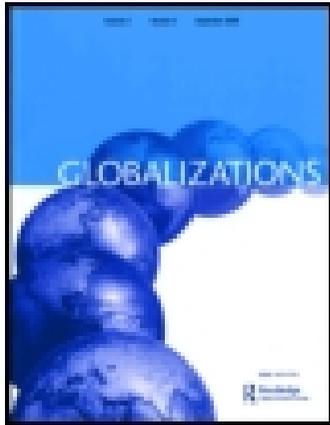


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Publisher: Routledge

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## Globalizations

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rglo20>

### Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina's Rights Claims over the Last 20 Years

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Published online: 15 Sep 2014.

To cite this article: Priscilla Claeys (2014): Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina's Rights Claims over the Last 20 Years, *Globalizations*, DOI: [10.1080/14747731.2014.957929](https://doi.org/10.1080/14747731.2014.957929)

To link to this article: <http://dx.doi.org/10.1080/14747731.2014.957929>

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## Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina's Rights Claims over the Last 20 Years

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**ABSTRACT** *This article explores how human rights framing by the transnational agrarian movement La Via Campesina (LVC) has evolved over the last 20 years. It discusses how the movement has worked towards institutionalizing new categories of rights, such as the 'right to food sovereignty' and the 'rights of peasants', thereby contributing to the creation of new human rights standards at the United Nations (UN). It also critically addresses some of the challenges the movement has been confronted with when framing its demands in terms of rights. Its overall argument is that LVC has managed to tap the potential of the rhetoric of rights to find common ground, thanks to its innovative use of non-codified rights. This has enabled activists to 'localize' human rights and make them meaningful to their various contexts. However, it contends that further advancing the movement's goals will require serious consideration of some of the key limits of the human rights framework.*

**Keywords:** La Via Campesina, peasant movements, food sovereignty, human rights, peasants' rights

### La Via Campesina, Food Sovereignty, and Human Rights

La Via Campesina<sup>1</sup> (LVC) developed in the early 1990s as peasant and small-scale farmers from Central America, North and South America, Europe, and elsewhere sought to articulate a common response to the neoliberal onslaught that had devastated their lives (Desmarais, 2008a). Since then, the movement has opposed 'global depeasantization' (Araghi, 1995) and the emerging 'corporate food regime' (McMichael, 2009). It has developed a 'food sovereignty'

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model to counterpose the dominant ‘market economy’ paradigm and has managed to build a common agenda across the North–South divide (Rosset & Martínez-Torres, 2010).

To do this, LVC has deployed a powerful ‘rights master frame’ (Benford & Snow, 2000, p. 619). 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. Rights have provided a common language to peasants’ and small-scale farmers’ organizations that are politically, culturally, and ideologically different. The concept of food sovereignty is often defined as ‘rights-based’ (Patel, 2007; Rosset & Martínez-Torres, 2010). In recent years, LVC has pursued the recognition of new human rights for peasants at the UN, such as the right to land and territory, the right to seeds, and the right to set the prices of agricultural products (Edelman & James, 2011). *Food sovereignty* itself, which has been claimed by LVC as a collective right (Claeys, 2012), could become, in the future, a new human right.

This article discusses the advantages and limitations of human rights framing, and analyses how the movement has worked towards institutionalizing new categories of rights, such as the ‘right to food sovereignty’ and ‘the rights of peasants’. It then explores how the movement has sought to address some of the strategic challenges associated with framing demands in terms of rights. Indeed, strategic considerations are key to understanding why the two categories of rights have had distinct institutional trajectories. Its overall argument is that LVC has succeeded in using rights to find common ground, thanks to its innovative use of non-codified rights. However, it contends that further advancing the movement’s goals will require serious consideration of some of the limits of the human rights framework.

### **The Advantages and Limitations of Human Rights Framing**

Framing is one of the central activities of social movements: framing serves the purposes of diagnosing certain situations as problematic, of offering solutions, and of calling to action (Benford & Snow, 1988). The advantages of using human rights to frame claims are numerous. Human rