to the crisis. In particular, the Special Rapporteur on the right to food, Olivier De Schutter, denounced some structural elements of the existing food system that had to be addressed and corrected. These were the existence of big and powerful agribusiness in contrast with a marginal role played by small-scale agriculture (especially in developing countries), trade liberalization and property rights. In May 2008, the UNHRC dedicated a special session to the food crisis, which represented the first time that the economic, social and cultural rights were discussed in that forum (Claeys, 2015, p.73).

2.1.2 Actors working on the right to food

This paragraph offers an overview of the main actors working to promote the human right to food²⁸. Within the UN system there are FAO, the World Food Program (WFP) and the

²⁸ In addition to the actors presented in the paragraph that deal directly with the right to food and agricultural issues, there are several other actors within the UN system that in their work include activities related to

International Fund for Agricultural Development (IFAD) and, specific to the human rights system, CESCR and the UN Special Rapporteur on the Right to Food. Among CSOs, an actor that is certainly worth mentioning is the Foodfirst Information and Action Network (FIAN International), which also collaborates with LVC to promote its vision on the right to food.

FAO is a UN specialized agency, defined as “the centre-piece of international food agencies” (Eide, 1987, p.47). Its goal is “to achieve food security for all and make sure that people have regular access to enough high-quality food to lead active, healthy lives”. FAO membership is composed of 194 countries and the European Union (EU), and it is active in 130 countries. It was created in 1945 in Canada and since 1951 its headquarters are in Rome (Italy). FAO regularly hosts international conferences and summits on food security and the right to food that help shaping global actions to fight hunger and malnutrition. “It is the one international agency which comes closest to having a responsibility for ensuring the right to food for all”. However, “while FAO has given considerable verbal support to the realization of the right to food its activities have not equally well focused on that task” (Eide, 1987, p.48). As anticipated in chapter 1, in 2013 FAO initiated a collaboration with LVC, and it thus started to reflect on and to embrace some of the principles and values of the FSM. The second institution considered in this paragraph is the WFP, established in 1963 by UNGA and FAO “to deliver urgent food aid in real time to affected areas” (*About FAO*, n.d.). A couple of years before, in 1961, the WFP was created “as an experiment to provide food aid through the UN system”. Given its success, over the years the WFP became a fundamental UN programme. “Today, WFP is the world’s largest humanitarian agency” with a deep presence on the field and an important operational understanding of food needs. In October 2020, it was awarded the Nobel Peace Prize “for its efforts to combat hunger, for its contribution to bettering conditions for peace in conflict-affected areas and for acting as a driving force in efforts to prevent the use of hunger as a weapon of war and conflict” (*History | World Food Programme*, n.d.).

The third institution considered in this paragraph is IFAD. During the World Food Conference of 1974, in the midst of a global food crisis, the international community established a new international financial institution specifically dedicated “to finance agricultural development projects, primarily for food production in the developing countries”. Thus, in 1977 IFAD was founded (*History of IFAD*, n.d.). Based in Rome, today IFAD membership is composed of 177 states. States meet every year at the Governing Council, the main decision-making body, also responsible to determine the membership of the Executive Board. The latter decides on projects, programmes and grants, adopts

the right to food: for example, World Health Organization (WHO), ILO, UN Environment Programme (UNEP), UN International Children’s Emergency Fund (UNICEF), UN Educational, Scientific and Cultural Organization (UNESCO).

the annual administrative budget and considers new applications for membership. It is formed of 18 elected Members and 18 Alternate Members and its sessions are chaired by the President of IFAD (*Governance of IFAD*, n.d.). IFAD strongly embraced a “right to food” orientation” (Eide, 1987, p.48). Since 2003, FAO, WFP and IFAD have been working together with important international NGOs and CSOs within the International Alliance Against Hunger (AAHM, formerly known as the International Alliance Against Hunger). AAHM serves “as a vehicle for joint advocacy at international and national levels towards a world free from hunger, malnutrition and poverty” and it prompted the creation of similar alliances at the regional and national level. Indeed, national alliances can “offer a neutral space for different stakeholders (including governments, civil society organizations and the private sector amongst others) committed to the fight against hunger and malnutrition to dialogue on the most effective programmes and policies to achieve national food and nutrition security” (*AAHM*, n.d.).

Within the human rights system, the two main actors promoting the right to food are CESCR and the UN Special Rapporteur on the Right to Food. As anticipated, CESCR is the treaty body of ICESCR, and it is composed of 18 independent experts. Created in 1979, CESCR is responsible for monitoring states compliance with the Convention and to advance its understanding through the development of General Comments (*CESCR*, n.d.). The mandate of the UN Special Rapporteur on the Right to Food was firstly established by the Commission on Human Rights in 2000. When the Commission was substituted by the UNHRC in 2006, “the mandate was endorsed and extended” by the latter. During his mandate, the Special Rapporteur addresses “the need for an integrated and coordinated approach to promoting and protecting people’s right to food” (*SR on the Right to Food*, n.d.) through annual reports to the UNHRC and UNGA. The Special Rapporteur also monitors the right to food through country visits, addresses possible violations of the right to food through an open dialogue with the state concerned, and promotes “the full realization of the right to food through dialogue with relevant actors by participating in seminars, conferences, expert meetings (*OHCHR | About the Mandate*, n.d.). The current Special Rapporteur is Michael Fakhri (2020-), a professor of human rights, food law, development, and commercial law at the University of Oregon School Law. His predecessors were Jean Ziegler (2000-2008), Olivier De Schutter (2008-2014) and Hilal Elver (2014-2020) (*SR on the Right to Food*, n.d.). The mandate of the Special Rapporteur on the Right to Food has an ancestor in the Special Rapporteur on the right to adequate food as a human right created in 1983 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights. The first independent expert to hold this role was Asbjørn Eide (Claeys, 2015, p.65). In 1987 he was tasked by the Sub-Commission to prepare a report on the right to adequate food

as a human right (the report has been used in this chapter). In 1999 he published another influential report on the right to adequate food and to be free from hunger, which helped shape the meaning of this fundamental human right.

In the realm of CSOs, an actor that is certainly worth mentioning is FIAN International. In 1981, a few members of Amnesty International (AI) started questioning the great emphasis that AI gave to civil and political rights and the little attention to economic, social, and cultural rights, such as the right to food. They discussed the idea of creating a new organization similar to AI but devoted to the promotion of the human right to food and the elimination of those structural elements of our society resulting in widespread hunger and malnutrition. After a few years of pilot projects and networking, in 1986 FIAN International was officially founded. Its working methodology was based on “urgent actions, case-work as well as advocacy activities and campaigns”. The structure was made of different national sections, the main one being in Germany (Klum, 2016). Today, FIAN International is a global human rights organization collaborating with numerous social movements and CSOs in more than 50 countries and representing the voices of local communities in appropriate policy spaces. In its actions, it exposes the social injustices behind the food system from production to consumption. It stresses that we should care about how the food is produced since food is part of our identity and cultural legacy and not just a mere commodity (FIAN, n.d.). In its conception, the right to food is “the right to feed oneself, which ensures a sustainable livelihood for farmers” that is “increasingly put at risk by states that collude with transnational corporations and international financial institutions and their local allies”. Thus, FIAN International has always fought for an equal distribution and a fair access to food and for ensuring farmers (especially the rural poor) access to land, natural resources and other means of production (Claeys, 2015, p.68). In 2007 FIAN International was among the CSOs that founded the ETO Consortium: “a global network of over 140 CSOs and academics” aimed at addressing the gaps in the human rights system resulting from the neglect of states’ extraterritorial obligations (ETOs) (*The ETO Consortium*, n.d.). The ETO Consortium defined ETOs as “obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State’s territory” and “obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally” (ETO Consortium, 2011). Although fundamental in the era of globalization, States often undervalue them in favor of their domestic obligations (*The ETO Consortium*, n.d.). In 2011, the Consortium developed the *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*. The Maastricht Principles are an international expert opinion developed

“by 40 international law experts from all regions of the world, including current and former members of international human rights treaty bodies, regional human rights bodies, as well as former and current Special Rapporteurs of the United Nations Human Rights Council” aimed at clarifying ETOs “of States on the basis of standing international law”. According to the authors, the lack of human rights regulation of transnational corporations, Intergovernmental Organizations (IGOs) and International Financial Institutions (IFIs) and in the area of trade and international cooperation represents a significant gap in the realization of economic, social and cultural rights, since the human rights of individuals and peoples are strongly “dependent on the extraterritorial acts and omissions of States” (ETO Consortium, 2011). Strengthening ETOs thus implies promoting the primacy of human rights over other branches of international law (Claeys, 2015, p.78).

2.1.3 International conferences on food and food security

From the 1970s, when a global food crisis hit the world population, the UN (in particular, some of its agencies like FAO and the WHO) organized a series of international conferences and summits to tackle hunger and malnutrition and to find common solutions. The first of these appointments was in 1974, when, during a global food crisis, UNGA convened a World Food Conference to develop a common strategy to respond to it. The outcome of the conference, the Universal Declaration on the Eradication of Hunger and Malnutrition, acknowledged that the human rights of peoples in developing countries were seriously at risk. Although responsible for producing one third of global food, people in developing countries were the most vulnerable to hunger and malnutrition. This condition arose from “historical circumstances, especially social inequalities, including in many cases alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms” and it was aggravated by the features of international economy and of development strategies as presented in chapter 1. According to the declaration, societies already possessed “sufficient resources, organizational ability and technology” to realize everyone’s right to be free from hunger and malnutrition. Peace, stability, and international cooperation among equal sovereign states were essential to develop a system of adequate production and distribution of food, to strengthen a world food security system based on fair prices and to increase investments in the agricultural sector of developing countries. Governments had to “formulate appropriate food and nutrition policies integrated in overall socio-economic and agricultural development plans”. Possible measures included reforms of the tax, credit, and investment system and a “reorganization of rural structures, such as the reform of the conditions of ownership, the encouragement of producer and consumer co-operatives, the mobilization of the full potential of human

resources, both male and female, (...) and the involvement of small farmers, fishermen and landless workers”. Developed countries were expected to provide technical and financial assistance on favorable terms to developing countries and to facilitate the participation of developing countries in international trade. Moreover, all countries had to work “to ensure the availability at all times of adequate world supplies of basic food-stuffs by way of appropriate reserves, including emergency reserves” (Universal Declaration on the Eradication of Hunger and Malnutrition, 1974).

In 1985, FAO developed the World Food Security Compact which offered a much more comprehensive approach to food security, compared to the narrow one promoted at the World Food Conference in 1974. The World Food Security Compact identified three levels of food security: household, national and global. The reference to household food security is fundamental as “it means a breakthrough for the right of the individual of access to food as the focus of world food security”. It emphasized the importance of ensuring physical and economic access to food to the poor and not just of increasing food production and it stressed the importance of eliminating rural poverty, considered as the main cause of hunger and malnutrition. The Compact also emphasized that, in relation to food, the principle of comparative advantages could work only between countries with equal levels of economic development and technical capacities. In situations of profound asymmetries, it is questionable whether rural populations in developing countries would benefit from large and cheap imports of food from developed countries. “If (...) food for the urban market is imported from abroad, there is not a sufficiently strong incentive to increase the production in the rural areas”. Thus, the Compact stressed that “governments of developing countries should promote domestic food production as the first line of attack on food insecurity” and limit the dependence on food imports to feed urban populations. “They should ensure that city-dwellers do not acquire a permanent preference for imported basic foods which cannot be grown locally”. Although the Compact was not legally binding and major food producing countries, such as the USA, did not embrace it, it is still considered “the first comprehensive framework for international obligations in regard to the realization worldwide of the right to food” (Eide, 1987, pp.45-47).

In 1992, the WHO adopted the World Declaration and Plan of Action for Nutrition. Representatives of 159 states and of the European Economic Community participating in the International Conference on Nutrition in Rome affirmed their commitment to end hunger and malnutrition and to promote the human right to food enshrined in the UDHR. Also in this occasion, states acknowledged that unequal distribution and access to food (and not the lack of food) are the main problems. Thus, hunger and malnutrition could not be ended simply by increasing agricultural productivity. It was important to promote policies and programs leading “to a sustainable improvement in human welfare,

(...) mindful of the environment and (...) conducive to better nutrition and health for present and future generations”. To achieve food security and to ensure everyone access to nutritious food, States had to promote sustainable agricultural practices that ensured the conservation of natural resources considering an increasing demographic pressure and that produced a balanced growth between urban and rural areas. The declaration acknowledged that vulnerable groups in developing countries had to be protected from the negative impacts of structural adjustment programs. However, trade liberalization and an increased participation of developing countries in international markets were considered key for their economic growth (FAO & WHO, 1992). Thus, in the World Declaration and Plan of Action for Nutrition there are interesting references to small-scale farmers and local production but within a neoliberal economic system. The focus of the document is mainly on the elimination of hunger and malnutrition (especially of women, children and other vulnerable groups) and less on the food production side.

In November 1996, FAO hosted another World Food Summit in Rome²⁹. The first day of the Summit, participants adopted two core documents: the Rome Declaration on World Food Security and the World Food Summit Plan of Action (Population Council, 1996, p.807). In the Rome Declaration on World Food Security, Heads of State and Government reaffirmed “the right of everyone to have access to safe and nutritious food and the fundamental right of everyone to be free from hunger”. They committed “to achieving food security for all and to an ongoing effort to eradicate hunger in all countries, with an immediate view to reducing the number of undernourished people to half their present level no later than 2015”. Notwithstanding a rise in food supply, physical and economic access to food for the poor remained problematic. Thus, poverty eradication was considered essential to eliminate food insecurity. Other problems were the instability of supply and demand of food, natural disasters, conflicts and, potentially in the future, population growth and the consequent stress on natural resources. State representatives recognized that “a peaceful, stable and enabling political, social and economic environment”, based on respect for democracy, human rights, women’ rights and development, were fundamental for states “to give adequate priority to food security and poverty eradication”. Within this context, states had to promote sustainable agricultural policies aimed at increasing food production. The contribution to the realization of food security in developing and developed countries of rural women, farmers, fishers, foresters, indigenous peoples, and other people working in rural areas had to be revalued. Rural areas had to be revitalized to “help redress the excessive rate of rural-urban migration confronting many countries”. Also, unsustainable habits of consumption and production had to be eliminated. Finally, state representatives recognized the importance of solidarity and international cooperation

²⁹ The summit, already presented in chapter 1, was the first time that the newly created LVC presented on the international scene the concept of food sovereignty as an alternative to food security and the right to food.

and the need to base development programs on the values and principles contained in the declaration (Rome Declaration, 1996).

The second document approved at the World Food Summit was the World Food Summit Plan of Action. At the World Food Conference of 1974, the international community committed to eradicate hunger globally within a decade. Given that in 1996 still over 800 million people (with a global population of 5.8 billion people) suffered from hunger, participant states at the World Food Summit were more cautious. (Population Council, 1996, p.807). Thus, the 1996 Plan of Action envisaged “an ongoing effort to eradicate hunger in all countries, with an immediate view to reducing the number of undernourished people to half their present level no later than 2015, and a mid-term review to ascertain whether it is possible to achieve this target by 2010”. In the short-term developed countries and the international community had to ensure food aid to developing countries in case of emergencies by increasing food production, maintaining reserves, promoting food imports, and strengthening international food trade. In the long-term investments in research and in the agricultural sector were essential. The Plan of Action had seven commitments. Commitment 1 stressed the importance of land reforms protecting property rights, ensuring access to land and natural resources to the poor and to women and promoting a sustainable use of those resources (Objective 1.2 (b)). Commitment 2 pursued “sound economic, agriculture, fisheries, forestry and land reform policies” that would allow “farmers, fishers, foresters and other food producers, particularly women, to earn a fair return from their labour, capital and management” (Objective 2.1 (d)). Commitment 3 promoted “participatory and sustainable food, agriculture, fisheries, forestry and rural development policies and practices”. The importance of indigenous knowledge in achieving food security and of organic farming as an agricultural practice with a lower impact on the environment were also acknowledged (Objective 3.1 (b)). Besides, Objective 3.5 stressed the importance of promoting rural employment, of developing adequate infrastructures, institutions, and services, of strengthening local food production and of including vulnerable groups to support rural development and household food security. Commitment 4 focused on international trade as a key tool to achieve food security³⁰. Commitment 5 aimed at responding efficiently and effectively to natural and made-made disasters to ensure food security and a fast recovery. Commitment 6 promoted investments in the agricultural sector and development in general. And finally, commitment 7 called for the implementation and monitoring of the Plan of Action by different actors of the international community (Plan of Action, 1996).

In 2002 FAO hosted a new World Food Summit in Rome (the World Food Summit: five years later) to track the progress of the commitments made in 1996 and to “give new

³⁰ The Plan of Action fully embraced the WTO Uruguay Round. This point was strongly contested by the FSM and LVC.

impetus to worldwide efforts on behalf of hungry people” with a renewed financial and political commitment. Indeed, data revealed that the number of undernourished people in the world was not diminishing fast enough to meet the target set in 1996 (UN, n.d.). The declaration underlined the link between the right to food and food security and the newly adopted Millennium Declaration with its Millennium Development Goals (MDGs). It further observed that most of the poor and hungry (70%) lived and worked in rural areas and that poverty and hunger rates were increasing also in urban contexts. As stated in 1996, the declaration reaffirmed the importance of international trade for achieving food security. Besides, it was necessary to strengthen and increase national production and distribution of food, to promote sustainable agricultural practices and sustainable forest and fisheries management, to ensure men and women access to food and natural resources and to adopt a gender perspective in all aspects of food security (World Food Summit: Five Years Later, 2002).

Another World Summit on Food Security took place in 2009. The main outcome was the Declaration of the World Summit on Food Security. In 2009, soon after the 2007-2008 global food crisis, the number of hungry people in the world touched one billion (one sixth of the then world population). According to the declaration, it was essential to increase food production by 70%, to open international markets (also to smallholder farmers in developing countries) in accordance with WTO trade negotiations, to “invest in country-based plans” and to strengthen multilateralism (World Summit on Food Security, 2009). In his Statement to the World Summit on Food Security, the Special Rapporteur on the right to food, Olivier De Schutter, highlighted that the declaration of the summit was very weak because it supported the Doha Development Round of trade negotiations “without even acknowledging the fact that export-led agriculture [had] (...) in the past worked against the interests of smallholders”, a category that the 2009 declaration claimed needed protection. Furthermore, the declaration was silent about the fact that private transnational corporations largely controlled the whole global food system. In his statement, the Special Rapporteur identified small holders as “an increasingly important vulnerable group” (De Schutter, 2009). In this way, he suggested that agricultural workers might constitute a new group worth of protection in the human rights system: as it happened indeed with the adoption of UNDROP in 2018.

In 2021, the UN Secretary General Antonio Guterres convened in New York the Food System Summit within the Decade of Action to achieve the Sustainable Development Goals (SDGs) by 2030. The summit was defined as a people’s summit and a solutions summit, because it aimed at involving everyone – “from the worlds of science, business, policy, healthcare and academia, as well as farmers, indigenous people, youth organizations, consumer groups, environmental activists, and other key stakeholders” – to find innovative

solutions to improve our food system. The summit adopted a more holistic view of food systems, compared to previous summits considered in this paragraph. It considered that “the health of our food system profoundly affects the health of our bodies, as well as the health of our environment, our economies and our cultures”. Importantly, the summit embraced the view of scientists that “transforming our food systems is among the most powerful ways to change course and make progress towards all 17 Sustainable Development Goals” and to recover from the Covid-19 pandemic (UN, 2021a). The Food System Summit was organized along 5 Action Tracks. Action Track 1 aimed at ensuring access to safe and nutritious food for all. Action Track 2 promoted sustainable consumption habits, encouraging the consumption of local and sustainable food, promoting “the reuse and recycling of food resources”. Action Track 3 aimed at protecting the environment and natural resources from pollution, at limiting biodiversity loss with particular attention to the role played by small-scale farmers. Action Track 4 aimed at combating poverty, promoting employment and decent working conditions along the food value chain with particular attention to the most vulnerable. Finally, Action Track 5 aimed at making communities and areas particularly vulnerable to natural and man-made disasters more resilient (UN, 2021b). Specific UN Agencies would monitor the 5 Action Tracks. In particular FAO is in charge of Action Track 1, WHO of Action Track 2, the UN Convention to Combat Desertification (UNCCD) of Action Track 3, IFAD of Action Track 4 and WFP of Action Track 5 (UNSCN, 2021). This overview of the main international conferences on food and food security shows how the approach of the international community towards hunger and malnutrition changed overtime. Until recently, “some countries have criticized the absence of any mention to the root causes of global food insecurity from FAO summit and declarations, particularly the impact of agricultural subsidies on poor farmers, the conversion of grains and cereals into fuel, the consequences of financial speculation on food prices and the imposition of conditionalities on developing nations”. Developed countries seemed more willing to debate those topics within the WTO negotiations rather than within FAO gatherings (Bantekas & Oette, 2020, p.456). The global food crisis of 2007-2008 represented a watershed in the response to food insecurity and it allowed actors, like LVC, to present their vision as a valuable alternative to the existing model. Indeed, the 2021 Food System Summit adopted a more holistic approach to reform food systems that considered all aspects of the food value chain to promote a comprehensive and effective reform³¹.

³¹ However, LVC boycotted the Summit. While previous food summits were organized by FAO (which ensured the participation of CSOs through side-events), the 2021 summit was convened by the UN Secretary General and the World Economic Forum, “a private sector organization representing global corporate interests”. Thus, the summit agenda would have been controlled by agribusiness and experts supporting industrial agriculture and the space devoted to CSOs and social movements within the UN would be further restricted. According to LVC, this violates Article 10.1 UNDROP according to which small scale farmers and their representatives have a right to participate in international appointments dealing with issues that affect their livelihood (Communication team of La Via Campesina, 2021).

2.2 Right to life

The right to food is inextricably linked to the right to life. In the words of FAO Director General Addeke H. Boerma (1968-1975), “if human beings have a right to life at all, they have a right to food” (quoted in Eide, 1987, p.72). Indeed, “without food there is no life, and with the wrong food, life is shorter and more prone to ill-health” (Eide, 2018, p.190). Thus, the right to life “also embraces the freedom from extreme want” (Eide, 1987, p.19).

The right to life is protected by the UDHR and it became legally binding with the adoption in 1966 of the ICCPR. Article 3 UDHR states that “everyone has the right to life, liberty and the security of person” (UDHR, 1948), while Article 6.1 ICCPR affirms that “every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” (ICCPR, 1966). The meaning of Article 6 ICCPR was further elaborated by the Human Rights Committee (HRC, the treaty body responsible to monitor the ICCPR) in its General Comment No.36 (GC No.36). According to it, the right to life is “the supreme right from which no derogation is permitted” under any circumstances. The right to life is fundamental for every human being “for its own sake” and it is a “prerequisite for the enjoyment of all other human rights”, including the right to food. “The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity”. Among these general conditions, GC No.36 lists environmental degradation, “deprivation of indigenous peoples’ land, territories and resources, (...) widespread hunger and malnutrition and extreme poverty and homelessness”. To fulfil their obligations under Article 6, States should ensure individuals “access without delay (...) to essential goods and services such as food, water, shelter, health care, electricity and sanitation” (GC No.36, 2019).

These obligations are of a positive type, as they require states to actively protect the right to life of people under their jurisdiction (Smith, 2020, p.239). Interestingly, Bantekas and Oette wrote that “recognizing a duty of the state to provide the basics necessary for survival, would potentially transform the right [to life], or elements of it, into an economic, social and cultural right”. However, the authors also acknowledged that under Article 6 ICCPR states clearly have an obligation “to take steps that can reasonably be expected to ensure the survival of individuals falling within their jurisdiction” (Bantekas & Oette, 2020, pp.363-364). The link between the right to life and other human rights, in this case the right to food, is a clear proof of the indivisibility of human rights (Smith, 2020, p.241).

2.3 Right to land, water, and other natural resources

The right to food is also linked to the right to land, water, and natural resources. The right to land is particularly relevant in relation to the rights of indigenous peoples and it will be discussed in more detail later in the chapter. As explained by the Special Rapporteur Eide in his report of 1987, in fulfilling their obligations to protect the right to food, states must also protect land rights. States must ensure vulnerable groups access “to resources required to maintain their access to food” which entails the “protection of land rights and usufruct against invading and capital-intensive enterprises” and to prevent “local fishing or hunting grounds from being taken over and destroyed by stronger interests” (Eide, 1987, p.36). The right to land is also protected by UNDROF. Article 17 states:

“1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, (...) including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.”

Moreover, according to UNDROF, no discrimination in accessing land should exist, including forms of discrimination “resulting from change of marital status, lack of legal capacity or lack of access to economic resources”. States should recognize and protect different systems of land tenure rights, including customary land tenure rights and systems of collective use and management of natural commons. “Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions”. In case of displacement, they should have a right to return to their lands or to receive compensation. Article 17 also encourages States to implement agrarian reforms promoting an equitable access to land and other natural resources, with particular attention to landless peasants, young people, and small-scale fishers. Finally Article 17 calls on states to promote a sustainable use of land and natural resources and to adopt agroecological practices to “ensure the conditions for the regeneration of biological and other natural capacities and cycles” (UNDROF, 2018).

The second right considered in this paragraph is the right to water. In 2002, CESCR dedicated GC No.15 to an analysis of Article 11 and 12 ICESCR in relation to the right to water. Article 11 ICESCR “specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living “including adequate food, clothing and housing””. The word ‘including’ means that the list of rights is not exhaustive. According to CESCR, the right to water is clearly part of the list. Besides, the right to water

is linked to other human rights – such as the right to the highest attainable standard of health, to adequate housing, to adequate food and, most importantly, to the right to life and human dignity – and it is a precondition for their realization. GC No.15 defines water as “a limited natural resource” that should be used in a sustainable manner to ensure its use also by future generations. It is also defined as “a public good fundamental for life and health” and as “a social and cultural good and not primarily as an economic good”. According to GC No.15, everyone is entitled to sufficient, safe, physically, and economically accessible water for personal and domestic uses, for food production and agricultural activities. Therefore, marginalized farmers (including women and indigenous peoples) should be ensured access to and control over water resources for agriculture not to be deprived of their means of subsistence. Like food, “water should never be used as an instrument of political and economic pressure”. IOs such as FAO, IFAD, WB and IMF should support national efforts to promote the right to water which should be particularly cared for in the design of “lending policies, credit agreements, structural adjustment programmes and other development projects” by international financial institutions (GC No.15, 2002). GC No.15 “emphasizes that water must be ‘affordable for all’, not necessarily free for all”. However, given its importance for the realization of several human rights, water should be provided to those who cannot afford it. One way to do so is that high- and middle-income classes subsidize low-income classes through water charges. Besides, “the price of water should not be susceptible to commodity-like fluctuations or the interventions of private water providers and thus must be treated as a public good”. Since water is freely given by nature, its value “should reflect only the investment necessary to clean, purify and transport it to households”. Interestingly, “domestic water consumption accounts for less than 10% of total use, the rest being consumed by irrigation in agriculture and industry” (Bantekas & Oette, 2020, pp.447-450). However, GC No. 15 devoted little attention to the use of water in agriculture. The importance of water in relation to agriculture has been more seriously addressed by UNDROF. The declaration recognizes that rural communities enjoy a special relationship with land, water and nature which are essential for their livelihood. However, their access to them is increasingly at risk. Article 21 UNDROF is entirely dedicated to the right to water of rural communities. As all other human beings, “peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation” as defined in GC No.15. They “have the right to water for personal and domestic use, farming, fishing and livestock keeping and to securing other water-related livelihoods”. Particular attention should be given to rural women and girls, and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants regardless of their migration status, and persons living in irregular or informal settlements”. States are encouraged to provide specific technologies

“for the reuse of treated wastewater, and for water collection and storage” and adequate irrigation systems. Moreover, they should “protect and restore water-related ecosystems (...) from overuse and contamination by harmful substances” which are often the result of industrial activities (UNDROP, 2018).

The last right considered in this paragraph is the right to natural resources. “The right of peoples to control their own natural resources is basic to the realization of” the right to an adequate standard of living and the right to food (Eide, 1987, p.20). Even before the adoption of ICESCR, in 1962 UNGA adopted a resolution on the topic. The resolution recognized “the status of permanent sovereignty over natural wealth and resources as a basic constituent of the right to self-determination”. Hence, states had “the inalienable right (...) to dispose of their natural wealth and resources in accordance with their national interests”, while respecting the independence of other states of the international community. This right would have helped to promote national development, economic independence, and the well-being of the people. Finally, the resolution stated that the violation of the right was “contrary to the spirit and principles of the Charter of the United Nations and [hindered] (...) the development of international co-operation and the maintenance of peace” (UNGA Res. 1803, 1962). In 1973, UNGA reiterated its view in Resolution 3171, which recognized that cooperation among developing countries remained one of the most successful tools to protect national sovereignty over natural resources (UNGA Res. 3171, 1973). ICESCR mentions natural resources in three articles. Article 1.2 states that “all peoples may, for their own ends, freely dispose of their natural wealth and resources” and that “in no case may a people be deprived of its own means of subsistence”³². Agrarian reforms should promote an efficient use of natural resources “to improve methods of production, conservation and distribution of food” (Article 11.2(a)) with the goal of eliminating hunger and malnutrition. Thus, “the extent to which all members of the society concerned have access to food” and not “the amount of food produced” have to be measured (Eide, 1987, pp.22-23). And, finally, Article 25 reaffirms “the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources”, a right that no provision in the Covenant can impair (ICESCR, 1966). The obligation of states to respect individuals’ right to food requires states not to interfere “in all cases where the individuals, or groups, can take care of their own needs without weakening the possibility for others to do the same”. Particular attention should be given to the rights of indigenous peoples and rural communities “to exercise permanent sovereignty over their natural resources (...) to satisfy the needs of the members of that collectivity”. To do so, customary land, fishing and hunting rights should be recognized and respected (Eide, 1987, pp.34-35).

Natural resources were also the object of ITPGRFA, adopted by FAO in 2001. The treaty

³² Interestingly, “the right to permanent sovereignty [over natural resources] was the first international norm to introduce a concept of sovereignty belonging to the people other than just to states” (Azzariti, 2021, p.997).

defines plant genetic resources for food and agriculture as “any genetic material of plant origin of actual or potential value for food and agriculture”. The objectives of the treaty are “the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use” (Article 1). Article 6 calls on states to pursue “fair agricultural policies that promote, as appropriate, the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources. Article 9 acknowledges “the enormous contribution that the local and indigenous communities and farmers of all regions of the world (...) have made and will continue to make for the conservation and development of plant genetic resources” at the basis of food production. And, accordingly, state parties should promote farmer’s rights by protecting their traditional knowledge, ensuring their equal participation “in sharing benefits arising from the utilization of plant genetic resources for food and agriculture” and in decision-making processes about the use of natural resources. Article 10 states that “the Contracting Parties recognize the sovereign rights of States over their own plant genetic resources for food and agriculture”. However, international cooperation and the creation of a multilateral system of access and benefit sharing remain essential (ITPGRFA, 2001). Finally, individuals’ and groups’ rights to natural resources are protected under two UNDROP’s articles. Article 5 affirms that “peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions”. Moreover, they have “the right to participate in the management of these resources”. Article 4 refers specifically to the rights of peasant women and other women working in rural areas to be free from discrimination, including discrimination in accessing, using, and managing land and other natural resources. Besides, land and agrarian reforms should promote equal or priority treatment of peasant women (UNDROP, 2018).

On a final note, it is important to remember that UNDROP is a declaration and that a corresponding legally binding instrument does not yet exist. Thus, UNDROP’s provisions on the right to land, water and other natural resources mentioned in this paragraph are not binding on states.

2.4 Right to self-determination

This paragraph examines the link between the right to food and the right to self-determination. The first mention in international law of the right to self-determination is contained in Article 1 of the UN Charter. According to it, one of the purposes of the

UN is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples (...)” (UN Charter, 1945). Since then, the principle of self-determination has been reaffirmed in documents of, among others, the UN Security Council (UNSC), UNGA and the International Court of Justice (ICJ). However, “despite general acceptance that self-determination is part of international law, it was not until the conclusion of the two international human rights Covenants that it was accepted (...) [as] a human right” (McCorquodale, 2018, p.347). Indeed, while absent from the UDHR (Smith, 2020, p.333), the right to self-determination appears in Article 1 of both the ICCPR and the ICESCR. The decision to place this right as the first provision of the two Covenants is motivated by the fact that the right to self-determination is a fundamental precondition to the realization of all other human rights protected in the two instruments (HRC GC No.12, 1984). The article reads as follows:

- “1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations” (ICCPR, 1966) (ICESCR, 1966).

Article 1 is identical in the two Covenants. However, it has been argued that the meaning of self-determination can be interpreted in two diverse ways: under ICCPR, self-determination should be mainly interpreted as “a right to political autonomy”, while under ICESCR as a right “to economic or cultural autonomy, not necessarily involving political autonomy”. A different approach states that both Covenants emphasize the importance of economic self-determination (Smith, 2020, pp.339-340). Indeed, in GC No.12, the HRC addressed the economic component of the right to self-determination in Article 1.2 ICCPR and affirmed that “corresponding duties for all States and the international community” derive from this provision (HRC GC No.12, 1984). When considering the economic side of the right to self-determination, with the emphasis on the permanent sovereignty over natural resources (Eide, 1987, p.40) and the fact that “people may not be deprived of their own means of subsistence (...) clear overlaps with elements of the right to housing and food, the right to an adequate standard of living, and even the right to life” emerge (Smith, 2020, p.340). Moreover, the provision in Article 1.2 according to which states are free to determine their economic, social, and cultural development links the right to self-determination to the right to development; while the sovereignty over natural resources links it to the rights of indigenous peoples and rural communities and their freedom from State interference

(Smith, 2020, p.340). The last two examples are referred to as ‘internal’ self-determination that “informs the political organization of the state based on the wishes of its peoples” (Bantekas & Oette, 2020, p.468). Once again, we observe the multiple interconnections between different human rights.

2.5 Right to development, the Millennium Declaration and the 2030 Agenda for Sustainable Development

2.5.1 The right to development

Like the right to self-determination, also the right to development “has long been accepted as a human right”. The right is mentioned in Articles 55-56 of the UN Charter and, in 1957, UNGA reaffirmed its importance for the realization of human rights (Smith, 2020, p.406). During the Cold War, while Western countries supported civil and political rights and Eastern countries economic, social, and cultural rights, the Third World called for the right to development within the agenda for the promotion of a New International Economic Order (NIEO). The right to development “was formulated as a claim by less-developed countries to an international economic system that would create a more favourable – or enabling – environment for development”. It was based on the principles of self-determination, sovereignty over natural resources, and the importance of international cooperation and assistance to redress the unjust legacy of colonialism. Besides, development had to contribute to the realization of human rights for all (Fukuda-Parr, 2013, pp.172-173). In 1986, advocates of the right to development succeeded in promoting the adoption of the UN Declaration on the Right to Development (UNDRD). The declaration defines development as “a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom”. International peace and security are fundamental to realize the right to development which in turn allows for the realization of human rights and fundamental freedoms. Article 1 UNDRD identifies the right to development as an inalienable human right, strictly interlinked to the right of peoples to self-determination which entails the right to full sovereignty over natural wealth and resources. Besides, in implementing the right to development, “equal attention (...) should be given to (...) civil, political, economic, social and cultural rights” (Article 6.2). According to Article 2.1, “the human person is the central subject of development and should be the active participant and beneficiary of” it (UNDRD, 1986). “The individual is expected,

whenever possible through own efforts and by use of own resources, to find ways to ensure the satisfaction of his or her own needs”, individually or cooperating with others within the household or in the community. Thus, the state should protect individual or collective land rights. Similarly, the state should ensure individuals’ right to food which “is essential for the individual to be capable of contributing to development” (Eide, 1987, pp.23-24). The primary responsibility to promote the right to development rests on states (Article 3.1) that should “ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income” (Article 8.1) (UNDRD, 1986). In this sense, development should not be seen as dependent on foreign aid and assistance, as it appeared from the dominant literature of the 1980s-1990s (Bantekas & Oette, 2020, pp.628). However, international cooperation among states remains central (Article 3.3) (UNDRD, 1986), also because in the context of globalization, that erodes the role of sovereign nation states by lending power to IOs and transnational corporations, “the net of duty-bearers is cast wider” (Bantekas & Oette, 2020, p.632). For example, in relation to the right to food, Eide explained that, while promoting long-term policies to strengthen the food system and ensure food security, during the development process, developing countries would still need international financial and technical assistance and food aid “to overcome temporary or structural obstacles for their own development” (Eide, 1987, p.44).

In 1993 at the Vienna World Conference on Human Rights the right to development was reconfirmed “as a universal and inalienable right and an integral part of fundamental human rights” (Smith, 2020, p.406). In 2010 the UN Special Rapporteur on the right to development defined development as “the right of peoples and individuals to the constant improvement of their well-being and to a national and global enabling environment conducive to just, equitable, participatory and human-centered development respectful of all human rights”. From this definition, development can be understood as having an internal and an external dimension, the internal dimension referring to the rights of individuals and peoples towards the state while the external dimension to the rights of individuals and peoples of a country towards the international community (Bantekas & Oette, 2020, pp.630-631).

Another approach that brings together human rights and development is the human rights-based approach (HRBA) to development. In the 1990s the HRBA was promoted by CSOs and development actors advocating for development programs based on human rights and that considered the realization of human rights as the final goal of development in stark contrast with neoliberal structural adjustment programs (Fukuda-Parr, 2013, p.172). The HRBA “could ground itself in an already existing international human rights protection mechanism” whose “moral weight could constitute an efficient tool to pressure

governments” (Claeys, 2015, p.67). The UN Development Programme (UNDP) also emphasized the importance of promoting a process of economic growth that is sustainable, attentive to the needs of the poor and based on human rights. Hence, since the end of ‘90s, this approach was adopted by many UN agencies (Claeys, 2015, pp.74-76) and it certainly informed the drafting of the 2030 Agenda for Sustainable Development considered later in the paragraph.

2.5.2 The Millennium Declaration and the 2030 Agenda for Sustainable Development

Although not part of the UN human rights framework, the UN Millennium Declaration with the MDGs and the 2030 Agenda for Sustainable Development with the SDGs present interesting connections with human rights and are thus worth a mention. This discussion will focus mainly on how the two agendas dealt with the right to food and the other human rights considered in this chapter.

The Millennium Declaration with the 8 MDGs was adopted by UNGA in 2000 and it established a set of goals to be achieved by 2015. “For each goal, there were targets with time limits against which States reported” (Smith, 2020, pp.406-407). The UN Millennium Declaration called for a world based on the respect for human rights, peace, and sovereign equality of states where the benefits of globalization could be equally shared by all countries. Among the fundamental values that should have guided international relations in the new millennium, the declaration indicated the right to be free from hunger, the right to development, and solidarity. Besides, the declaration called for the respect of nature, for the protection of biodiversity and of forest ecosystems and affirmed that “the current unsustainable patterns of production and consumption” and “the unsustainable exploitation of water resources” had to be changed in the interest of future generations (Millennium Declaration, 2000). These values were reflected in the MDGs. In particular, MDG 1 (Eradicate extreme hunger and poverty) aimed at halving “the proportion of people whose income is less than US\$1.25 a day” and at halving “the proportion of people who suffer from hunger” between 1990 and 2015 (*MDG 1*, n.d.); while MDG 7 aimed at ensuring environmental sustainability (*MDG 7*, n.d.). “The MDGs marked a long way from the early days of human rights in the UN when the idea of the organization receiving reports on performance against goals would have been almost inconceivable” (Smith, 2020, p.408). However, notwithstanding the efforts of the OHCHR, UNDP and various national development agencies to evidence the link between human rights and the Millennium Declaration, the MDGs “served to guide development planning” but “tended to ignore commitments made by states to human rights and the rule of law”. Thus, when the UN decided to continue the efforts initiated in 2000 with the new 2030 Agenda for

Sustainable Development, attention was put to integrate more human rights principles and to consider them as the legitimate end of human development.

From a human rights perspective, the result was certainly an improvement. The new declaration and the SDGs contained several references to human rights³³. In the OHCHR's view "with its universal applicability and its importance in shaping development priorities, the 2030 Agenda will open up new avenues to integrate human rights into global and national policies in both developed and developing countries over the next 15 years" (Marks, 2018, pp.610-613). The 2030 Agenda "is a plan of action for people, planet, and prosperity" which "highlights the three dimensions of sustainable development (social, environmental and economic)" (Smith, 2020, p.408). It adopts a transformative and holistic approach to development which considers the features and challenges of both developing and developed countries. "Several areas reflect advancement of the Millennium Development Goals; others are new areas". The agenda has 17 SDGs with targets and indicators to measure progress³⁴ (Smith, 2020, pp.414-415) and it clearly aims at realizing human right for all, with particular attention to the right to development (Bantekas & Oette, 2020, pp.649-650). For example, the expression 'leaving no one behind', used repeatedly in the agenda, "is a rallying call for those marginalized and vulnerable groups who may be excluded and discriminated against". Moreover, there are multiple references to the principle of equality and non-discrimination (Smith, 2020, pp.417-418).

The main references in the 2030 Agenda to the rights considered in this chapter are the following. SDG 1 (No poverty) in target 4 aims at ensuring by 2030 "that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, [and] natural resources (...)" (*SDG 1*, 2015). SDG 2 (Zero hunger) aims at ending hunger for all, especially the most vulnerable, and at ensuring access "to safe, nutritious and sufficient food all year round" (Target 1). It also aims at doubling "the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers" and to "secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment" (Target 3). It encourages the development of a food system based on sustainable agricultural practices resilient to climate change (target 4). Finally, Target 2.b calls for the correction and prevention of world agricultural trade restrictions and

³³ For instance, paragraph 19 states: "We reaffirm the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status" (2030 Agenda for Sustainable Development, 2015).

³⁴ Different UN Specialized Agencies are in charge of monitoring goals related to their activities. For example, FAO monitors SDGs 2, 5, 6, 14, 15 (Smith, 2020, p.416).

distortions in accordance with the Doha Development Round (*SDG 2, 2015*). SDG 6 (Clean water and sanitation) strives to ensure everyone the availability and sustainable management of water and sanitation (*SDG 6, 2015*). SDG 10 (Reduced inequalities) aims at promoting the “representation and voice for developing countries in decision-making in global international economic and financial institutions” (*SDG 10, 2015*). SDG 12 (Responsible consumption and production) promotes “the sustainable management and efficient use of natural resources” (Target 2) and calls to “halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses” (Target 3) (*SDG 12, 2015*). SDG 13 (Climate action) is devoted to climate change and aims at strengthening “resilience and adaptive capacity to climate-related hazards and natural disasters in all countries” (Target 1), at integrating “climate change measures into national policies, strategies and planning” (Target 2) and at improving “education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning” (Target 3) (*SDG 13, 2015*). SDG 14 (Life below water) aims at effectively regulating harvesting and at ending “overfishing, illegal, unreported and unregulated fishing and destructive fishing practices” (Target 4). It also encouraged access for small-scale artisanal fishers to marine resources and markets (Target b) (*SDG 14, 2015*). Finally, SDG 15 (Life on land) aims at combating desertification and at restoring degraded land and soil (Target 3) (*SDG 15, 2015*).

These goals have clear connections with the human rights presented in this chapter. The right to food is obviously linked to MDG 1 and to SDG 2. However, if we adopt a more holistic approach to it, there are also links with SDGs 1, 6, 12, and 14. The right to water is clearly related to SDG 6. The rights to land and natural resources are mentioned in SDGs 1, 2, 12, 14, with SDG 2 also referring to the specific right of indigenous peoples to access to land and natural resources. Finally, while the right to development and the right to self-determination can be considered as overarching principles that color the whole agenda, the right to life is a precondition for the enjoyment of all other rights and SDGs. However, notwithstanding these interesting connections, also the 2030 Agenda “has been criticized for failing to conform to both human rights and the normative standards of the concept of sustainable development”. The main critique is related to the presumed excessive emphasis on economic growth as a tool for poverty eradication (Bantekas & Oette, 2020, p.651).

2.6 Rights of indigenous peoples

This last paragraph addresses the rights of indigenous peoples (with a specific focus on land and natural resources) since indigenous peoples are one of the categories protected by LVC

together with small-scale farmers, family farmers etc. Indigenous peoples claim specific rights in international law because “they have specific needs and vulnerabilities which demand legal protection” (Smith, 2020, p.364) and that are not necessarily addressed by existing instruments and mechanisms (Bantekas & Oette, 2020, p.493). Rights claims by indigenous peoples are linked to historical events, particularly colonization and the attempts to assimilate them in the new nation-states and consequently to alienate them from their traditional ways of living. As mentioned in a previous paragraph, there is a strong link between the rights of indigenous peoples and the right to land. During the colonization period many indigenous peoples were either disposed of, forcibly removed from, or pressured to cede their land. This also impacted their access to natural resources, which today is put seriously at risk because of the exploitation of land by governments and private actors resulting in mass deforestation, mining and oil and mineral exploration (Smith, 2020, pp.365-367).

As of today, the ILO Convention No. 169 on Indigenous and Tribal People³⁵ “remains the most comprehensive legally enforceable instrument” to protect indigenous peoples (Smith, 2020, p.369). Convention No.169 dedicates an entire part to land. The Convention acknowledges the special relationship that indigenous and tribal people have with the lands and territories that they occupy or use. This relationship has a collective dimension since it is related to the cultivation of cultural and spiritual practices (Article 13). Thus, States shall recognize the rights of ownership and possession over the lands and territories traditionally occupied by indigenous and tribal people and shall “safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities”. Special attention should be given to nomadic peoples and shifting cultivators (Article 14). Article 15 defines the rights of indigenous and tribal people to the natural resources present on their lands, which include the right “to participate in the use, management and conservation of these resources”. Finally, national agrarian reforms and policies should ensure indigenous and tribal peoples “more land (...) when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers” and adequate means “to promote the development of the lands which these peoples already possess” (Article 19) (C169, 1989). Other two important instruments are the 1992 Rio Declaration of Environment and Development and the 1992 Convention on Biological Diversity that recognize the contribution of indigenous knowledge to biodiversity (Bantekas & Oette, 2020, p.493).

In 2007, UNDRIP was adopted by UNGA. Although not legally binding, the declaration “represents the most comprehensive response to the issues of indigenous peoples at the

³⁵ This Convention revised and substituted the ILO Convention No.107 on Indigenous and Tribal Populations (1957) to overcome its assimilationist orientation (McCorquodale, 2018, p.363).

universal level”. Moreover, its general acceptance and relevance is demonstrated by the introduction of provisions from UNDRIP into national legislation and in the jurisprudence of regional courts such as the Inter-American Court of Human Rights (McCorquodale, 2018, p.363). The rights protected under UNDRIP are of a collective nature, since they are indispensable for indigenous peoples’ existence, well-being and development. According to UNDRIP, “indigenous peoples have the right to the full enjoyment, as collective or as individuals, of all human rights and fundamental freedom (...) in international human rights law” (Article 1). The right to self-determination gives them the right to “determine their political status and freely pursue their economic, social and cultural development” (Article 3). Moreover, they “have the right to autonomy or self-government in matters relating to their internal and local affairs” (Article 4). They “shall not be forcibly removed from their lands and territories” (Article 10) and effective mechanisms to prevent or redress the dispossession of land, territories and resources should be established by States (Article 8.2(b)). To realize their right to the highest attainable standard of physical and mental health, they “have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals” (Article 24). Article 26 protects the right to land using a similar wording to the ILO Convention No.169. Moreover, indigenous peoples have “the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources” (Article 29). Importantly, they also “have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora” and they have intellectual property rights over them (Article 31) (UNDRIP, 2007).

The latest instruments on the rights of indigenous peoples, still under discussion, are the Draft General Comment (No. 26) on Land and Economic, Social and Cultural Rights of CESCR (Draft GC No.26) and the Draft General Recommendation 39 of the Committee on the Elimination of Discrimination against Women (CEDAW) (Draft GR No.39). Draft GC No.26 reaffirms that access to land is a precondition for the realization of many rights contained in the ICESCR (e.g. the right to food, water, natural resources, housing, adequate standard of living) and it is essential to fight hunger and poverty. Moreover, it highlights some interesting new points. First, Draft GC No.26 considers that land rights are becoming increasingly important in light of population growth and climate change. On the one hand, population growth determines increasing urbanization which “often takes place on land that is being used by peasants, rural communities, pastoralists and indigenous communities or as natural reserves and forests”. Besides, it determines an increase in demand for agricultural commodities and thus in land for food production. On the other

hand, climate change reduces “the availability and quality of land”. However, the document acknowledges that land degradation is also caused by “unsustainable agronomic practices and other unsustainable land management practices” usually performed by large-scale agribusiness. Importantly, the document recognizes that States have an obligation to protect small-scale farmers from non-state actors “in the context of large-scale land acquisitions (...) which risk violating Covenant rights (...) of smallholders, whose informal land use titles are often poorly recognized”. This also entails the recognition of extraterritorial obligations of states under the ICESCR, since “land transfers are quite often financed or fostered by international actors”. The document recognizes indigenous peoples and women as particularly vulnerable in this situation. Indeed, indigenous peoples, together with fisher folk, pastoralists, and landless rural people, “depend on access to communal lands or the commons for gathering firewood, collecting water or medicinal plants, or occasional hunting or fishing”. Thus, they should be ensured customary forms of property. Second, Draft GC No.26 recognizes the link between land rights and poverty. Land distribution schemes should benefit the poor and small-scale and family farmers. In this way, the poor would see their levels of social inclusion, economic empowerment, and food security increase, while small-scale and family farmers would be in a position to contribute more to a sustainable rural development. Third, Draft GC No.26 recognizes the seriousness of climate change and affirms that “States parties should engage in long-term regional planning in order to maintain the environmental functions of land”, adopting “a human rights-based approach to conservation, biodiversity and the sustainable use of land and other natural resources”. Finally, the document recalls the importance of the recently adopted UNDROP which protects farmer’s rights and land rights (Draft GC No.26, 2021).

The second document is Draft GR No.39 by CEDAW. According to it, indigenous women and girls have the right to development, and they play a key role in realizing this right together with their communities. As all indigenous peoples, they have the right to self-determination and the right to land, territories, and natural resources. However, the lack of legal protection of indigenous peoples’ rights in national laws and constitutions seriously puts them at risk (with indigenous women and girls being particularly affected). The result is that, frequently, states and private actors “implement investment, development, tourism, mining, logging, and extraction activities in indigenous territories” without prior consultation with indigenous communities. These activities “can cause food and water contamination, disruption, and degradation” and undermine indigenous peoples’ access to land, water, and natural resources. The results are increasing levels of poverty, food, and water insecurity. Draft GR No.39 also highlights that indigenous women and girls have the right to food, water, and seeds. Indeed, indigenous women and girls play a key role as food producers, guardians of native seeds and workers in the farming, hunting, and fishing

sectors³⁶. The increasing commercialization of seeds is of particular concern, since their commercialization “often occurs without benefit sharing with indigenous women”. The same happens with “the proliferation of transgenics or genetically modified crops”. Of great significance is the fact that Draft GR No.39 recommends States to recognize indigenous women and girls’ contribution to food sovereignty (Draft GR No.39, 2022).

With these last two interesting instruments, we can move to chapter 3. In chapter 3, we will try to find a synthesis between the food sovereignty paradigm championed by LVC and the human rights paradigm to protect the right to food and the other rights considered in this chapter.

³⁶ The relevance of indigenous women’s rights to land and collective ownership, natural resources, water, seeds, forests and fisheries was already signaled by GR No.34 CEDAW.

CHAPTER 3

Looking for a synthesis: the claim for a new human right to food sovereignty and for peasants' rights

Starting from the analysis in chapter 1 and 2, this chapter will try to find a synthesis between the FSM and the human rights discourse. Paragraph 1 will review the food sovereignty paradigm, trying to address some of the critiques presented in chapter 1. An important source will be represented by the interviews that I conducted with two representatives of ARI, the Italian member organization of ECVV and of LVC globally: Antonio Onorati, ARI Coordinator of the Region Lazio and Fabrizio Garbarino, President of ARI and Coordinator of the Region Piemonte¹. Then, paragraphs 2 and 3 will look at similarities and differences between the FSM and the human rights system to identify spaces of convergence and desalination. These spaces represent an opportunity for innovation and improvement for both paradigms. Paragraph 4 will review the concepts of group, collective and solidarity rights, since the new rights claimed by LVC fall into these categories. Paragraph 5 will analyze what it means to claim new, or newly focused human rights and it will present the efforts of LVC to recognize in the UN human rights system the right to food sovereignty and peasants' rights. Finally, paragraph 6 will try to draw a conclusion and answer the following questions: are new human rights to food sovereignty and peasants' rights necessary to combat hunger and malnutrition, better protect the right to food, achieve food security and revitalize the rural sector? Or, is the existing human rights framework (presented in chapter 2), once reviewed and expanded according to food sovereignty principles, sufficient?

3.1 Reviewing the concept of food sovereignty: addressing the critiques

This paragraph reviews and re-elaborates the concept of food sovereignty. It is structured along the main critiques presented in chapter 1 and, with the help of the interviews to Antonio Onorati and Fabrizio Garbarino of ARI, it will address some of the internal weaknesses and contradictions of the FSM.

¹ For more info on ARI and ECVV see *ARI*, n.d. and *ECVV*, n.d.

3.1.1 International agricultural trade and the WTO

The most common critique to the FSM is its position towards international trade and the inclusion of agriculture within the WTO. Hospes argued that by advocating to remove agriculture from the WTO, the FSM risks to be excluded from international policymaking. Given that the importance of international trade is undeniable, the FSM should build alliances also in the WTO to be at the negotiation table (Hospes, 2009). Burnett and Murphy added that today there are the conditions to negotiate with the WTO and the potential to include some food sovereignty principles in the rules of trade (Burnett & Murphy, 2014, p.1080). Moreover, hundreds of millions of small-scale farmers and rural workers around the world already engage in international trade and rely on food exports for their livelihood. Agarwal and Edelman (et al.) also criticized the excessive emphasis on national and local self-sufficiency, arguing that not all countries can produce their own food for geographical and environmental constraints (Agarwal, 2014, p.1251)(Edelman et al., 2014, p.916). Finally, Bernstein considers the position of the FSM on international trade vague and idealistic (Bernstein, 2014, pp.1052-1053).

During the interview, Onorati explained to me that food sovereignty is different from autarchy or self-sufficiency. Food sovereignty accepts forms of exchange among territories and productions, for the simple fact that not all territories “can produce mango or Brunello di Montalcino”. Food sovereignty is not against international trade. It is against the fact that in a neoliberal context states cannot regulate international markets. Trade liberalization produces a series of problematic effects. It determines a reorganization of the production system based on specialization. Thus, producers in some countries will produce more than needed for their domestic market and sell the surplus on international markets. In this way, they will compete with producers in other countries and consumers in those countries will have to rely on international markets for certain goods. This system is not just about exchanging goods. It is also about ‘exchanging’ land, water, natural resources. As an example, “when buying palm oil, we, European are using part of the land taken from Indonesian farmers”. Currently, international agricultural trade covers only the 6-15%² of the global agricultural output. Although the percentage of agricultural goods exchanged on international markets is low, price volatility on international markets influences domestic markets. Only a few enterprises benefit from this. However, in Europe, since the EU is the first agricultural power in the world, we tend not to see the weaknesses of the system. The same is true

² The percentage depends on the years and on the list of agricultural products considered. These figures include the so-called colonial products (tea, coffee and cacao) that have always been on the global market (A. Onorati, personal communication, 9 September 2022).

for the US³. Against this background, food sovereignty suggests that rules should govern international trade and its impact on producers and consumers. States should have the possibility to introduce protectionist measures for their domestic markets to promote an agricultural system that is labour-intensive, agroecological and resilient towards climate change. Certain products (wine is an example) are often produced in quantities that can satisfy domestic and international demand. In this case, international trade is acceptable. (A. Onorati, personal communication, 9 September 2022).

With Garbarino we discussed about international agricultural trade with reference to the current war in Ukraine. In his view, this crisis is showing how our economic system is based on deeply fragile and unequal foundations. It is fragile, in that, with a crisis that is localized in a specific and relatively small region, the whole world is affected. It is unequal, because food security, let alone food sovereignty, cannot be achieved in such a system. Indeed, countries that could be self-sufficient are bound to specialize in a few productions⁴ for international markets. This neocolonial and neoliberal mechanism, strictly dependent on geopolitical dynamics, affects (although differently) both developed and developing countries (F. Garbarino, personal communication, 5 September 2022). Another representative of LVC from Spain⁵, interviewed by Claeys, added that since “farmers have very unequal access to farming animals, tools and machinery, and work in very diverse climatic and soil conditions, leading to high differences in labor productivity”, they should “not be forced to compete with each other” (Claeys, 2015, p.17). Therefore, LVC advocates for the creation of “genuine international democratic mechanisms to regulate food trade while respecting food sovereignty in each country”. This could be better achieved in a multilateral, more democratic and transparent space than the WTO, such as UN. “In this way, trade regulations would have to comply with, rather than override, international agreements such as” the ICESCR (Desmarais, 2003, pp.20-22).

Regarding the relationship between LVC and the WTO, the decision of LVC to remain out of it was made in 1996 at the NGO Forum to the World Food Summit in Rome, together with other 860 organizations from all over the world⁶ (A. Onorati, personal communication, 9 September 2022). The main reasons, as exposed by Desmarais, are the following. First, within the WTO, “corporate interests (...) continue to be an active and

³ Although the US is the main exporter of grain, it depends on international markets for many other goods (A. Onorati, personal communication, 9 September 2022).

⁴ Sometimes food, including colonial goods, sometimes biofuels or energy (F. Garbarino, personal communication, 5 September 2022).

⁵ From *Coordinadora de Organizaciones de Agricultores y Ganaderos* (COAG), member organization of LVC in Spain. For more information see: (COAG, n.d.).

⁶ The position of LVC towards international trade and the WTO is also shared by Eric Holt-Giménez, the former Executive Director of Food First. In an interview with Bantekas and Oette, he argued that to alleviate poverty and hunger, international trade rules should entail the right of nations to protect their domestic markets from dumping. Significantly, he underlined that to achieve this, it would be necessary to take agriculture out of the WTO. He also urged the inclusion of human rights principles (in particular the right to food) into trade policies (Bantekas & Oette, 2020, pp.891-892). For more information on Food First: *Home - Food First*, n.d.

dominant force”. In 1996, at the first Ministerial Conference in Singapore, 65% of the accredited NGOs “represented business interests”. In general, CSOs accepted in the WTO share the fundamental principles of globalization, “while most grassroots social movements with more critical views” tend to be excluded (Desmarais, 2003, pp.15-16). Second, according to LVC, it is not possible to reform the WTO. The “lack of transparency and accountability, accompanied by blatant undemocratic practices and links to agro-industry, make it a completely unsuitable international structure to be responsible for overseeing the food trade”. Therefore, LVC fights to take agriculture out of the WTO. Third, should LVC participate in the WTO, it would contribute “to legitimizing the institution’s reach into agriculture and food”⁷ (Desmarais, 2003, p.21). LVC’s participation could “be used to co-opt, thus effectively diluting or silencing [its] opposition” (Desmarais, 2003, p.25). Desmarais concludes that LVC’s demands “are not as radical as they are often portrayed in the mainstream media”. LVC is asking to transform “the exclusive market-driven agenda” of the WTO in “a human rights-driven set of international trade regulations”, under the auspices of the UN. “Is this so radical?”, she wonders (Desmarais, 2003, p.34).

3.1.2 Food security and food sovereignty: is there a difference? Who benefits from applying food sovereignty to achieve food security?

A second critique is that the difference between food security and food sovereignty is not always that clear. Sometimes there are significant overlaps and food sovereignty activists themselves often consider food sovereignty as a precondition for food security (Edelman et al., 2014, p.914). To this point, Onorati argued that the concept of food sovereignty was created in the 1990s as an alternative to food security. He stressed that food security is not under discussion. But what kind of food security? Food sovereignty is different from food security in that it proposes a much wider and holistic approach to tackle hunger and malnutrition. It includes an element of social transformation where the right to food and peasants’ rights are adequately protected (A. Onorati, personal communication, 9 September 2022). Conversely, food security is strictly linked to neoliberalism and considers international trade a key instrument to achieve global food security. “Hunger is seen as a technical problem that is best addressed by productivist, market and trade focused solutions”. By focusing on increasing production and productivity, food security “reinforces the new corporate food regime” (Claeys et al., 2020, pp.5-6).

A related critique questions the effectiveness of applying food sovereignty principles to achieve food security. Hospes argues that most likely, small-scale farmers would benefit

⁷ “By working within the FAO – a relatively more farmer-friendly institution than the WTO – the Vía Campesina could potentially help shift power dynamics between the FAO and other major agencies like the IMF, the World Bank, and the WTO” (Desmarais, 2003, p.21). For the relationship between FAO and LVC see also the interview with Onorati in the Appendix of the thesis.

from it. But what about the society at large? Would a shift from industrial agriculture and the reliance on international agricultural markets to small-scale food production ensure food security for everyone? In his view, this would not be possible and local food systems should complement rather than substitute export-led agriculture (Hospes, 2009). Similarly, Agarwal argued that ensuring food security with small-scale agriculture requires huge investments that only few developing countries could afford (Agarwal, 2014, pp.1247-1259). Finally, Edelman (et al.) is unsure on whether food sovereignty alone could solve hunger and malnutrition (Edelman et al., 2014, p.926). Responding to this critique, Onorati told me that the latest census on agriculture by the Italian National Institute of Statistics (ISTAT) showed that in times of crisis, such as the pandemic or the Ukrainian war, smaller agricultural enterprises are more resilient⁸. This is clear evidence that, at the test of reality, peasant agriculture is more efficient than industrial agriculture. “Numbers are clear, and ISTAT says so, not ARI” (A. Onorati, personal communication, 9 September 2022). Garbarino added that during the pandemic in Italy, when due to lockdown and mobility restrictions people could not move, small-scale and local agriculture played a fundamental role in ensuring families access to food, demonstrating that small-scale and local agriculture can address the needs of huge sectors of the society. At the global level, FAO showed that peasant agriculture is responsible for the 70% of global food production. The problem for LVC and the FSM is to make themselves listened to by citizens and decision-makers and push policy-makers to act (F. Garbarino, personal communication, 5 September 2022).

3.1.3 Accommodating differences within the FSM

Another critique to the FSM, regards the exact meaning of food sovereignty. LVC's membership is composed of organizations from all regions of the world, with very different economic, political, social, and cultural characteristics. Therefore, how all these diverse actors coming from different realities and with different interests can agree on a common definition of food sovereignty and on a common agenda for action? Agarwal, for instance, is skeptical about the actual level of democratic debates and consensual decision-making within LVC. She wonders how gender, ethnic, and social inequalities can be addressed and how a common solution can be found in such a diverse movement (Agarwal, 2014, pp.1247-1259).

Garbarino clearly affirmed that the concept of food sovereignty is univocal in all the regions of the world. What is different is the way in which the member organizations at the regional or national level struggle to achieve food sovereignty. For example, in Europe where the EU oversees agricultural policies, the strategy of ECVC is to pressure the European Parliament

⁸ See ANSA, 2022.

and the Commission to pass a directive encompassing the concept of food sovereignty that would be directly applicable in all EU member states. In other regions of the world, where agrarian policies are decided by national governments, member organizations of LVC must design specific strategies for each country. Moreover, it is important to emphasise that the achievement of food sovereignty in one country or region should not be achieved at the expense of the food sovereignty of others. In this sense, ECVC works to achieve food sovereignty in Europe but also to combat European policies that can endanger the food sovereignty of other regions. This makes the struggle of LVC continental, trans-continental and global (F. Garbarino, personal communication, 5 September 2022).

Onorati added that food sovereignty is not a recipe to be applied in the same way in every context. It is a platform for action. Therefore, starting from a common understanding of the basic principles of food sovereignty, as articulated by LVC and the IPC in Nyéléni (2007), the concept should be adapted to different regional, national and local contexts, taking into account their specificities and needs (A. Onorati, personal communication, 9 September 2022). Also, Elizabeth Mpofu, General Coordinator of LVC explained:

“[S]ome academics and analysts were concerned that La Via Campesina seems to have a new and different definition of Food Sovereignty after every meeting and forum. Maybe they think this reflects a lack of seriousness on our part. But that would be a misunderstanding. We are not trying to create the perfect definition, for a dictionary or for a history book. We are trying to build a movement to change the food system, and the world. To build a powerful movement, you need to add more allies. And as you add more allies, you have more voices. More contributions. More issues to take into account. So your concept grows, it evolves, it broadens” (quoted in Claeys et al., 2020, p.3).

3.1.4 Who is the ‘sovereign’ in food sovereignty?

Another critique moved by many authors raised the following question: who is the ‘sovereign’ in food sovereignty? This point is particularly relevant when discussing food sovereignty in human rights terms, since the ‘sovereign’ can be intended as the right-holder of a possible new human right. For Hospes, since the ‘sovereign’ has the right to define agri-food policies in a state, it is important to clarify whether the ‘sovereign’ are individuals, communities, or governments (Hospes, 2009). Agarwal posed the problem of a definition of food sovereignty that has continuously evolved overtime and that came to encompass different elements sometimes at odds with one another (Agarwal, 2014, p.1264) These expanding definitions allowed a variety of actors to identify themselves in the FSM but pose many problems of implementation, since the interests of peasants, communities and states may not coincide (Agarwal, 2014, pp.1247-1259).

I tried to better understand this point during my interviews with Onorati and Garbarino. The general and shortest definition of food sovereignty is the right of peoples and nations to

decide their own agricultural policies (A. Onorati, personal communication, 9 September 2022). By using the term ‘peoples’ LVC tried “to embrace the multiplicity of decision-making levels where food sovereignty policies ought to be discussed” (Claeys, 2014, p.4). Defining food sovereignty as a right of peasants, communities or states depends on where the right is negotiated, in which legal framework, and on who are the actors involved. When negotiating a public policy based on food sovereignty, it is essential to ensure an effective participation of different members of the society, from peasants to consumers, so that their interests are discussed and accommodated. Only in this way, fair prices to peasants and access to food to the community at large can be ensured. The emphasis on an effective participation implies that food sovereignty can only exist in democratic societies. Otherwise, it becomes autarchy.

So, who is the ‘sovereign’? Who is the right-holder? For LVC, peasants are the main ‘sovereigns’ or right-holders since they are the main producers of food and thus the main promoters of food sovereignty in a country. This is the rationale behind UNDROP. A state promoting public policies based on food sovereignty can also be the ‘sovereign’ and thus a right-holder, provided that, when negotiating food sovereignty policies, it involves all relevant stakeholders in a transparent, inclusive, and democratic dialogue⁹(A. Onorati, personal communication, 9 September 2022). In countries where indigenous peoples live, they are the ‘sovereigns’. Indigenous communities should be free to decide what food to produce and how to produce it, independently from the state and from international development plans. Another example of ‘sovereign’ could be the EU. The EU could embrace food sovereignty and transform it in a supranational right to be applied similarly in a vast and diverse territory. This would imply a European agrarian policy capable of ensuring access to food produced in Europe to the European population, while at the same time promoting international cooperation and development programmes aimed at securing food sovereignty in other regions (F. Garbarino, personal communication, 5 September 2022). Certainly, companies and the private sectors are not ‘sovereigns’ (A. Onorati, personal communication, 9 September 2022). The fact that the right to food sovereignty has several right-holders can also be explained by the fact that, similarly to the right to self-determination and the right to development, the right to food sovereignty has an internal and an external dimension. The internal dimension refers to “the right of a people to choose their own political, economic, and social system”, while the external dimension involves “the right of states to develop their agriculture” (Claeys, 2014, p.4).

⁹ A state cannot be left alone at implementing food sovereignty. The human rights system is based on the responsibility of states to promote, protect, and fulfil human rights. Therefore, when introducing the right to food sovereignty in a human rights instrument, care should be taken to provide a definition of the concept. The risk is that, without specifying the meaning of food sovereignty, the state is left free to interpret the right as it sees fit. Should the interpretation of the state be in contrast with that of the social movement promoting it, the struggle of the social movement would be in danger (A. Onorati, personal communication, 9 September 2022).

3.1.5 Food sovereignty as an individual or a collective right?

Agarwal points to the tension between considering food sovereignty as an individual or a collective right. She finds no clear answer in the elaborations of the movement, which she considers a major weakness (Agarwal, 2014, pp.1247-1259).

LVC developed a new conception of human rights, still in the making, that emphasizes collective over individual rights. The collective dimension “targets the various decision-making levels (and actors) where food and agricultural governance issues ought to be deliberated, (...) rather than focusing on the role of the state” (Claeys, 2014, p.3). During the interviews, both Onorati and Garbarino clearly referred to the right to food sovereignty as a collective right. Other campaigns and struggles of LVC are also framed in collective terms, although LVC values and respects individual human rights (F. Garbarino, personal communication, 5 September 2022) (A. Onorati, personal communication, 9 September 2022). Before UNDROP, another instrument recognized collective human rights of farmers, the ITPGRFA. Article 9 ITPGRFA established the right of farmers (in the plural) to genetic resources, biodiversity, and seeds (ITPGRFA, 2001). Then, during the negotiations of UNDROP, peasants’ rights with a collective dimension were further advanced. For Onorati, the problem is not a potential conflict between individual and collective rights, but the fact that the human rights system works mainly with individual human rights and lacks a legal framework capable of addressing collective rights claims. Struggles of social movements produce new rights (UNDROP is an example). But these new rights must be placed in a legal framework to be implemented and monitored. Thus, the next step is the creation of the legal framework¹⁰ (A. Onorati, personal communication, 9 September 2022). Philip Alston, quoted by Wellman, “distinguished three stages in the process of formulating and implementing human rights”. The first one is “the perception of a problem and the identification of relevant needs”, the second “the translation of some of these needs into specific legal norms”, and the third “the elaboration of means by which to promote realization of these norms” (Wellman, 2000, p.645).

3.2 Similarities between the FSM and the human rights system

Based on the discussion in chapter 1 and 2, this paragraph and the next one focus on the similarities and differences between the FSM and the human rights system. The paragraphs

¹⁰ This problem does not only affect collective rights, but also economic, social and cultural rights that have difficulties in being applied and monitored. Interestingly, in the 1970s and 1980s, also the right to food was intended more as “a collective right forming part of the category of third-generation rights”. This view was endorsed by the then Special Rapporteur Asbjørn Eide. However, this conception tended to be abandoned in the mainstream discussion and the right to food came to be considered an individual human right (Claeys, 2015, pp.76-77).

will compare the concept of food sovereignty with the human rights presented in chapter 2 and with the concept of food security. The comparison is made possible by the fact that also the FSM adopts a rights-based approach, by protecting the rights of peasants and other people working in rural areas to food, food-producing resources, and just markets. When using a human rights discourse, the FSM mentions both rights already protected in international human rights law (as the right to food) and rights that are still negotiated and claimed by social movements (as the right to food sovereignty). Indeed, “the rights-based language is used to support the political demands by showing that these objectives have to be implemented to fulfil rights that are considered as basic by the affected communities” (Windfuhr & Jonsén, 2005, p.24).

3.2.1 Right to food and food security

The first similarity between the FSM and the human rights system is the importance that the two approaches devote to the right to food and to food security. Since 1996, when LVC launched the concept of food sovereignty in Rome, the right to food constituted a fundamental pillar of food sovereignty. In the declaration *Food sovereignty: a future without hunger*, LVC affirmed that “food is a basic human right” and that “each nation should declare that access to food is a constitutional right and guarantee the development of the primary sector to ensure” its realization (La Via Campesina, 1996)¹¹.

Similarities between the concept of food sovereignty and the right to food can be seen by looking at some human rights instruments and FAO documents. Article 11.2 ICESCR on the right to adequate food stresses the importance of improving “methods of production, conservation and distribution of food (...) by reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources”. Moreover, attention should be given to the needs “of both food-importing and food-exporting countries” (ICESCR, 1966). In his analysis of Article 11 ICESCR, Haugen concluded that many components of food sovereignty fall within the human right to food. Besides, he argued that many provisions of Article 11 are underutilized but could potentially be re-interpreted as to embrace some concepts of food sovereignty (Haugen, 2009, p.291). As an example, although the right to adequate food “does not specifically address the agricultural production model, agricultural trade and international markets, all these aspects need to be aligned” with it. Thus, should “national and international agricultural trade and food policies hurt smallholder producers and lead to poverty and hunger” those policies should

¹¹ Therefore, food sovereignty recognizes the importance of realizing everyone’s individual human right to food as defined in the human rights system (Windfuhr & Jonsén, 2005, p.14). Interestingly, the definition of food sovereignty given by the IPC in 2002 talked about a “right of peoples, communities, and countries”. In 2004, the definition was modified to include also individuals as right-holders to underline that the IPC considered the right to food as an individual human right (Windfuhr & Jonsén, 2005, p.12).

be revised in accordance with the right to adequate food. Another example is that the right to adequate food pays particular attention to vulnerable groups. Thus, considering that peasants and other people in rural areas are severely affected by hunger, it can be said that the right to food also protects peasants (Beuchelt & Virchow, 2012, p.268). GC No.12 of CESCR (elaborating on Article 11) stresses that hunger is not determined by the lack of food, but by poverty and difficulties in accessing food. Hence, food should be economically and physically accessible; available in sufficient quantity and quality; adequate to the social, cultural, economic, and natural context in which it is consumed. These three elements resonate with some of the objectives of food sovereignty. 'Availability' refers to the right of peasants "to feed themselves using land and natural resources directly at their disposal"; 'Accessibility' to the right to access the resources to produce food; and 'acceptability' to "the fact that the right to adequate food must keep into account cultural values linked to food" (Azzariti, 2021, p.1008). Besides, GC No. 12 affirms that states should address all aspects of the food system from production to consumption, paying particular attention to the sustainable use of natural resources. Finally, food aid should be respectful of local traditions and needs. It should not excessively impact the local food system and it should be limited in time to "facilitate the return to food self-reliance of the beneficiaries" (GC 12 CESCR, 1999). According to the 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security', States should pursue policies of rural development and agrarian reform that ensure people working in rural areas to earn a decent living, to have access to land and natural resources, technologies and other means of production and financial resources. Sustainable agricultural practices should be encouraged, together with a sustainable management of natural resources. (Guideline 2). Investments to revitalize the agricultural sector should devote particular attention to small-scale producers. (Guideline 3) and "donors should promote increased use of local and regional commercial markets to meet food needs in famine-prone countries and reduce dependence on food aid" (Guideline 15) (Voluntary Guidelines on the Right to Food, 2004).

Regarding food security, LVC considers food sovereignty as a precondition to genuine food security. As shown before in this chapter, LVC does not contest the idea of food security. On the contrary, it establishes more precise rules to achieve it. Food sovereignty principles resonate in the 1985 World Food Security Compact developed by FAO. The document declared that "governments of developing countries should promote domestic food production as the first line of attack on food insecurity" and limit the dependence on food imports to feed urban populations. Besides, in relation to food trade, the document stated that the principle of comparative advantages works only between countries with equal levels of economic development and technical capacities. In situations of profound

asymmetries, it is questionable whether rural populations in developing countries would benefit from large and cheap imports of food from developed countries (Eide, 1987, pp.45-47). This elaboration resonates with the position of LVC and the FSM on international trade. However, with other FAO documents on food security there are less similarities¹². For LVC, the right to food can only be achieved in states that ensure food sovereignty (La Via Campesina, 1996), which is a precondition to genuine food security. Therefore, there is a clear link between food security, the right to food and food sovereignty, where food security can be seen as a technical concept or as a goal with no specific programme on how to achieve it; the right to food as a legal concept that identifies individuals as right-holders and the state as the duty bearer leaving states with “a wide margin of discretion on how to implement it”; while food sovereignty as a more holistic and “precise policy proposal”. Hence, food sovereignty is the umbrella concept that embraces the right to food and food security (Windfuhr & Jonsén, 2005, p.23).

However, there are also some differences between the two rights, sometimes difficult to reconcile. Three of them will be addressed in the next paragraph. Here, another aspect will be briefly discussed. One fundamental aspect of the right to food sovereignty as formulated in UNDROP, which is absent from ICESCR and its general comments, is “peasants’ participation in the decision-making processes that have an impact on food and agricultural policies”. In doing so, the right to food sovereignty “overturns the neutral conception of the right to adequate food and lays another brick in the democratization of the international legal system”. Indeed, involving peasants in the decision-making process around agriculture has the effect of imposing more checks and balances on the power of states. Besides, it can be a way to promote genuine agrarian reforms, to regulate land distribution schemes that respect peasants’ rights and possibly to modify international trade norms (Azzariti, 2021, p.1008-1009).

3.2.2 Right to land, water, and other natural resources

In many documents produced by LVC (see chapter 1), there is a strong emphasis on the importance of water, land and natural resources for peasants, rural communities, and indigenous peoples. The right to land, water, and natural resources are all protected by UNDROP. They are attributed to peasants and other people working in rural areas and they have both an individual and a collective dimension. Article 17 UNDROP protects the right to land. States should recognize and protect different systems of land tenure rights, including customary land tenure rights and systems of collective use and management of

¹² See from chapter 2: (Universal Declaration on the Eradication of Hunger and Malnutrition, 1974) (FAO & WHO, 1992) (Rome Declaration, 1996) (Plan of Action, 1996) (World Food Summit: Five Years Later, 2002) (World Summit on Food Security, 2009).

natural commons. Agrarian reforms should promote an equitable access to land and other natural resources, with particular attention to landless peasants, young people, and small-scale fishers. A sustainable use of land and natural resources and agroecological practices should be promoted. Article 21 UNDROP protects the right to water. As all human beings, “peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation”. They “have the right to water for personal and domestic use, farming, fishing and livestock keeping and to securing other water-related livelihoods”. Finally, Article 5 protects the right to natural resources, affirming that “peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions”. Moreover, they have “the right to participate in the management of these resources”. Article 4 refers specifically to the rights of peasant women and other women working in rural areas to be free from discrimination, including discrimination in accessing, using, and managing land and other natural resources (UNDROP, 2018).

Before the adoption of UNDROP, the right to land, water, and natural resources were not particularly elaborated in the human rights system. In relation to the right to land, the Special Rapporteur on the right to adequate food as a human right, Eide, stated that in fulfilling their obligations to protect the right to food, states must protect “land rights and usufruct [of vulnerable groups] against invading and capital-intensive enterprises” to ensure them the “resources required to maintain their access to food” (Eide, 1987, p.36). However, this report is not legally binding. Land rights in the human rights system are mainly discussed in relation to indigenous peoples. ILO Convention No. 169 (1989) and UNDRIP (2007) protect the collective rights of indigenous peoples to land and natural resources. Apart from these two instruments, CESCR is currently drafting a new GC on Land and Economic, Social, and Cultural Rights which seems to resonate more with the food sovereignty paradigm, and which offers interesting new development for the implementation of the right to land within the human rights system. Draft GC No.26 considers access to land as a pre-condition for the realization of many rights contained in the ICESCR and as an essential instrument to fight hunger and poverty, especially in light of population growth, urbanization and climate change. Moreover, it assigns States territorial and extraterritorial obligations to protect small-scale farmers from non-state actors “in the context of large-scale land acquisitions” (Draft GC No.26, 2021). The right to water became part of the human rights system with the adoption of GC No.15 of CESCR (2002). Although not explicitly mentioned in ICESCR, among the “rights emanating from, and indispensable for, the realization of the right to an adequate standard of living” there is also the right to water. It is an individual human right. Thus, everyone should be entitled to sufficient, safe, physically, and economically accessible water for personal and domestic

uses, for food production and agricultural activities. Marginalized farmers (including women and indigenous peoples) should be given particular attention (GC No.15, 2002). Finally, the right to natural resources has long received recognition within the UN human rights system. UNGA Res.1803 affirmed that states had “the inalienable right (...) to dispose of their natural wealth and resources in accordance with their national interests” and that this right was “a basic constituent of the right to self-determination” (UNGA Res. 1803, 1962). The right to natural resources is defined as a right of peoples in Articles 1.2 and 25 ICESCR, while Article 11.2 encourages states to promote agrarian reforms that use efficiently natural resources “to improve methods of production, conservation and distribution of food” (ICESCR, 1966). The ITPGRFA also recognizes that the right to plant genetic resources have a collective dimension attributed to farmers and sovereign states (see Article 9 and 10) (ITPGRFA, 2001). Therefore, also in the human rights system, the right to natural resources has mainly a collective dimension.

In conclusion, in relation to the right to water, land, and natural resources, there are important overlaps between the FSM and the human rights system. Still, UNDROP represented a much-needed instrument to further elaborate and protect these rights. Besides, the fact that Draft GC No.26 on Land and Economic, Social, and Cultural Right embraced UNDROP is very promising.

3.2.3 Relevant categories worth of protection: peasants and indigenous peoples

Another point of convergence between the FSM and the human rights system is that some of the categories of people protected by the two paradigms are the same: in particular, peasants and indigenous peoples. Since its creation, LVC mentioned these two categories in its documents and attributed them the right to food sovereignty (see chapter 1). The categories protected and represented by LVC also converged in Article 1 UNDROP, listing the rights-holders of the declaration. Peasants and other people working in rural areas include peasants (Article 1.1), artisanal workers, small-scale farmers, people working in “crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts” and their families (Article 1.2), “indigenous peoples and local communities working on the land”, nomadic communities, landless peoples (Article 1.3), and migrant workers in the rural sector (Article 1.4) (UNDROP, 2018).

At the UN level, peasants and other people working in rural areas (to use the all-encompassing definition of UNDROP) have been devoted special attention by FAO. In 2019, FAO launched the UNDFP (2019-2028) to highlight and strengthen the contribution of family farmers in the eradication of poverty and hunger. According to FAO family farming is fundamental “to ensure food security, improve livelihoods, better

manage natural resources, protect the environment and achieve sustainable development, particularly in rural areas”. According to FAO data, “90% of farms are run by an individual or a family who rely primarily on family labour” and “family farms occupy around 70-80% of farmland worldwide” (*Introducing the UN Decade of Family Farming*, n.d.). Until recently, FAO supported that 70% of the world food was produced by small-scale and family farmers. However, in April 2021, it endorsed a new report, published on World Development, suggesting that data had to be revised (*FAO - News Article*, 2021). The report stressed that “small farms (...) produce roughly 35% of the world’s food” (Lowder et al., 2021). The new estimate is well below the previous one. Thus, a group of CSOs sent a letter to the FAO Director General, asking for clarifications (Facchini, 2022). None the less, the adoption of UNDROP by the UNHRC after 10 years of negotiation opened the doors of the human rights system to peasants and other people working in rural areas.

The human rights system has long also protected the rights of indigenous peoples (see the already mentioned ILO Convention No.169 of 1989 and UNDRIP of 2007). Indigenous peoples’ rights are intended as having an individual and a collective dimension because they are indispensable for indigenous peoples’ existence, well-being and development (UNDRIP, 2007). In chapter 2, we mentioned a new document, currently under discussion: Draft GR No.39 of CEDAW. The new GR elaborates on the rights of indigenous women and girls to development, self-determination, land, water, seeds, natural resources, and food. Of great significance is the fact that Draft GR No.39 recommends States to recognize indigenous women and girls’ contribution to food sovereignty (Draft GR No.39, 2022). Should this wording end up in the final version of the GR, it would be yet another mention of the concept of food sovereignty within the human rights system, outside of UNDROP.

3.3 Differences between the FSM and the human rights system

This paragraph will analyse three main differences between the FSM and the human rights system: the opposition between individual and collective rights, between the promotion of industrialized and peasant agriculture and between liberalization and regulation of agricultural markets.

3.3.1 Individual vs. collective rights

A major difference between the FSM and the human rights system is that while the human rights system is mainly based on individual rights, the struggle for food sovereignty and other related rights by LVC is mainly based on collective rights. Thus, the target group of the right

to food and of the right to food sovereignty as defined in UNDROP are different: all human beings for the right to food, while peasants and other peoples working in rural areas for the right to food sovereignty (Beuchelt & Virchow, 2012, p.270). In the human rights system, the individual human being is the right-holder, and the state is the duty-bearer. Thus, the state has an obligation to respect, protect, promote, and fulfil human rights towards individuals falling under its jurisdiction. State responsibility covers “the actions of its organs, such as its executive, legislature, judiciary, and its bureaucracy” but, under certain circumstances, also of private actors. “Some human rights provisions (...) explicitly require the regulation of the private sector by the state”. In this case, the state should exercise due diligence “by taking reasonable measures to prevent and punish actions by a private actor that prejudice the human rights of another” (Joseph & Dipnall, 2018, pp.110-115). None the less, the main duty-bearer under international human rights law remains the state.

The human rights approach of LVC is more complicated. The struggles of the movement, even outside the UN human rights system, are mostly designed as struggles for collective entitlements (A. Onorati, personal communication, 9 September 2022). This is reflected also in UNDROP that attributes individual and collective rights to ‘peasants and other people working in rural areas’¹³ (UNDROP, 2018). The right to food sovereignty can have many right-holders, from peasants to communities, indigenous peoples, peoples, and even states. Similarly, the responsibility to promote and implement food sovereignty should not rest only on the state, as in the human rights system. For example, UNDROP affirms that the individual has “duties to other individuals and to the community to which he or she belongs”¹⁴ (UNDROP, 2018). According to LVC, private actors (especially transnational corporations) should also have specific obligations in the realization of human rights, including peasants’ rights and the right to food sovereignty. In line with this view, LVC is currently taking part in the negotiations of a new treaty to regulate, in international human rights law, the activities of transnational corporations and other business enterprises (*OEIGWG*, n.d.). This difference between the FSM and the human rights system may pose some problems in the implementation of the right to food sovereignty and of peasants’ rights within the existing human rights system.

3.3.2 – Liberalization vs. regulation of international agricultural markets

Globalization is grounded in economic neoliberalism and in the WC, according to which only liberalized markets can push economic and financial growth (see chapter 1). However,

¹³ The typical formulation of articles in UNDROP is “Peasants and other people working in rural areas have the right to” (UNDROP, 2018). Indeed, although “peasants do not always live in communities, in order to express their collective will, they need to have representatives or collective deliberations” (Azzariti, 2021, p.1010).

¹⁴ The right to development suggests a similar type of responsibility for individuals. “Although the Declaration mentions at least ten state duties, it also asserts that (Wellman, 2000, p.646) “[a]ll human beings have a responsibility for development, individually and collectively” (UNDRD, 1986).

economic, and financial growth do not necessarily equate human well-being and the realization of human rights. “None of the pursuits of neo-liberalism were directly geared towards alleviating poverty (...) or other social goals”. On the contrary, by promoting the privatization of certain sectors and services, a liberalized system is probably more efficient but also more unequal¹⁵. By integrating capital and trade markets (Bantekas & Oette, 2020, pp.880-882) and by creating a global competitive agricultural economy, “the WTO promised economic growth and prosperity for all” and the elimination of hunger and food insecurity. LVC argues that, on the contrary, this very system is responsible for the “acute agricultural crisis, the destruction of bio-diversity and subsequent loss of cultural diversity, further degradation of the environment, increased consolidation and concentration of transnational corporations in the food and agriculture sector, and greater disparity and impoverishment in the countryside”. Moreover, the system envisioned by the WTO endangers the food security of both developed and developing countries and threatens the existence of peasant families¹⁶ (Desmarais, 2003, pp.5-7). Developing countries, with an agricultural system mostly based on small-scale and family agriculture, are particularly vulnerable. Since they are not major international trading players, “the prices of basic foods for the sustenance of their people are dependent on (...) unregulated international trade practices”. Hence, economic sovereignty and sovereignty over natural resources are at risk (Bantekas & Oette, 2020, p.883). Developing countries cannot introduce protectionist measures in the form of trade barriers and subsidies (which are against WTO trade agreements), while multinational corporations are relatively free to practice dumping. However, subsidies would be fundamental for small-scale and family farmers “to stay in business”, “to compete with (...) larger rivals”, “to provide local communities with food” and “to ensure local food security”. Small-scale farmers in developed countries face similar difficulties (Bantekas & Oette, 2020, pp.888-890).

Against this picture, the UN and other IOs “have begun to underline the importance of human rights linkages to trade” (Bantekas & Oette, 2020, p.879) and to address the fragmentation between different international legal regimes (trade, finance, and human rights) (Bantekas & Oette, 2020, p.888). The right to food should “serve as the paramount criterion in any trading agenda concerning agricultural production” (Bantekas & Oette, 2020, p.890). However, this objective is far from been achieved. By looking at the ‘Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security’, Guideline 4 affirms that agricultural policies must be in line with WTO trade agreements. States should also “promote the development of small-scale local and regional markets and border trade to reduce poverty and increase

¹⁵ For example, by making the water sector private, poor people cannot afford water which is a basic human right (Bantekas & Oette, 2020, pp.880-882).

¹⁶ In her paper, Desmarais brings several case studies to demonstrate this (Desmarais, 2003, p.5).

food security, particularly in poor rural and urban areas” (Voluntary Guidelines on the Right to Food, 2004). However, it is not clear how this objective could be achieved in a liberalized agricultural market. The Declaration of the World Summit on Food Security (2009) affirmed that to eliminate hunger and to ensure food security it was necessary also for small-scale farmers in developing countries to open to international markets in accordance with WTO trade negotiations. (World Summit on Food Security, 2009). In his statement, the Special Rapporteur on the right to food, Olivier de Schutter, argued that the declaration was very weak because it supported the Doha Development Round of trade negotiations “without even acknowledging the fact that export-led agriculture [had] (...) in the past worked against the interests of smallholders” (De Schutter, 2009). The last UN Food System Summit in New York (2021) was denounced by LVC for massively involving multinational corporations in food systems and for pushing the digitalization of agriculture and the use of GMOs and biotechnologies (F. Garbarino, personal communication, 5 September 2022).

Therefore, the human rights system aims at protecting the right to food and food security within a neoliberal context defined by WTO trade agreement. On the contrary LVC and the FSM call for the realization of peasants rights and the right to food sovereignty (which also include the realization of the individual human rights to food and of food security) in a system that regulates agricultural trade markets (A. Onorati, personal communication, 9 September 2022). This stance of LVC can be clearly summarized with the slogan “Agriculture out of the WTO” (La Via Campesina, 1999). The struggle against the WTO is still ongoing. In June 2022 during the 12th Ministerial Conference of the WTO, LVC marched on the streets of Geneva at the cry “Free Trade Fuels Hunger, WTO Out of Agriculture” (La Via Campesina, 2022). This element, which is not negotiable for LVC, certainly complicates the integration of the FSM and the human rights system.

3.3.3 Industrialized agriculture, digitalization of agriculture, GMOs vs. peasant agriculture

Another difference between the FSM and the human rights system pertains to the implementation and the way to achieve the right to food, food security (and food sovereignty) through public policy interventions and programmes of international cooperation.

LVC represents small-scale and family farmers, artisanal fisherfolks, pastoralist and hunting communities, indigenous peoples, rural women, landless peoples, and other people working in rural areas (La Via Campesina, 2017). It promotes sustainable agricultural practices, based on organic and agroecological techniques. Agroecology is considered by LVC as capable “of feeding the world with healthy, local food, good stewardship of the

rural environment, the preservation of cultural heritages and the peasant or family farm way of life, and resilience to climate change”, in contrast with “the destructive practices and unhealthy food produced by industrial agriculture and agribusiness” (Rosset & Martínez-Torres, 2013, p.4). LVC values traditional knowledge and practices around food and food production, and it strongly opposes the use of biotechnologies and GMOs in agriculture. This struggle is mostly carried on within the ITPGRFA (*You Are Destroying the ITPGRFA*, 2015), but also within the UNHRC. Speaking at the 49th session of the UNHRC (28 February–1 April 2022), a representative of LVC reiterated that the movement “strongly oppose[s] the privatization of seeds, genetic manipulation, intellectual property, and all forms of appropriation of life”. And that “the collective efforts to flourish and protect seeds and biodiversity must be entrusted to the peasants, indigenous peoples, workers, and especially women and youth” (*Peasants Seeds*, 2022). LVC strongly believes that the right to food, food security can only be achieved through public policies based on food sovereignty. This approach contrast with the one proposed by FAO and the UN in general. As seen in chapter 2, the various world summits on food and food security, stressed that to achieve food security it was essential to liberalize international markets (Universal Declaration on the Eradication of Hunger and Malnutrition, 1974), to encourage the participation of developing countries in it (FAO & WHO, 1992) and to increase food production (World Summit on Food Security, 2009). Although these documents and FAO reports acknowledge the important role of small-scale and family farmers around the world, the agricultural system imagined by the UN is mostly based on agribusinesses, industrial agriculture, digitalization of agriculture, the use of GMOs and other biotechnologies. Thus, implementing the right to food and food security strategies within the human rights system means to accept this agricultural model. Food sovereignty is based on a completely different agricultural model that for LVC is not negotiable. Indeed, small-scale agriculture, agroecology and sovereignty over natural resources constitute the main values on which LVC is founded.

3.4 Group, collective, and solidarity rights

The new right to food sovereignty and peasants’ rights championed by LVC and now protected in UNDROP are conceived as both individual and group (or collective, solidarity) human rights. Therefore, this paragraph reviews the meaning of group, collective and solidarity rights to understand the opportunities and challenges arising from them.

Since the adoption of the UDHR and the two Covenants of 1966 (ICCPR and ICESCR), the focus of the human rights system was mainly on individual human rights that emphasized

the dignity, worth and uniqueness of the human person¹⁷ (Van Boven, 2018, pp.137). Some individual human rights, such as the right of freedom of assembly, the right to join a trade union, and the right to freedom of religion, “do have the effect of protecting a group” and thus recognize that the individual is part of a society. However, the right-holder remains the individual human being¹⁸ (McCorquodale, 2018, p.345). Although individual human rights represent the norm in the human rights system, examples of group or collective rights pertaining to “particular groupings” exist. They are based “on the rationale that certain entitlements are meaningless outside the group and that their justiciable character is dependent on the group’s continued existence and coherence” (Bantekas & Oette, 2020, p.363).

Group or collective rights are based on collective entitlements. There are three types of collective entitlements. The first type is based on self-determination and it “presupposes the existence of a group with common characteristics centred around actual or potential forms of statehood, underpinned by the concept of *peoples*”. Examples in this type are the prohibition of genocide, the right to development and the rights of indigenous peoples (Bantekas & Oette, 2020, p.365). The prohibition of genocide is meant to protect a group of people through collective rights “from discrimination and oppression *as a group*” (McCorquodale, 2018, p.345). The right to development, protected in UNDRD, presents both an individual and a collective dimension and “seeks to link the conditions of life of the human person with the welfare and well-being of peoples”. Finally, UNDRIP, which protects the rights of indigenous peoples, attributes rights “to indigenous peoples as well as to indigenous individuals, with the indigenous peoples as principal rights-holders”. In the declaration, “peoples’ rights and individual rights [are brought together] in a spectrum of mutual relationship and reach” (Van Boven, 2018, pp.137-139). As these examples show there is a strong link between individual and group rights. GC No.12 of HRC on the right to self-determination affirmed that “when groups are subject to oppression as a group and their rights are not able to be exercised, then the individuals within those groups are also not able to exercise their individual rights” (McCorquodale, 2018, p.345). The second type of collective entitlements refers to non-majority groups “that do not qualify as people”. Collective entitlements are ensured either through individual rights (as in the case of minorities) or through public policy interventions with no collective normativity (as in the case of LGBTI). Finally, the third type of collective entitlements is based on the collectivization of individual human rights. An example is the protection of the right to

¹⁷ The emphasis on individual human rights in the International Bill of Human Rights has been always criticized by developing countries that considered it as a form of Western bias “to the detriment of the person’s community”. Developing countries argued that “the separation (or distinction) of the individual from the group reduces the power and protection offered by the group” and disregard the importance of community life in developing countries (Bantekas & Oette, 2020, pp.364-365).

¹⁸ In these case, “if the individuals who form a group hold rights as separate individuals, their several individual rights do not add up to a group right” (Jones, 1999, p.82).

a healthy environment by the Indian Supreme Court “through public interest litigation based on the right to life and the right to information without having to construct a collective entitlement”. In this way, “the successful outcome of an individual suit produces environmental effects for the entire community as a result of its trickle-down effect” (Bantekas & Oette, 2020, pp.365-366).

As this discussion shows, “a number of group rights have been claimed as, or associated with, human rights” (Jones, 1999, p.95). However, the debate is not over. In an interesting paper, Jones tries to provide an answer to the following question: “Can a right borne by a group be a human right?” In academic discussion, there are two points of view. The first one argues that group rights cannot be considered human rights since human rights belong to individual human beings¹⁹; the second one that human rights can have both an individual and a collective dimension. Given that individuals live together with others in communities and societies, “if we insist that human rights must be rights that people can hold only as independent individuals, our conception of human rights will not match the social reality of the human condition” (Jones, 1999, pp.80-81). To understand if a group right can be considered a human right, a distinction between corporate and collective group rights should be made. Corporate group rights give “moral standing to a group as such” and consider the group as the right-holder. This situation could potentially threaten the individual human rights of group members (Jones, 1999, p.92). For this reason, some scholars argue that corporate group rights cannot be considered human rights. Differently, “in the collective conception, the right is held jointly by the individuals who make up the group, and the group has no standing that is separate from the standing of its individual members”. The group does not exist independently from its members and cannot hold rights against them (Jones, 1999, p.94). Collective “group rights arise when the joint interest of a number of individuals provides sufficient justification for imposing duties upon others even though, if we were to consider the interest of only one of those individuals, that single interest would not provide the necessary justification”. An example is that of a community affected by a polluting factory. The aggregate interest of community members in stopping the factory from polluting the environment can give rise to a collective group right (Jones, 1999, p.84). According to Jones, collective group rights can be considered human rights “in that they are rights held by individuals, albeit by individuals jointly rather than severally”. Besides, to be considered human rights, collective group rights should refer “universally to human beings” and rest “upon their moral status as human beings”. Individual and collective human rights are thus based on the same fundamental moral unit, the individual person, and there is a continuity and complementarity between them (Jones, 1999, pp.88-90). Some group rights are also part of the so-called third generation of human rights or

¹⁹ The same position is shared by Wellman with regard to solidarity rights (Wellman, 2000, p.653).

solidarity rights. Third-generation rights – such as the right to peace, to self-determination, to development and to a healthy environment – emerged from “the urgency of certain global problems (...) shared by all nations” and from the need to overcome the “excessive individualism” of human rights “that assumed a radical opposition between the individual and society”. Third-generation or solidarity rights cannot “be realized without the concerted efforts of all the actors on the social scene: the individual, the State, the public and private groups, and the entire international community”. Hence, third-generation rights impose obligations on all these actors (Wellman, 2000, pp.640-643). Besides, since not all states are able or willing to contribute equally to address common problems, “there is an urgent need for joint obligations binding upon all states to require some states to do more than their fair share and thus to ensure the adequacy of the efforts of the international community”. In Wellman’s opinion, while it may be true that actors different from the state have moral obligations to respect the human rights of others, these moral obligations should not necessarily translate into obligations under international human rights law. States remain better positioned to promote human rights. Similarly, although solidarity rights are often group (peoples) rights, it would be more practical to consider them as rights of states, instead of creating an additional category of rights-holders (groups, peoples). Indeed, when implementing solidarity rights, if these rights are attributed to people, criteria to identify who qualifies as people must be determined. A solution could be to draw from procedures in domestic legal system “for bringing class action suits before the courts”. In this way, “perhaps group rights of peoples would be useful fictions to develop in human rights law, just as the doctrine that a corporation is a person is a very useful fiction in most legal systems” (Wellman, 2000, p.650-656).

In conclusion, “as states (...) recognize more fully their global interdependence, they may come to act so that the emergence of a few group rights of peoples would also advance the cause of human rights” (Wellman, 2000, p.657). Group rights, thus, reflect a change “in the international community away from a state-based and solely state-interested, system towards a more flexible system” and prove “that the state-based international legal order has failed to respond appropriately and justly to the legitimate aspirations of peoples” (McCorquodale, 2018, p.365).

3.5 Claiming new human rights: the right to food sovereignty and peasants’ rights

The standard setting and codification process of human rights did not end with the adoption of the main international human rights treaty. It “continued progressively in order

to respond to widely felt needs to further define the normative scope of basic rights and principles and to provide more explicit protection for vulnerable and marginalized people”. New instruments often “do not define new rights but re-define and re-conceptualize existing human rights in order to make them more explicit and more inclusive and to extend their reach to persons in need of special care, attention, and protection”. This work is also carried out by treaty bodies through their general comments and recommendations. An example is GC No.15 on the right to water in which CESCR affirmed that, although not explicitly mentioned in ICESCR, the right to water emanates from, and it is “indispensable for, the realization of the right to an adequate standard of living” and it is inextricably linked “to the rights to the highest attainable standard of health, adequate housing, and adequate food”. With GC No.15, CESCR did not proclaim a new human right to water. Rather, it clarified the normative scope of some ICESCR articles. Similarly, rights-based strategies “on behalf of marginalized and excluded groups”, such as LGBT and disabled people, that struggle for new rights, in reality propose “newly focused human rights”. According to Van Boven, speaking of new human rights is not appropriate and it can be misleading. Instead, we should talk about rights of “newly identified categories of people” or of “inclusive rights” (Van Boven, 2018, pp.144-147).

LVC “is known for having successfully mobilized a human rights discourse in its struggle against capitalism and neoliberalism in agriculture” (Claeys, 2012, p.1). “Rights occupy a central place in most LVC statements, whether in local struggles over seeds, land, territories, and resources, or in international struggles over trade and investment in food and agriculture”. The very concept of food sovereignty has been often presented as a right or as constituted by different rights (Claeys, 2014, pp.2-4). This paragraph focuses on the rights that LVC is trying to integrate into the UN human rights system: the right to food sovereignty and peasants’ rights. By taking Van Boven’s view, the right to food sovereignty could be seen as a new conceptualization of the right to food, while peasants as a newly identified vulnerable group worth of specific human rights protection²⁰. However, UNDROF also contains new human rights, such as the right to seeds, that were not present in previous human rights instruments. Paragraph 3.6 will return on this point and try to understand whether these rights should be considered as new or newly defined human rights. Here, it is important to observe that the UN human rights system can be “both an obstacle and an opportunity for adjusting human rights to the challenge of economic globalization. Insiders are convinced of its relevance. Outsiders much less so” (Edelman, 2014, p.208). Some features of the human rights system could represent a challenge for social movements. First, it “continue[s] to be dominated by a Western, liberal, and individualist conception of rights”. Second, it is “built around the obligations of states,

²⁰ Indeed, UNDROF affirms that peasants and other people working in rural areas are entitled to human rights already existing in international human rights law.

and fail[s] to adequately address the responsibilities of private and transnational actors”. Third, it is rooted in and linked to the liberal economic system and market capitalism (Claeys, 2014, pp.2-3). Moreover, it requires a level of expertise that most often only human rights lawyers can master. Consequently, “conflicts framed in human rights terms tend to be solved in specialized arenas” and social movements risk to be excluded. Finally, the codification of human rights into law “may hinder the subversive potential of human rights” (Claeys, 2014, p.10).

3.5.1 The right to food sovereignty

With its emphasis on the right of peasants to produce their own food in their own territory and the right of consumers to decide what to consume, food sovereignty “emerged as a holistic rights-based framework that both contested and expanded the UN defined human right to adequate food” (Claeys et al., 2020, p.6). The position of LVC towards the right to food changed over time. While initially, the movement disregarded the right to food with its “emphasis on the intervention of the liberal state to curb the inequalities generated by the capitalist market economy”, later it has “strategically used the right to food to advance” its agenda, particularly in the CFS. However, “in the last two decades, food sovereignty activists have defined, demanded and defended their own versions of human rights, successfully pushing the human rights regime to address their collective claims”, which is demonstrated by the adoption of UNDROP (Claeys et al., 2020, pp.6-7). LVC adopted two distinct strategies “to institutionalize the right of peoples to food sovereignty (...): it has tried to translate it into alternative international trade rules for food and agriculture, and it has sought to obtain its recognition as a new human right” (Claeys, 2014, p.4).

By focusing on the second strategy, in preparation to the WTO Ministerial Conference in Doha in 2001, LVC together with other CSOs “demanded that the right to food sovereignty be enshrined in an international convention” (Claeys, 2012, p.4). In 2004 it presented its “call for a Convention on Food Sovereignty to the then UN Secretary General Kofi Annan”, asking for support to recognize food sovereignty as a new human right. After that, however, the strategies of LVC focused more on promoting public policies based on food sovereignty at different levels of governance²¹ and on pushing “food sovereignty on the [CFS] agenda” (Claeys, 2014, pp.5-6). At the same time, LVC started advocating for the recognition of peasants’ rights in the human rights system (see paragraph 3.5.2). This produced positive results also for the right to food sovereignty

²¹ The right to food sovereignty is included in the constitution of Ecuador, Nicaragua, Bolivia, Nepal and in the national legislation of Senegal, Mali, Nepal, Dominican Republic, Paraguay and Argentina (Azzariti, 2021). However, the effectiveness of such provisions is often limited “by the global neoliberal framework in which national economies are inserted” (Claeys, 2012, p.4).

that appeared for the first time in international law in UNDROP (Azzariti, 2021, p.991). The right to food sovereignty was embedded in Article 15 dedicated to the right to adequate food and it reads as follows:

- “1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.
2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.
3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.
4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.
5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration” (UNDROP, 2018).

As formulated in UNDROP, the right to food sovereignty “is a means to realize a conception of right to adequate food that encompasses the respect of other peasants’ rights whilst pursuing food security”. It “consists of a duty for States to develop their food and agriculture policies in collaboration with peasants and other people working in rural areas, providing participative mechanisms for their inclusion in the decision-making processes”. The focus is mostly on the internal dimension of food sovereignty, with the state as duty-bearer and peasants as right-holders (Azzariti, 2021, pp.996-997). Interestingly, since the first session of the working group drafting UNDROP, many states opposed the inclusion of the right to food sovereignty in the declaration and argued that the right to adequate food and food security were more appropriate. The compromise that was achieved was to incorporate the right to food sovereignty into the article dedicated to the right to adequate food (Azzariti, 2021, p.994).

3.5.2 Peasants rights

Next to the efforts to promote the right to food sovereignty, LVC also tried to advance peasants’ rights. The decision to struggle to recognize and protect peasants’ rights with

a new legal instrument of soft law was the consequence of the worsening conditions experienced by peasants in both developed and developing countries. In developed countries peasants, faced with unfavourable socio-economic conditions, were forced to leave the countryside and to move to urban areas, while in developing countries they suffered from direct repression and land expropriation (F. Garbarino, personal communication, 5 September 2022). Moreover, the fact that hungry people were mostly concentrated in rural areas created “compelling connections between violations of the right to food and the multiple crisis afflicting peasants and the rural (and recently rural) poor” (Edelman, 2014, p.197). For these reasons, LVC tried to identify peasants as a new vulnerable group worth of human rights protection in international law. According to international law, “vulnerable groups (...) suffer from a lack of human rights protections, from discrimination and/or from marginalization of their legal status”. Thus, granting them special protection “is not contrary but complementary to the principle of non-discrimination” (Edelman, 2014, p.200).

The first draft of a Declaration on the Rights of Peasants was developed by the Indonesian organization of LVC Serikat Petani and embraced by LVC global at the Fifth International Conference in Maputo in 2008. However, the rights of peasants as opposed to the right to food sovereignty were not openly embraced by all regions of LVC, particularly Latin America. Within LVC, some claimed that the right to food sovereignty and the peasants’ rights were not fully compatible, or at least not part of the same struggle (Claeys, 2014, pp.7-9). The fear was that pursuing peasants’ rights would mean to abandon the struggle for “food sovereignty as an alternative international trade framework”²² (Claeys, 2012, p.5). Others did not see such a problem. Instead, they argued that the two frames were “compatible and mutually supportive” and that the Declaration on the Rights of Peasants could give new force and unified spirit to LVC. Notwithstanding the internal debates, LVC succeeded in presenting the declaration to the UNHRC. On September 2012, an open-ended intergovernmental working group was created to negotiate “a draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas” (Claeys, 2014, pp.7-9). The negotiation started from “the analysis of the final study on the rights of peasants elaborated by the [UN]HRC Advisory Committee (...) [and] inspired by the declaration approved by LVC in 2008”. The study “suggested adopting a new instrument to protect the rights of peasants that should reaffirm” already existing human rights and “recognize new rights, specifically the right to land, the right to seeds and the right to means of production” (Azzariti, 2021, p.993). The negotiation saw a clear contraposition between developed (European) countries – which believed that the new instrument could undermine the universality of human rights by

²² Claeys also argues that the efforts to promote peasants’ rights “may induce a shift in how Via Campesina’s struggle is framed in the future: not so much as an anti-capitalist struggle but as an anti-discrimination one”. The identity and recognition struggle for peasants’ rights and the redistribution struggle of the right to food sovereignty may indeed conflict (Claeys, 2012, p.7).

establishing new rights just for peasants – and developing countries – much “more invested in the drafting of the UNDROP as small scale and subsistence agriculture represented a vital part of their economy” (Azzariti, 2021, p.995). Negotiations were complicated by two main factors: first, the “effort to push notions of “rights” beyond existing norms makes the proposed peasants’ rights declaration considerably more contentious than the right to food”; second, “the campaign also involves a category of rights holders – “peasants” – that many governments (and social scientists) consider ill-defined or dubious” (Edelman, 2014, p.199). However, since its adoption in 2018, UNDROP is officially part of international human rights law. “From the moment that this type of instrument becomes part of the public debate about international law, its content and proposals can be considered a reference point with regards to the standards that are discussed and the policies to develop” (Edelman, 2014, p.207).

3.6 Finding a synthesis

In light of the analysis conducted in this chapter, this final paragraph will try to find a synthesis between the right to food and the other rights protected in the human rights system and the new rights advanced by the FSM and LVC, namely the right to food sovereignty and peasants’ rights. This paragraph will try to answer the following questions: are the new human right to food sovereignty and peasants’ rights necessary to combat hunger and malnutrition, to better protect the right to food, to achieve food security and to revitalize the rural sector? Or, are the existing human rights (presented in chapter 2), reviewed and expanded according to food sovereignty principles, sufficient?

To answer these questions, it is important to understand how different the right to adequate food is from the right to food sovereignty. As we saw previously in the chapter, there are significant overlaps between the right to food and the right to food sovereignty, but also important differences, which are difficult to reconcile. Probably, considering food sovereignty as a new right separated from the right to food is still difficult to imagine. The concept of food sovereignty is revolutionary, and it promotes a systemic transformation of the society and the economy. It difficultly fits in a typified system of legal entitlements as the human rights system. The lack of an adequate legal framework to enforce collective rights that entail multiple right-holders and duty-bearers is another major problem. Therefore, at least in the short-term, the solution could be to purge the right to food sovereignty of some of its more radical and revolutionary elements, and to imagine the right to food sovereignty as a “new conception of the right to adequate food”. “Through its inclusion in a normative concept that is well known, has a long theoretical pedigree and an extensive body of reviews, it could obtain concrete results before international bodies”. Thus, we could imagine in the

future a new general comment that expands the understanding of the right to adequate food by including aspects of food sovereignty. The said general comment could “condemn the behavior of States that do not provide domestic instruments to include peasants in decision-making processes according to Article 11 ICESCR” (Azzariti, 2021, p.1012); support more firmly the realization by states of genuine agrarian and land reforms that take into account the needs of small-scale agriculture; or provide new rules on international trade; address the important role played by peasants in the realization of the right to adequate food and thus promote their access to productive resources (Beuchelt & Virchow, 2012, p.270).

However, most likely, LVC and the FSM would not be satisfied by such an approach. Therefore, another strategy, to be pursued in the long-term, could be to continue the struggle to promote a new conception of human rights by implementing UNDROD at different levels of governance. Strategies to implement UNDROD can be a way to advance the right to food sovereignty and peasants rights legally and politically. At the national level, these rights can be included in constitutions or national legislation²³. They “could [also] be claimed before national courts”. Indeed, “the reference to soft-law instruments can be a valid way to obtain the progressive development of rights” (Azzariti, 2021, p.1012). At regional level (considering the EU as an example), ECVC is trying to obtain a directive to formulate agricultural policies of EU member states according to the principle of food sovereignty. At the international level, after the adoption of UNDROD in 2018, LVC and its allies are negotiating for the creation of a new monitoring mechanism, that could be a Special Rapporteur to the right to food sovereignty and peasants’ rights (A. Onorati, personal communication, 9 September 2022) (F. Garbarino, personal communication, 5 September 2022). Clearly, the concept of food sovereignty has already entered the human rights discourse. It was embraced by the Special Rapporteur Olivier de Schutter (Transnational Institute, 2014), by the UNHRC during the negotiation process of UNDROD and, more recently, by GC No. 25 on science and economic, social and cultural rights of CESCR, related to Article 15 ICESCR²⁴ (GC No.25, 2020). Besides, as already mentioned, the drafts of GC No.26 of CESCR and of GR No.39 of CEDAW also include the concept of food sovereignty in their text. Should the drafts remain as they are now, other two documents of treaty bodies would incorporate the concept of food sovereignty. This proves that food sovereignty is acquiring, although slowly, a significance in the UN human rights system.

²³ In countries where food sovereignty has been introduced in constitutions and laws, “mechanisms that were established allow for the consultation of producers and of other stakeholders, besides peasants. The final approval of food and agricultural policies is, however, set at government level. Affirming that the right to food sovereignty was implemented in domestic laws in a consultive and procedural context is hence possible” (Azzariti, 2021, p.1007).

²⁴ The new general comment recognized that peasants and other people working in rural areas have a right to food sovereignty and a “right to participate in and to enjoy the benefits of scientific progress and its applications in agriculture” which should enable them “to choose which technologies suit them best” (GC No.25, 2020).

CONCLUSION

The thesis focused on the FSM, and on its main representative LVC, and analysed the attempts of the movement to recognize a new human right to food sovereignty and peasants' rights in the UN human rights system. The thesis critically reviewed the origins of food sovereignty and the history of the FSM, starting from the birth of LVC in 1993. LVC advocated for a new strategy to address hunger and malnutrition, to promote the right to food and food security, to revitalize the agricultural sector and to tackle rural poverty, based on the concept of food sovereignty (Wittman et al., 2010, p.2). Food sovereignty was presented for the first time on the international scene at the NGO Forum to the World Food Summit of 1996 as an alternative to an economic system based on neoliberalism, structural adjustment programs of the WB and the IMF and trade agreements of the WTO. It condemned a globalized food system (Martínez-Torres & Rosset, 2010, p.5) tightly controlled by international institutions, developed countries and transnational corporations. Hence, food sovereignty was not just about protecting the right to food. With its emphasis on small-scale agriculture, sustainable agricultural practices, sovereignty over land and natural resources, local food system and the regulation of international agricultural markets, food sovereignty promoted a more holistic and comprehensive approach than the one envisaged by the existing human rights framework based on the right to food.

As the thesis showed, LVC tried to advance its proposal in two main fora: the WTO and, more recently, the UNHRC. Since its foundation in 1993, LVC strongly opposed the WTO (and the GATT before) and always refused to enter the organization. The position of LVC towards the WTO is well exemplified by the slogans "Agriculture out of the WTO" (La Via Campesina, 1999) and "WTO out of Agriculture" (La Via Campesina, 2022). In the early 2000, LVC started campaigning at the UNHRC to recognize the right to food sovereignty and peasants' rights in the UN human rights system. The adoption of UNDROP in 2018 certainly represented a major achievement. Since then, peasants' rights and the right to food sovereignty became part of international human rights law. Then, the thesis analysed how the human rights system protects the right to food and other rights related to agriculture: in particular, the right to food, water, land and natural resources, the

right to self-determination, the right to development, the rights of indigenous peoples and UN food security strategies. The analysis of primary sources produced by LVC (and other actors within the FSM) and of instruments of international human rights law, supported by relevant literature, formed the basis to compare the approach of the human rights system to protect the right to food and other rights related to agriculture with the one of the FSM and LVC. Finally, the thesis looked for similarities and differences between the two approaches to identify spaces of convergence and disalignment and to try to find a synthesis between them.

In light of the analysis conducted in the thesis, the conclusion will try to answer the research questions: are new human rights to food sovereignty and peasants' rights necessary to combat hunger and malnutrition, better protect the right to food, achieve food security and revitalize the rural sector? Or, is the existing human rights framework (presented in chapter 2), once reviewed and expanded according to food sovereignty principles, sufficient? Hence, should we consider the right to food sovereignty as a new human right or as a new conceptualization of the right to food?

At present, it is not easy to provide an answer to these questions. The discussion among scholars is still wide open, and the negotiations on how to monitor and implement UNDROP and to make it legally binding at least at the national level are still ongoing. As anticipated in paragraph 3.6 of Chapter 3, there are two possible scenarios about the future of the right to food sovereignty and peasants' rights in the UN human rights system. The first one is to consider the right to food sovereignty not as a new human right, but as a new conceptualization of the right to adequate food. The second one is to consider the right to food sovereignty as a new human right, with a collective dimension, conserving all the characteristics envisaged by the FSM, including the most revolutionary ones.

Referring to the first scenario, scholars such as Haugen (2009), Beucheults and Virchow (2012) and Azzariti (2021), argue that there are significant overlaps between the right to food and the right to food sovereignty. Hence, instead of imagining the right to food sovereignty as a new human right, they suggest purging the right to food sovereignty of some of its more radical and revolutionary elements, and to imagine it as a new conceptualization of the right to adequate food. Azzariti wrote that by including elements of food sovereignty within the right to adequate food, which has been long recognized, discussed, and elaborated in the human rights system, food sovereignty could really make its way before international bodies. Scholars supporting this approach suggest the creation of general comments by CESCR that elaborate, expand, and review the right to adequate food to include elements of food sovereignty. By way of example, new general comments could "condemn the behavior of States that do not provide domestic instruments to include peasants in decision-making processes" (Azzariti, 2021, p.1012); support more firmly the

realization by states of genuine agrarian and land reforms that take into account the needs of small-scale agriculture; provide new rules on international trade; address the important role played by peasants in the realization of the right to adequate food and promote their access to productive resources (Beuchelt & Virchow, 2012, p.270).

Given the urgency of addressing hunger and malnutrition and of tackling increasing levels of poverty, the first scenario could prove very helpful in the short and medium term. Since the number of people suffering from hunger is increasing, it seems evident that the frameworks provided by the right to adequate food and food security approaches did not work. Thus, including some innovative elements enshrined in the concept of food sovereignty in the right to adequate food could only produce positive results. The problem with this first scenario is that LVC and the FSM would probably not be satisfied. Although, certainly, there are many similarities between the right to adequate food and the right to food sovereignty, there are also some differences, sometimes difficult to reconcile. Chapter 3 referred in particular to the position of LVC and the FSM on international agricultural trade and the WTO, on industrialized agriculture, on GMOs and other biotechnologies. The lack of an adequate legal framework to enforce collective rights that entail multiple right-holders and duty-bearers in the human rights system is another major problem. Hence, considering the right to food sovereignty as a new conceptualization of the right to adequate food, would imply to significantly dilute the meaning of food sovereignty.

Therefore, in the long term, a second scenario could prevail. The second scenario would imply to continue the struggle to advance a new conception of human rights based on collective entitlements and to overcome the non-legally binding nature of UNDROP by creating mechanisms to implement it at different levels of governance. The concept of food sovereignty is clearly entering into the human rights discourse. Important actors, such as the former Special Rapporteur on the right to food Olivier de Schutter, and institutions, such as the UNHRC and CESCR, recognized the value of the food sovereignty proposal. The Special Rapporteur affirmed that food sovereignty can truly help achieving the realization of the right to adequate food (Transnational Institute, 2014). The UNHRC endorsed food sovereignty when negotiating UNDROP. And CESCR, in a new general comment adopted in 2020, GC No. 25 on science and economic, social and cultural rights of CESCR, related to Article 15 ICESCR, recognized that peasants and other people working in rural areas have a right to food sovereignty and a “right to participate in and to enjoy the benefits of scientific progress and its applications in agriculture” which should enable them “to choose which technologies suit them best” (GC No.25, 2020). Besides, the drafts of GC No.26 of CESCR and of GR No.39 of CEDAW, discussed in Chapter 2, also include the concept of food sovereignty in their text. Should the drafts remain as they are now, other two documents of treaty bodies would refer to food sovereignty.

This proves that food sovereignty is acquiring, although slowly, a significance in the UN human rights system. Strategies to implement UNDROP at the national, regional, and global level, can help advancing the right to food sovereignty and peasants' rights legally and politically. At the national level, as mentioned in Chapters 1 and 3, these rights have been included in national constitutions or legislation. Also in Italy, ARI tried to negotiate a new law that recognized the figure of the peasant farmer. The definition was taken from Article 1 UNDROP in an attempt to incorporate the declaration in Italian national legislation, making it legally binding. However, the draft law was not endorsed by the outgoing government (A. Onorati, personal communication, 9 September 2022). At the regional level (considering the EU as an example), ECVC is advocating for a directive to formulate agricultural policies of EU member states according to the principles of food sovereignty. Finally, at the global level, LVC and its allies are negotiating for the creation of a monitoring mechanism for UNDROP, that could be a Special Rapporteur to the right to food sovereignty and peasants' rights (A. Onorati, personal communication, 9 September 2022) (F. Garbarino, personal communication, 5 September 2022).

To conclude, although today it is probably still difficult to imagine a new collective right to food sovereignty, legally binding and adequately implemented in the human rights system, I believe that the food sovereignty proposal is of great validity. The existing food system is clearly too fragile and unequal. The many food crisis that hit the world population from the 1970s to today clearly show this. Besides, climate change and population growth will pose additional threats to our food system. The existing food system is strictly related to an economic system based on neoliberalism, on the integration of financial and trade markets, and on the promotion of an industrialized agricultural sector, approaches and strategies that clearly failed to reduce hunger, malnutrition, and poverty. As showed by recent FAO statistics, "the number of people affected by hunger globally rose to as many as 828 million in 2021, an increase of about 46 million since 2020 and 150 million since the outbreak of the COVID-19 pandemic" (*UN Report on Global Hunger*, 2022). Hence, it is maybe time to try with another model. Regarding the collective approach to human rights proposed by the FSM and LVC, in a globalized world, it is not possible to rely exclusively on a human rights system based on individual human rights with states as the only duty-bearers. A fundamental change in the UN human rights system is necessary to adequately protect human and peoples' rights today. In this sense, the initiative of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights represents an important step forward. Indeed, food sovereignty claims that not only states but also other actors that exercise political, economic, and strategic power, such as multinational corporations, should be responsible to respect, protect and promote human rights. The road ahead might be still long. However,

by reading the literature on food sovereignty and peasants' rights from the early 2000 to 2014, I noticed that even scholars who believed in the validity of the FSM were somewhat sceptical or unsure on whether food sovereignty could even enter the human rights system. And then, in 2018 this objective was achieved with UNDROP. Therefore, although today it is difficult to imagine that the collective approach to human rights envisaged by the FSM will be further advanced in the human rights system and that UNDROP may be followed by a legally binding document, maybe it is just a matter of time.

APPENDIX

Voices from the field: interviews with Associazione Rurale Italiana, Italian member organization of La Via Campesina

This appendix contains the full transcript of the interviews that I conducted with two representatives of Associazione Rurale Italiana (ARI), member of the European Coordination of Via Campesina (ECVC) and of LVC global. The first person that I interviewed was Antonio Onorati, Coordinator of the Region Lazio, while the second one was Fabrizio Garbarino, President of ARI and Coordinator of the Region Piemonte. Interviews were conducted on Zoom and subsequently transcribed. Information about the Italian law on peasant agriculture mentioned by both Onorati and Garbarino is available on the website agricolturacontadina.org (*PDL per l'Agricoltura Contadina*, 2022).

Interview with Antonio Onorati, Coordinator of the Region Lazio: 5th September 2022

Intanto c'è un chiarimento di fondo da fare. Fino ad oggi i diritti umani contenuti in trattati internazionali, e quindi con un carattere più o meno obbligatorio, sono diritti individuali. E questo è un elemento complesso, perché le battaglie de LVC, e del movimento contadino più in generale, sono a difesa di diritti collettivi, prima di tutto, non tralasciando evidentemente la difesa dei diritti individuali. Aver introdotto un approccio di diritto (e quindi di diritti umani) a carattere collettivo è uno dei risultati ottenuti non sono nell'UNDROP. C'è un precedente, di cui non si parla mai, in un clima completamente diverso, ed è l'articolo 9 dell'ITPGRFA che stabilisce i diritti degli agricoltori rispetto alle risorse genetiche, alla biodiversità agricola, alle sementi. È un trattato obbligatorio in cui sia nel preambolo che nell'articolo in questione si stabilisce e si riconosce l'esistenza di diritti degli agricoltori e non dell'agricoltore. Quindi è una prima porta sui diritti umani collettivi. Questo tema poi è stata ripreso in maniera più approfondita in un gruppo di lavoro di esperti, in cui partecipavano anche LVC e in particolare l'IPC, sull'implementazione dei diritti degli agricoltori, in cui l'argomento diritti umani è stato usato, è stato discusso, è tornato con forza. È un argomento che abbiamo utilizzato e che ha trovato l'opposizione

di alcuni paesi, in particolare Stati Uniti e Russia, che non riconoscono una parte di diritti umani. Per quanto riguarda la natura dei due approcci dal punto di vista giuridico, è evidente che i due approcci [diritti individuali e collettivi] non confliggono assolutamente. L'approccio sovranità alimentare fa parte di quella battaglia, che è stata in parte anche delle organizzazioni sindacali, per la difesa di diritti collettivi. Quindi questo aspetto rimanda a quanto l'approccio dei diritti collettivi necessita di nuovi quadri giuridici nell'ambito dei diritti umani. La discussione sull'UNDROP e il tentativo attuale di negoziare un trattato vincolante per regolare le attività delle multinazionali all'interno del diritto internazionale dei diritti umani¹ sono ulteriori tentativi di trasferire l'approccio diritti umani a un approccio più formalizzato di diritti umani collettivi. Il punto è che le lotte, le battaglie, le iniziative dei movimenti sociali ottengono dei risultati o danno battaglia creando nuovi diritti. Ma se questi nuovi diritti non sono inseriti in un quadro giuridico e se non c'è una legge che li protegge, non servono a un gran che.

Rispetto alla questione se occorra considerare la sovranità alimentare come un diritto come tale, senza altra declinazione, è una scelta fondamentale. Su questa possibilità c'è una discussione in corso ne LVC, perché il meccanismo dei diritti umani comunque è ancorato alle responsabilità degli stati. Il diritto alla sovranità alimentare senza una declinazione lascia agli stati lo spazio per inventare qualunque implementazione possibile. Solo per curiosità, in tedesco sovranità alimentare non viene tradotto perché era uno slogan dei nazisti. Quindi bisogna fare molta attenzione a evitare che la battaglia su un principio, senza corretta declinazione o senza un quadro giuridico che gli corrisponda, possa diventare controproducente o addirittura in contrasto con le iniziative dei movimenti sociali. Nel negoziato in corso sul trattato sulle multinazionali, la discussione è: chi è portatore di diritti in questo conflitto? E c'è un tentativo delle multinazionali di farsi qualificare come portatori di diritti umani. Solo per dire come la deriva possa andare molto lontano. Quindi è un negoziato molto difficile, ma anche in termini accademici è una bella sfida.

Il concetto di sovranità alimentare è stato ampiamente concettualizzato da LVC e dal forum di Nyéléni. Ogni regione del mondo però si trova di fronte a delle sfide differenti e, dunque, il modo in cui sovranità alimentare viene percepita in America Latina sarà diverso per certi aspetti da come viene percepito in Europa. Quindi nel formalizzare la sovranità alimentare in un nuovo diritto umano, come si possono risolvere queste differenze? Dato che i diritti umani sono diritti universali che dovrebbero essere concepiti in maniera uniforme ovunque, secondo lei è possibile conciliare le diverse voci che ci sono all'interno de LVC?

Abbiamo dovuto affrontare il problema dell'indivisibilità e dell'universalità dei diritti umani durante la discussione su UNDROP. L'Europa, e in particolare la Francia che si

¹ To know more see: OEIGWG, n.d.

considera tenutaria dell'interpretazione autentica dei diritti umani, non ha approvato la dichiarazione e si è astenuta. E torniamo alla questione di prima. È la questione della declinazione. Per cui se la sovranità alimentare è un diritto collettivo, per collettivo si intende una società, un popolo, una nazione, e quindi è evidente che l'implementazione avvenga secondo le specificità dei territori. L'altro aspetto è che la sovranità alimentare non è una ricetta da applicare ovunque nello stesso modo. Essenzialmente è una piattaforma di iniziative e di lotte. È una visione strategica per i produttori, per la società, e per gli Stati. E non è esattamente la stessa cosa per i tre. Quindi già questo complica le cose, non solo a livello globale ma anche all'interno di uno stesso paese. Noi [ARI/LVC], per esempio, abbiamo sempre sostenuto che gli stati debbano difendere la propria sovranità alimentare.

Per la sovranità alimentare, chi è il 'sovrano'? Come ha detto adesso lei, non necessariamente Stato, comunità contadina e società hanno gli stessi interessi. Quindi declinando la sovranità alimentare come un diritto, è diverso dire che è un diritto dello Stato, della comunità contadina o della società. Se per esempio consideriamo la sovranità alimentare un diritto dello Stato e lo Stato porta avanti delle politiche legate a un'agricoltura industrializzata e che favoriscono le multinazionali a discapito dei piccoli contadini, diventa problematico.

Intanto dipende dal luogo del negoziato. La definizione più corta della sovranità alimentare è il diritto dei popoli e delle nazioni di decidere la propria politica agricola alimentare. Credo che su questo principio generale non ci sia molto da dire. È l'implementazione che crea il problema. E l'elemento fondamentale è dove avviene il negoziato, dove si definisce l'implementazione, il quadro normativo, chi sono gli attori che vi partecipano e come viene garantita quella che si chiama un'efficace ed efficiente partecipazione. Quindi, siccome la sovranità alimentare non è un modello agricolo, ma è un modello di politiche pubbliche basato sull'autonomia del movimento contadino, questo richiede un confronto con la società. [La sovranità alimentare] compensa il lavoro del contadino o dell'agricoltore, e può confliggere direttamente con la possibilità della società, di una popolazione di poter acquisire o accedere a prodotti di qualità. In una fase di povertà crescente è evidente che c'è un conflitto frontale. Se il compenso degli agricoltori e dei contadini è fatto solo dal prezzo, e i prezzi all'origine crescono, la povertà cresce e si nega il diritto all'alimentazione a una parte della società. Quindi i conflitti esistono. Per questo il modello richiede strumenti effettivi di partecipazione. La sovranità alimentare non ha senso in paesi antidemocratici. Non è compatibile. Diventa autarchia. Come non ha senso la sovranità alimentare in un solo villaggio. Anche questo diventa autarchia. La sovranità alimentare prevede un meccanismo di scambio tra i territori e tra le produzioni, perché non tutti possono fare il mango e non tutti possono fare il Brunello di Montalcino. Quindi c'è la necessità di un modello di scambio. Ma la sovranità alimentare suggerisce quali devono essere le regole e, soprattutto, quale

deve essere il risultato di questo scambio per i produttori e per i consumatori. È evidente che la liberalizzazione dei mercati è l'esatto contrario di tutto questo. Impedisce agli stati qualunque funzione regolatrice e non tutela il movimento contadino o i consumatori, che, come si vede in questi giorni, subiscono i prezzi stabiliti da Amsterdam.

Spostandoci sul tema del commercio estero, LVC è contraria alla liberalizzazione dei mercati, ma non al commercio estero tout court, perché è chiaro che non tutte le zone del mondo si possono sostenere esclusivamente con una produzione locale. Un certo livello di commercio è necessario. Può parlarmi della posizione de LVC sul tema?

La liberalizzazione dei mercati crea una serie di effetti a caduta. Innanzitutto, riorganizza il sistema produttivo attraverso la specializzazione. Quindi una parte della popolazione manca di beni che arrivano dal mercato internazionale e una parte dei produttori produce in eccedenza beni che vanno sul mercato internazionale, capaci di fare concorrenza ad altri produttori nel mondo. Questo trasferimento però non è solo un trasferimento di beni. È un trasferimento per l'uso della terra, dell'acqua, della biodiversità. Quando noi europei compriamo olio di palma, stiamo usando una parte delle terre tolte ai contadini indonesiani. Allo stato attuale il commercio internazionale di prodotti agricoli copre una parte molto limitata della produzione agricola a livello globale: tra 6 e il 15% a seconda degli anni e di cosa si mette nell'elenco dei prodotti commercializzati sul mercato mondiale. Una parte di questi prodotti sono prodotti cosiddetti coloniali (te, caffè, cacao) che sono sempre stati sul mercato mondiale. Quindi, il punto non è che se blocchiamo il commercio internazionale di beni agricoli moriamo tutti di fame. Il punto è che, malgrado la quota di beni agricoli commerciati a livello internazionale sia così limitata, questa quota genera una volatilità [dei prezzi] che si trasferisce sui mercati interni. Questa è la prima cosa che noi combattiamo: non il mercato [internazionale] ma il commercio internazionale che non può essere regolato. Il commercio internazionale deve essere regolato dando agli stati la possibilità di creare barriere, di creare difese, di creare protezione. E la protezione di che cosa? La protezione di un sistema agricolo basato sul lavoro, agroecologico, capace di far fronte al cambiamento climatico. C'è poi una parte eccedente di produzione (il caso del vino è il più noto) che non è consumata a livello locale o nazionale, e che quindi può essere scambiata e commercializzata a livello più ampio. Le regole del WTO non consentono di regolare questo tipo di commercio. Era molto meglio il GATT quando si discuteva prodotto per prodotto. Il WTO invece si è arrogato il diritto di essere l'unico spazio. Ed è uno spazio che non funziona, che non può essere riformato perché al WTO chi esporta più kg di patate comanda e tutti quelli che devono comprare patate non comandano mai. Quindi è una discussione falsificata all'origine.

Quindi è per questo che LVC continua a restare fuori dalle discussioni del WTO?

Absolutamente sì. Salvo il fatto che alle ministeriali [del WTO], LVC fa sentire la sua voce con le proteste. Nell'ultima ministeriale ci sono state manifestazioni a Ginevra e a livello nazionale. Ma i limiti della liberalizzazione dei mercati agricoli sono sotto gli occhi di tutti. Il problema è che, essendo l'UE la prima potenza agroalimentare della terra, in Europa tendiamo a non vederli e abbiamo l'impressione che [la liberalizzazione dei mercati] ci porti dei vantaggi, il che assolutamente non è vero. Del commercio internazionale ne beneficia un pugno molto ristretto di imprese, neanche di paesi. Poi ci sono governi che lo difendono. Anche negli Stati Uniti le imprese potenti nell'export sono un pugno. E questa situazione non avvantaggia l'agricoltura nordamericana che è molto dipendente dal mercato internazionale. È vero che domina il mercato del grano, però poi compra un sacco di altri prodotti [sul mercato internazionale].

Invece i rapporti con la FAO e l'ONU come sono? C'è maggior dialogo? Maggiore capacità di negoziare?

La scelta de LVC di contrastare il WTO nasce nel 1996 durante il famosissimo Forum di Roma alternativo al World Food Summit, in cui 860 organizzazioni di tutto il pianeta dicono no al WTO. Ma si rendono conto che serve comunque una piattaforma internazionale in cui i temi agricoli e alimentari possano essere discussi. Questo spiega il confronto in questi 25 anni con la FAO, per due motivi. Al momento in cui la scelta viene fatta, la FAO era nel punto più basso della sua credibilità politica. Prima dell'arrivo del Direttore Generale Diouf (che è arrivato nel '94), il direttore precedente era stato cacciato via dopo decenni per corruzione. E noi [LVC], attraverso l'IPC di cui LVC è membro fin dall'inizio, si scelse in quegli anni di iniziare un confronto con la FAO, approfittando della sua debolezza. La debolezza era dovuta al fatto che un gruppo di paesi potenti non credeva nella FAO, che le grandi multinazionali non avevano neanche bisogno di venire a Roma per ottenere quello che volevano. Bastava che telefonassero. Allora il calcolo è stato: bene, siccome la FAO è in una fase di fragilità, i movimenti sociali possono giocare un ruolo. E il ruolo si gioca in un confronto con il direttore generale e con alcuni paesi che capiscono che la FAO serve, che il WTO non risolverà tutti i problemi dell'agricoltura a livello planetario, che la fame nel mondo continua a essere crescente o comunque non diminuisce, che c'è il rischio di rivolte del pane come poi è stato nel 2007-2008. E questo ci ha dato l'opportunità di cominciare una discussione approfondita per creare uno spazio per le organizzazioni di piccoli produttori che non erano riconosciute. L'ONU istituzionalmente riconosce soltanto le ONG che hanno uno stato con ECOSOC e la lista di fatto è ferma da 50 anni. Sono procedure difficili, che non riguardano i movimenti sociali. E noi abbiamo sempre deciso che non ci interessava. In questa conversazione con la FAO abbiamo stabilito mobilitazioni a Roma e non solo. Nel 2002 è nato uno scambio di lettere, un *memorandum of understanding*,

uno scambio di impegni formali sottoscritti dall'IPC e dal direttore generale della FAO, in cui si fissano alcune regole di comportamento, di rapporto e di temi prioritari. Ricordo che già allora, tra i temi prioritari, c'era l'agroecologia con un anticipo di vent'anni.

Il confronto con la FAO va bene o male a seconda delle rappresentanze degli Stati tra gli ambasciatori permanenti e della capacità e della visione strategica e politica del direttore generale (perché il direttore generale risponde a quello che dicono gli stati ma comanda sulla burocrazia interna). Abbiamo avuto due direttori generali sensibili, disponibili: Diouf e Graziano Da Silva. C'è stato un periodo intorno al 2010, dopo la grande crisi alimentare del 2007-2008-2009, in cui, siccome non c'era la scusa della guerra, sono state affrontate discussioni molto più serie. E questo dialogo era un vero dialogo con alcuni governi e con la burocrazia interna che ha portato alla modifica costituzionale di uno dei comitati della FAO, il CFS. Per la prima volta in una struttura dell'ONU si riconosce alle organizzazioni della società civile, ai movimenti sociali e alle ONG, una pari dignità con i governi, per consentire loro di partecipare ai negoziati relativi ai quadri normativi del CFS o alle politiche proposte da implementare poi nella FAO. E questo meccanismo è stato estremamente dirompente. Ha dato effetti all'inizio molto positivi, in particolare per le *Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security*. E ha prodotto un fenomeno inaspettato che manifesta la mancanza di democrazia: una reazione virulenta di un gruppo di paesi, tra cui paesi dell'Unione Europea, contro questo modello di partecipazione. Quando nel 2009 è stato riformato il CFS, i grandi paesi pensavo che fosse l'ennesima *boutade*, una riforma dell'ONU po' inutile che dopo sei mesi sarebbe caduta, che la società civile sarebbe stata incapace di dare un *input*, che sarebbe bastato comprare un paio di ONG, come sempre avvenuto, e la cosa sarebbe finita. Non è successo così. Anzi la partecipazione della società civile è aumentata. Mentre nel negoziato per la riforma del CFS di fatto c'erano soltanto l'IPC e Oxfam, man mano che si sviluppavano i lavori, la delegazione della società civile cresceva, tanto che, nella riunione annuale del CFS, si è arrivati a una delegazione che supera le 250 persone. Metà della sala plenaria era piena di delegati della società civile. E questo ha creato una reazione da un gruppo di paesi. E lentamente è cominciato un degrado delle cose che si potevano fare, un degrado dei meccanismi di partecipazione che sono stati annegati mettendo dentro il settore privato e le associazioni filantropiche, e quindi togliendo le risorse finanziarie alla società civile per partecipare. Oggi il CFS è molto depotenziato e diventa sempre più difficile un'efficace ed efficiente partecipazione. Poi c'è stato il cambio del direttore generale. [L'attuale direttore generale, eletto nel 2019, è Qu Dongyu]. La prima riunione vera c'è stata due settimane fa, un incontro che è durato a lungo tra LVC e il direttore generale. Quindi di fatto si stanno avviando adesso dei colloqui. C'è stata anche una riforma interna alla FAO del dipartimento che si occupava dei rapporti con i

movimenti sociali, le organizzazioni della società civile e le ONG. Questo dipartimento è stato di fatto smembrato e resta soltanto un'attività importante relativa alla *UN Decade for Family Farming*. Lentamente si sta riconquistando uno spazio. Bisogna recuperarlo nei vari contesti della FAO.

Con l'IFAD è un po' più complicato e con il WFP è praticamente impossibile. Il WFP di fatto distribuisce alimenti. Quindi vede le organizzazioni contadine come *traders*, cosa che a noi non interessa. Non siamo venditori di grano.

Quindi con la FAO, siete riusciti a vedere nel tempo che la vostra proposta è stata inserita sempre di più nei documenti e nei programmi dell'organizzazione?

Io credo che i risultati ci siano stati e la prova è la contro-reazione di un gruppo di paesi, di cui alcuni ultra-liberisti e altri governati da governi reazionari (questo non sorprende, quello che sorprende è la reazione dell'Europa), che hanno visto la loro capacità di dominare la FAO e di usarla a loro piacimento ridimensionata dalla presenza dei movimenti sociali e della società civile. L'attacco che è stato portato al CFS ne è la testimonianza. Vediamo un po' le stesse cose in alcune commissioni, come la Commissione per le risorse genetiche per il cibo e l'agricoltura. Le nostre posizioni sono state sempre molto determinate. Lo frequentiamo da non so più quanti anni ed è diventato difficile. Dipende molto anche dalla natura dei governi. Queste cose possono cambiare se per esempio arriva una pattuglia di governi che hanno l'abitudine di lavorare con i movimenti sociali e le organizzazioni contadine. Abbiamo avuto membri di IPC e de LVC che sono diventati ministri dell'agricoltura ed è chiaro che in quel caso le cose sono decisamente più semplici.

A proposito di ARI, ARI è nata prima de LVC e a un certo punto avete deciso di entrare all'interno di questo movimento. Come mai questa scelta? E poi, potrebbe raccontarmi un po' di come ARI opera in Italia?

La storia de LVC è una storia che è molto legata all'Europa. LVC viene fondata essenzialmente dalla *Coordination Paysanne Européenne* (CPE) che spinge il suo modello, quello di un coordinamento delle organizzazioni contadine, verso una visione più globale. ARI collabora e partecipa ai lavori della CPE prima che LVC nascesse. Ci siamo ritrovati con la CPE perché era l'unica organizzazione che rappresentasse il modo che abbiamo di produrre. ARI non è fatta di funzionari o di tecnici, è fatta solo di piccoli contadini. È un'organizzazione che fin dall'inizio non nasce su un presupposto ideologico o di affiliazione partitaria, ma su un presupposto molto banale. Cioè, "ho 8 ettari di terra di cui 6 coltivabili in più attività, chi dice quello che mi serve? Chi mi difende? Chi ha le mie stesse priorità?" Poi parli con un piccolo allevatore di capre e ha lo stesso problema e poi parli con piccolo produttore di ortaggi della Calabria e

ha i tuoi stessi problemi. ARI è nata così e continua così. Facciamo delle campagne di reclutamento soci molto mirate e molto lente. Quindi ARI trova incredibilmente corrispondenza con i suoi bisogni e i bisogni dei suoi membri nella CPE piuttosto che in qualcosa che c'era in Italia. Abbiamo tentato azioni con Greenpeace Italia in un periodo e con altri. Non rigettiamo le collaborazioni. Però la nostra piattaforma di riferimento è una piattaforma europea, perché in Italia eravamo noi la nostra piattaforma. Noi partecipiamo unici italiani alla vita della CPE. La CPE a un certo punto ha deciso di dar vita a un movimento più ampio che sarà LVC. Quando LVC si consolida, decide di ristrutturare i coordinamenti regionali in modo tale che avessero un riferimento anche nel nome a LVC. Quindi CPE diventa ECVC. La dicitura esatta è Coordinamento Europeo Via Campesina, non *di* Via Campesina, perché LVC non è un'organizzazione unica, non è un partito contadino con le sezioni. È un'organizzazione complessa di strutture di coordinamento regionale che a loro volta hanno dei membri nazionali. Al momento ARI ha un rappresentante nel comitato di coordinamento, cioè nell'organo di direzione, e poi altri membri nei gruppi di lavoro. Anche il responsabile giovane di LVC globale è di ARI. Pur essendo un'organizzazione piccola, ARI, essendo fatta di gente vera, esprime con facilità dei contenuti, dei problemi e delle soluzioni. Tra le soluzioni, un esempio sono i mercati contadini. Quando al nord, all'inizio del Covid, i sindaci hanno cominciato a chiuderli, la protesta fatta presso le prefetture da ARI ha portato alla riapertura. Non abbiamo solo detto "riaprite". Abbiamo mandato gli schemi di come si poteva organizzare la sicurezza sanitaria.

Quali sono i vostri rapporti con il governo italiano e con le regioni? Come cercate di promuovere nelle politiche pubbliche italiane un paradigma differente basato sulla sovranità alimentare?

Rispetto al ministero, abbiamo dei rapporti molto altalenanti, dipende molto dal ministro. Devo dire che uno dei migliori rapporti che abbiamo avuto storicamente è con il ministro Zaia [2008-2010]. Un altro rapporto positivo è stato con Alemanno [2001-2006] e uno molto buono, evidentemente, è stato con il ministro verde Pecoraro Scanio [2000-2001]. Altri buoni rapporti non me li ricordo. Quindi questo prova che l'appartenenza partitica a volte non funziona. ARI ha un posizionamento sicuramente antifascista. Però alcuni ministri si rendono conto che la maggioranza dell'agricoltura italiana è priva di rappresentanza. Per cui ci chiamano per sentire la nostra opinione. A volte funziona. La legge a sostegno dell'agricoltura contadina alla Camera dei Deputati in Parlamento è stata approvata all'unanimità, senza nessun voto contrario. Significa che abbiamo una buona influenza. Poi, in Senato è bastato che il relatore non facesse niente e la legge è decaduta da sola. Rispetto agli assessori dipende dalle varie regioni. Nel Lazio l'assessore non l'abbiamo mai incontrato, mai visto. In altri posti, anche in posti difficili, c'è stato

un dialogo: per esempio, in Calabria sulle questioni della terra della 'Ndrangheta e sulla questione dei migranti.

Secondo lei, a che punto siamo nella promozione della sovranità alimentare in Italia rispetto ad altri paesi europei o ad una situazione globale?

Il discorso si è trasferito moltissimo nelle città. Quindi ci sono da una parte i mercati contadini, dall'altra le politiche del cibo urbane. In queste ultime c'è spesso il richiamo alla sovranità alimentare che però non tiene in considerazione l'impatto sul sistema produttivo. Direi che da questo punto di vista sicuramente in Italia la situazione è più avanti che in Francia o in Germania. Tuttavia, lo spostamento in ambito accademico e in ambito urbano della discussione sulla sovranità alimentare ha espropriato il luogo naturale dove questa si discuteva. Il rischio è di tralasciare il legame forte tra sistema produttivo e sovranità alimentare. Esistono poi realtà che, pur facendo sovranità alimentare, non conoscono ARI. Magari portano avanti delle azioni molto mirate, come il distretto biologico, però poi non si vede l'insieme ed è molto difficile ottenere una partecipazione sistematica, permanente, necessaria per costruire delle risposte di politica pubblica che vanno al di là dell'interesse della singola azienda. Di recente ARI ha partecipato ad un tavolo di dialogo ministeriale, imposto da Bruxelles, con una pluralità di soggetti per realizzare un piano strategico nazionale sull'agricoltura.

Tornando al tema diritti umani, ha detto all'inizio che c'è già una negoziazione per rendere vincolante UNDROP. Come si sta sviluppando la cosa?

Ci sono tre livelli diversi. UNDROP è solo una dichiarazione politica, non è vincolante. Per renderla tale, un primo livello, probabilmente il più efficace, è quello di avviare dei negoziati a livello nazionale, per inserire UNDROP nelle costituzioni e nella legislazione nazionale. Un esempio è la legge sull'agricoltura contadina [citata prima] approvata alla Camera dei Deputati e bocciata al Senato. Nel disegno di legge avevamo ripreso interamente la definizione di contadino da UNDROP. Era un modo per far approvare l'articolo 1. In altri paesi, come in Indonesia e in alcuni paesi latino-americani, c'è una discussione un po' più ferma con il governo. Un secondo livello è rappresentato da una discussione a livello europeo, dove il Parlamento Europeo può fare una dichiarazione di appoggio all'UNDROP. Ma in questo caso restiamo nell'ambito di una dichiarazione politica. Un terzo livello è quello di discutere all'ONU a New York e al Consiglio per i Diritti Umani a Ginevra di un meccanismo di monitoraggio, ad esempio un nuovo Special Rapporteur. Questa discussione va avanti. Ma dipende dalla composizione del Consiglio per i Diritti Umani, dal Segretario Generale dell'ONU e dall'Assemblea Generale.

Secondo LVC, implementare la sovranità alimentare con un linguaggio dei diritti umani è una strategia vantaggiosa? E, nella vostra visione, il diritto alla sovranità alimentare si configura come un diritto individuale o collettivo?

Le lotte producono dei nuovi diritti. UNDROP ne è un esempio. Per questo c'è bisogno di un quadro normativo. Il secondo passo è la lotta per il quadro normativo. Ma l'approccio diritti umani non cambia. È solo la natura dei diritti umani che è diversa. Il che è un po' il problema di tutti i diritti economici che sono tutti bloccati per lo stesso motivo. Il diritto alla sovranità è un diritto collettivo, dei popoli, delle nazioni e dei contadini.

La definizione di sovranità alimentare come diritto dei popoli, delle nazioni e dei contadini è chiara. Ma quando si tratterà di arrivare a un'implementazione pratica, è diverso considerare la sovranità alimentare come un diritto dei popoli, delle nazioni o dei contadini. Come ha detto lei prima, dopo la riforma del CFS alla FAO, sono proprio gli stati che si sono opposti a una partecipazione maggiore della società civile. Come si risolve la questione?

Il principio fondamentale che difendiamo è quello dell'autonomia del movimento contadino. Il movimento contadino è portatore di questo diritto, ma non è il portatore esclusivo. Questo diritto può essere anche di uno stato che lo sceglie, anche se uno stato da solo non può implementare la sovranità alimentare. Sicuramente la sovranità alimentare non è un diritto di un'industria multinazionale. L'elemento fondamentale è che durante i negoziati per delle politiche pubbliche agricole a livello locale, nazionale ed europeo ci sia il riconoscimento formale dell'autonomia del movimento contadino.

Cosa differenzia la sovranità alimentare dalla sicurezza alimentare?

La sovranità alimentare nasce negli anni '90 come una visione alternativa alla sicurezza alimentare. È evidente che la sicurezza alimentare non si discute. Ma sicurezza alimentare come? Chi sono gli attori che devono avere un ruolo fondamentale? Chi decide come si ottiene la sicurezza alimentare? Chi decide una giusta ripartizione di questo diritto a cominciare dai poveri e dagli affamati?

Nella sovranità alimentare poi c'è anche l'elemento della trasformazione sociale, l'agroecologia, la difesa dei sistemi sementieri contadini. Quest'ultimo punto è cruciale nelle strategie per la sovranità alimentare. È un diritto collettivo, che contrasta i diritti di proprietà intellettuale e il sistema di funzionamento dell'industria delle sementi. Questa posizione è stata presentata da ECVV in una battaglia durata diversi anni a livello europeo. Ora che si rinnova la legge sulle sementi a livello europeo, una proposta prevede la creazione di un sistema legislativo che separi le sementi contadine (o sistema informale) dal sistema formale delle sementi commerciali.

La guerra in Ucraina e le conseguenti crisi del grano e dell'energia dimostrano ancora una volta i problemi sistemici del nostro sistema alimentare ed economico. Questo momento di crisi, come nel 2007-2008 con la crisi alimentare, rappresenta un'opportunità per LVC per avanzare il paradigma della sovranità alimentare? Offre uno spazio a LVC?

Quando c'è crisi di un modello (e questa volta il modello reagisce in maniera violenta diversamente dal 2007) il momento è buono. Una prova è nell'ultimo censimento dell'agricoltura italiana, in cui l'ISTAT ha riconosciuto che rispetto alle crisi strutturali, come è stata la pandemia e come si avvia a essere la guerra in Ucraina, le aziende che hanno più di 10 lavoratori hanno subito un impatto 5 volte superiore alle aziende con meno di un lavoratore. Se qualcuno voleva una prova sull'efficienza e la resilienza delle piccole aziende agricole è lì. Quindi è una buona occasione, a parte che, a differenza del 2007-2008, siamo in presenza di una restrizione degli spazi democratici paurosa, in Europa in modo particolare. Però, alla prova dei fatti, il paradigma della sovranità alimentare funziona più del modello esistente. L'hanno dovuto riconoscere. I numeri sono lì. E lo dice ISTAT, non ARI.

Interview with Fabrizio Garbarino, President of ARI and Coordinator of the Region Piemonte: 9th September 2022

La guerra in Ucraina e i problemi legati al grano e all'energia hanno evidenziato di nuovo come ci siano dei problemi strutturali nel sistema alimentare ed energetico. Inoltre, nei media principali, c'è molta attenzione alla questione energetica, mentre della questione alimentare si parla molto meno. Qual è la sua opinione su questo?

La situazione attuale rivela esattamente quello che noi stiamo dicendo da anni, cioè che il sistema si basa su dei principi sbagliati e iniqui. Sbagliati, perché una crisi molto grave ma localizzata in un territorio piccolo travolge tutto il mondo. Iniqui perché è un sistema in cui la sicurezza alimentare, per non parlare della sovranità alimentare, sono delle chimere irraggiungibili con questo modello socioeconomico e geopolitico. Per cui, ci sono zone della terra predeterminate dai mercati internazionali a produrre certi alimenti che devono servire altre zone della terra che potrebbero benissimo produrre autonomamente il loro cibo, ma che per queste dinamiche neocoloniali, geopolitiche, neoliberiste non possono. Questo succede sia ai paesi "ricchi" come il nostro, che sono comunque dipendenti dal mercato internazionale per alcuni beni alimentari, sia ai paesi "poveri", ulteriormente schiacciati da dinamiche di povertà e insicurezza alimentare e costretti a elemosinare sul mercato mondiale il cibo che serve alle loro produzioni perché preferiscono, o qualcuno preferisce per loro, che i loro territori vengano utilizzati per produrre bioenergie, beni coloniali, o

energia. I risultati sono due: la mancanza di sicurezza alimentare e l'assoluta impossibilità di raggiungere la sovranità alimentare. Quello che denuncia LVC da anni è proprio questa dinamica che rende fragili i sistemi alimentari di tutti i paesi. E cosa fa l'ONU? Con il Food System Summit del settembre 2021, prima alla FAO a Roma poi all'ONU a New York, fa entrare le multinazionali nei sistemi alimentari spingendo in modo particolare sulla digitalizzazione forzata dell'agricoltura e sull'utilizzo massiccio di OGM e biotecnologie, senza consultare le popolazioni. Il fatto che oggi si parli meno di alimento e più di energia, succede magari qui da noi dove si sta affacciando l'inverno e i governi si stanno rendendo conto che mancherà il gas per riscaldarci ma anche per le aziende che utilizzando massicce quantità di energia fossile. Nel momento in cui è stato detto che ci sarebbe stato forse un *price cap* al gas, Putin ha subito minacciato l'arma alimentare, mettendo in discussione gli accordi di Ankara tra Ucraina e Russia con l'aiuto della Turchia. Quindi, si tratta veramente di fare geopolitica spiccia sulle spalle delle persone, usando il cibo.

Di fronte a questo momento di crisi che mostra chiaramente i problemi strutturali di questo sistema economico e alimentare, secondo lei, si apre una finestra per LVC, un po' come nel 2007 con la crisi alimentare, per far vedere che esiste un modello alternativo? È un momento propizio per avanzare il paradigma della sovranità alimentare?

Senza andare fino al 2007-2008, l'abbiamo dimostrato anche durante la pandemia. La pandemia, con i vari lockdown che limitavano la capacità di movimento delle persone, ci ha dimostrato che il modello delle piccole aziende contadine che producono e distribuiscono cibo sul territorio (l'agricoltura contadina di prossimità) è in grado di sopperire ai bisogni alimentari di fasce della popolazione molto grandi. Già prima della pandemia, molti italiani si rifornivano dalle piccole aziende contadine. Durante la pandemia questo dato è aumentato, dimostrando che l'agricoltura contadina (se poi agro-ecologica e solidale meglio) può essere la chiave di un sistema alimentare inclusivo, orizzontale e diffuso. Il problema non è tanto la capacità nostra di dimostrare queste cose, ma più che altro della politica di impossessarsi di questi numeri. Nei programmi di queste elezioni [25 settembre 2022, elezioni politiche] pochissime forze politiche hanno incluso un programma meditato sull'agricoltura. Molti sono slogan o copia-incolla di altri programmi o di altre realtà. Ma riflessioni profonde mancano, malgrado per il PIL italiano l'agricoltura sia fondamentale. Per non parlare del fatto che l'agricoltura plasma il territorio e il paesaggio. Questo a livello italiano. A livello internazionale, da quando è stata approvata UNDROP la situazione è un po' migliorata e si è capito che il movimento contadino internazionale non è un comprimario della discussione politica ma un protagonista assoluto. Nei vari round del WTO, i problemi sono quasi sempre legati alle materie prime e all'agricoltura. Questo dimostra che l'agricoltura è fondamentale. Poi chiaramente il movimento contadino deve

essere in grado di fare pressione sui decisori politici perché tengano in considerazione che l'agricoltura contadina è quella che sopperisce per più del 70% al fabbisogno alimentare mondiale. E questi sono dati della FAO. Come è efficace l'agricoltura contadina non c'è nulla. Si tratta di ribadirlo e di essere capaci di farci ascoltare da tutti, dall'uomo della strada fino appunto al decisore politico.

Il paradigma di sovranità alimentare prevede chiaramente dei principi e una definizione comuni. Tuttavia, i contesti in cui si declina la sovranità alimentare, da quello europeo a quello latino-americano, africano, asiatico sono molto diversi fra loro. Queste differenze minano la coesione interna del movimento, rispetto alla capacità de LVC di avere una voce unica nei negoziati (penso in particolare a UNDROP)?

La modalità con cui la sovranità alimentare viene vissuta in Europa o in Africa è diversa, ma il concetto di sovranità alimentare è assolutamente univoco in tutti i continenti e questa lotta è unitaria dappertutto. In Europa abbiamo l'UE che ha la delega totale sull'agricoltura. Quindi la lotta che si mena in Europa attraverso ECVC è una lotta più complicata, perché è complicata la politica agricola comunitaria, ma anche più efficace, perché se riusciamo a ottenere qualcosa al Parlamento Europeo o in una Commissione, il risultato si riverbera direttamente su tutti i paesi UE. In altre regioni dove ogni stato fa la sua politica agricola, le diramazioni regionali de LVC fanno più fatica perché devono plasmare una lotta diversa in ogni singolo paese. Quindi la differenza è nella modalità in cui si mena la lotta, nelle proposte e negli interlocutori. Ma il concetto è assolutamente univoco e il movimento contadino è l'unico movimento mondiale oggi presente.

La geopolitica sull'alimento è diventata una cosa all'ordine del giorno. Esistono ancora gli accordi di libero scambio fra singoli paesi, usati per scavalcare i problemi del WTO. Noi contestiamo anche quelli. Ad esempio, l'UE ha facilitato la creazione di multinazionali miste fra paesi europei e lo stato marocchino che hanno espropriato ettari ed ettari ai piccoli contadini e hanno creato agglomerati giganteschi di agricoltura industriale in cui lavorano come braccianti gli stessi contadini marocchini che prima almeno erano i proprietari della terra. ECVC è presente in questi scenari. E sarà presente anche al CFS della FAO a settembre. Così come è presente per strada, nei campi, nelle serre, nei macelli, laddove ci sono le persone fisiche che lottano. Non siamo una ONG che fa progetti a seconda delle esigenze. Questa è una differenza fondamentale, anche per uscire da una mentalità neocolonialista dal punto di vista dell'assistenza alla lotta di altri. Non siamo un movimento europeo che sostiene i contadini brasiliani mandando lì i propri operatori. Sono i contadini brasiliani che fanno la loro lotta e ECVC fa quello che può per evitare che l'UE faccia degli accordi distruttivi col governo brasiliano che distrugge la foresta amazzonica per produrre la soia che poi viene importata in Europa per allevare i nostri maiali. Noi cerchiamo di mettere in

pie di questo tipo di circuiti virtuosi perché la lotta deve essere sempre continentale, trans-continentale e globale.

Può raccontarmi di più del ruolo de LVC durante le negoziazioni di UNDROP?

Si, il lavoro è stato mastodontico ed è stato ispirato da Henri Saraghi, leader di Serikat Petani Indonesia (SPI), organizzazione indonesiana de LVC, che all'epoca era il segretario generale de LVC. Dall'intuizione di questa organizzazione, che ha pensato fosse fondamentale che all'ONU venissero riconosciuti i diritti dei contadini, si è iniziato questo lavoro capillare attraverso contatti costanti con i delegati e le delegate degli stati che siedono al Consiglio per i Diritti Umani a Ginevra (perché LVC non è presente direttamente). Fondamentale è stato il supporto di alleati come FIAN e delle organizzazioni contadine svizzere, in particolare UNITERRE, che fa parte di ECVC e de LVC. I contadini indonesiani provenivano da 30 anni di oppressioni, carcerazioni, uccisioni. Una repressione feroce da parte del regime di Suharto fino agli anni '80. Quindi è stata davvero un'intuizione indonesiana che ha portato avanti le negoziazioni anche quando eravamo un po' scettici, conoscendo queste istituzioni molto complicate, e pensavamo che fosse una lotta troppo complicata per i nostri mezzi. La lotta è durata diversi anni e ha avuto successo perché tutte le organizzazioni de LVC si sono unite e hanno spinto le delegazioni nazionali a sostenere la lotta. Soprattutto in America Latina i governi sono stati molto sensibili, quello boliviano in particolare, e hanno fatto loro questa proposta, l'hanno portata avanti con forza cercando di trovare appoggi importanti anche nei delegati di altre nazioni. È stato veramente un lavoro di fino, che ha portato a un risultato assolutamente insperato che dimostra due cose fondamentali. La prima è che la costanza nella lotta paga. La seconda è che c'era assolutamente bisogno di uno strumento come UNDROP e i governanti di diversi paesi (peccato i paesi europei che si sono astenuti in massa) hanno capito che il settore agricolo, e soprattutto chi ci opera tutti i giorni, ha un'importanza fondamentale. E quindi andava scritta una carta che potesse proteggere e sostenere questo settore. Ma la carta è talmente ampia che non parla solo di lavoro agricolo. Parla di diritto alle risorse naturali, all'acqua, all'aria, alla terra, del diritto alle sementi, dei diritti politici, dei diritti educativi delle persone che vivono in zone rurali. È una carta molto ampia. Adesso sta alle organizzazioni nazionali fare in modo che questa carta diventi ispirazione per delle leggi nazionali. Questo è quello che ha fatto ARI cercando di ottenere una legge quadro nazionale sull'agricoltura contadina ispirandoci a UNDROP. Quello che succede nei paesi del nord del mondo è che le organizzazioni contadine tradizionali, legate all'agroindustria più che all'agricoltura contadina, non hanno ripreso questa lotta che viene dunque portata avanti da organizzazioni come la nostra [ARI] che sono oggettivamente piccole e che quindi fanno più fatica. È stupefacente che un'organizzazione sindacale non approfitti di una così importante occasione per ribadire alcuni importanti concetti. Questo fa pensare che non sia questo il loro obiettivo.

Può dirmi di più della legge quadro in Italia?

Questa legge, l'abbiamo presentata per tre legislature. Nella prima legislatura non è stata presa in considerazione neanche dalla commissione agricoltura. Nella seconda legislatura è stata discussa ampiamente nella commissione agricoltura della Camera dei Deputati, ma non è stata approvata. Nella terza legislatura [l'ultima prima della caduta del governo Draghi] è stata addirittura approvata all'unanimità alla Camera dei Deputati. Eravamo veramente a un passo. In Senato, la persona a cui era stata affidata questa proposta di legge in un anno "non è riuscita" a farla andare avanti neanche in commissione. Comunque parliamo di una legge che è stata discussa ampiamente e approvata all'unanimità in un ramo del parlamento. Quindi crediamo che la mancata discussione e il mancato passaggio in aula in Senato non possa essere imputato solamente a una mancanza di accordo fra le forze politiche. Si è trattato di un affossamento. Coldiretti, che oggi è l'unica organizzazione che riesce a dettare l'agenda agricola di questo paese, è stata chiamata a dare un parere e si è sempre strenuamente opposta. Crediamo che questa sia stata un'occasione persa, perché l'Italia aveva e ha bisogno di una legge che tuteli e promuova l'agricoltura contadina, proprio perché vediamo che è l'unica agricoltura che riesce con dei mezzi poco importanti a raggiungere obiettivi di efficienza ed efficacia veramente strabilianti. E questo è un dato che un governante assennato dovrebbe prendere in considerazione. L'agricoltura che prende meno contributi, meno sussidi, ha un impatto ecologico meno importante, ha una capacità di produrre lavoro assolutamente incomparabile rispetto all'agricoltura industriale, viene continuamente bistrattata. E questa è una cosa oggettivamente incomprensibile.

La sovranità alimentare va aldilà dei diritti dei contadini. È un paradigma che riguarda tutta la società dal produttore al consumatore, riguarda i rapporti sociali e la tutela dell'ambiente. Insomma, propone un cambiamento sistemico della società e dell'economia. Quindi, proteggere i diritti dei contadini significa attribuire solo a loro il diritto alla sovranità alimentare? Oppure il diritto alla sovranità alimentare è attribuibile anche ad altre categorie?

Sovranità alimentare è un diritto dei popoli. Non c'entra niente se uno fa il contadino, l'operaio, il ferroviere o il ricercatore universitario. Chiaramente i principali promotori della sovranità alimentare sono i produttori. In alcuni paesi l'agricoltura è il settore predominante e implica l'80% della popolazione. Nel nord del mondo le percentuali sono molto più basse. Quindi la sovranità alimentare viene intesa in modo diverso perché chi opera in agricoltura è diverso. Ma come concetto, la sovranità alimentare è dei popoli. La sovranità alimentare poi abbraccia una serie di altri paradigmi sociali, politici, economici, agronomici. Chi produce cibo si sente parte di un sistema più grande che riguarda l'ambiente in cui opera e la geopolitica. Produrre cibo utilizzando esclusivamente le sementi autoctone di un territorio, nutrendo gli animali con mangimi prodotti *in loco* e non con mais importato

dall'Ucraina o soia importata dal Brasile cambia drasticamente il risultato. Il prodotto finale sarà sempre un formaggio, un cereale, una bottiglia di vino ma le condizioni di partenza sono talmente diverse che le scelte di un produttore lo rendono complice o oppositore di un certo modello agricolo, sociale ed economico.

È corretto dire che con UNDROP si è cercato di delineare e proteggere una nuova categoria, i contadini in quanto principali promotori della sovranità alimentare, che aveva bisogno di essere protetta dal sistema diritti umani (come in passato altre categorie, le donne o i migranti, sono state tutelate con strumenti specifici)?

Sì, una delle scintille è stata questa. Ma non è stata una decisione presa filosoficamente o ideologicamente. Negli anni si stava arrivando a una desertificazione sociale e a un'ulteriore deprivazione di sicurezza e sovranità alimentare mettendo i contadini in Europa in condizioni sociali ed economiche disagiati, spingendoli ad abbandonare le campagne e ad andare a lavorare nelle città o nelle fabbriche, mentre nei paesi in via di sviluppo con una repressione diretta, con l'espropriazione dei terreni e delle sementi. Quindi si è deciso di darsi un ulteriore strumento di *soft power* giuridico per sostenere e richiedere in maniera formale i nostri diritti. È stata una presa di coscienza importante, capire che la lotta si mena anche con questi strumenti. E oggi c'è bisogno che la lotta diventi intensa. Le statistiche italiane mostrano che la quantità di aziende agricole che spariscono ogni anno è diventata impressionante e questo renderà i sistemi alimentari ancora più fragili e porterà a un'ulteriore perdita di sovranità alimentare che ci protegge tutti quanti dalle grane geopolitiche, dalle pandemie e dai disastri naturali.

Ora che UNDROP è stata adottata, ci sono tentativi con l'ONU di portare avanti il diritto alla sovranità alimentare? Ritenete che portare avanti la sovranità alimentare nel sistema diritti umani, e non solo con la FAO, sia importante?

UNDROP è uno strumento in realtà, non è un fine. Quindi il fatto di averlo ottenuto è una vittoria importante, ma non è la vittoria. A noi interessa che questo strumento venga conosciuto il più possibile, sia da chi opera in agricoltura sia da chi non fa questo mestiere, in modo che si sappia che esiste un'ulteriore articolazione dei diritti umani importante. Poi è importante che i *decision-makers* a tutti i livelli conoscano UNDROP, in modo che, da uno strumento di *soft power*, diventi ispirazione per creare delle condizioni migliori per gli agricoltori basate sulla sovranità alimentare. Purtroppo, a volte, soprattutto in Europa, i contadini sono visti un po' come una corporazione. UNDROP non vuole essere un privilegio, vuole essere uno strumento che dà dei diritti a una categoria specifica ma che poi si riverbera su tutta la società. UNDROP deve essere uno strumento per garantire a tutti un'alimentazione più sana, meno impattante dal punto di vista ambientale, più giusta dal

punto di vista del diritto al cibo. Un'attenzione maggiore della politica potrebbe agevolare una produzione di un certo tipo e renderla più accessibile, perché ad oggi i costi dell'agricoltura industriale che è super-sovvenzionata sono nettamente inferiori a quelli dell'agricoltura contadina (se poi biologica e agro-ecologica ancora peggio). Quindi rischiamo di diventare noi [promotori della sovranità alimentare] uno strumento di disequilibrio, di disegualianza sociale. Non vogliamo questo. Ma per arrivare lì, bisogna che si investano miliardi di euro all'anno nell'agricoltura. Noi chiediamo che vengano investiti in un'altra agricoltura rispetto a quella che oggi viene sovvenzionata pesantemente. E questo si può fare anche grazie a UNDROP. Quindi, nei paesi in cui c'è una repressione forte, militare, poliziesca, UNDROP può essere uno strumento contro questa repressione; nei paesi, come l'Italia, in cui c'è una repressione più strisciante, come uno strumento per riproporre fortemente il modello dell'agricoltura contadina. UNDROP tocca il discorso delle sementi, dell'acqua, della terra che oggi sono diventate merce preziosa e le assicurazioni, le banche e i fondi di investimento l'hanno capito bene. Questo è un dato fondamentale di cui la società non si rende conto. E quando la terra non sarà più in possesso delle aziende agricole contadine, la sicurezza e la sovranità alimentare saranno ulteriormente a rischio. In UNDROP c'è tutto questo. Dunque, deve diventare uno strumento vivo, di presa di coscienza da una parte e di lotta politica dall'altra.

Alcuni autori evidenziano come una criticità il fatto che sia poco chiaro dal punto di vista pratico di chi è il diritto alla sovranità alimentare. LVC parla di un diritto degli stati, dei popoli, dei contadini. Ma nel sistema diritti umani è necessario identificare chiaramente chi è detentore di un certo diritto e chi ha l'obbligo di farlo rispettare. Quindi, se andrà avanti il procedimento per riconoscere la sovranità come un diritto umano, chi sarebbe detentore di questo diritto? Chi è 'sovrano' per la sovranità alimentare?

Per noi quando si parla di diritti, se ne parla anche in senso lato. Quindi non si parla solo di uno strumento dettagliato come UNDROP che ovviamente è per chi opera, per i contadini. La sovranità alimentare in realtà è un diritto collettivo e come tale viene rivendicato. Quindi non è il diritto del singolo produttore o del singolo consumatore. Si tratta di un diritto collettivo che riguarda le nazioni. Essendo un diritto collettivo, il detentore è una collettività di popoli, di nazioni, di stati a seconda di dove fisicamente lo collochiamo. È un diritto che va plasmato a seconda delle popolazioni e delle organizzazioni statuali dei vari territori. Per esempio, per LVC era molto importante identificare anche le comunità indigene che spesso vengono private della possibilità di coltivare il proprio cibo perché devono sottostare ad accordi commerciali presi dai loro governi o dalle organizzazioni internazionali. E allora, in questo caso, le comunità indigene, non lo stato, hanno il diritto alla sovranità alimentare. In Europa, sarebbe molto importante che l'UE, in quanto tenutaria delle politiche agricole

a livello comunitario, abbracciasse il diritto alla sovranità alimentare. In questo modo, la sovranità alimentare potrebbe diventare un diritto sovranazionale che implicherebbe in modo uguale ma diverso un territorio molto vasto che va dalla Danimarca a Lampedusa. L'obiettivo delle politiche agricole europee sarebbe non più la massimizzazione dei profitti, l'aggressione dei mercati stranieri per soggiogarli e renderli dipendenti dalle dinamiche europee, ma la creazione di una situazione virtuosa in cui si produce cibo principalmente per l'utilizzo della popolazione europea. Parallelamente si dovrebbero promuovere politiche di cooperazione improntate a esportare la sovranità alimentare negli altri paesi. Questo è importante per ECVC. Altrimenti la sovranità alimentare si trasforma in autarchia fascista che con la sovranità alimentare non c'entra nulla.

Il tentativo che ARI ha fatto con la legge quadro di inserire i principi di UNDROP in una legge italiana rispondono proprio a questa esigenza, giusto? Avere una politica agricola e delle leggi, che di fatto abbraccino i principi della sovranità alimentare per tutelare i produttori e la società nel suo insieme.

Si, la strategia è chiaramente multilivello. A livello europeo si hanno altri strumenti: le direttive o le politiche agricole. In Italia abbiamo bisogno di un quadro legislativo che riconosca la figura dell'agricoltore contadino. Sono due strategie simili che poi si sviluppano in modo diverso perché diverse sono le competenze degli stati e dell'UE. Se un domani ci fossero gli stati uniti d'Europa, e quindi l'UE avesse delle leggi federali, a quel punto potremmo chiedere il riconoscimento di una figura dell'agricoltore contadino a livello di stati uniti d'Europa. Per il momento bisogna che l'UE lavori per introdurre la sovranità alimentare nelle sue direttive e strategie, per cambiare radicalmente gli obiettivi della politica agricola comunitaria, che, ricordiamo, è nata per avere sicurezza alimentare in Europa. Quindi non siamo noi [di ARI, ECVC] che abbiamo cambiato idea, è l'UE che è andata in tutt'altra direzione. A livello italiano l'agricoltura di prossimità basata sul modello contadino deve essere riconosciuta e valorizzata per dare maggiore spinta e per promuovere la sovranità alimentare.

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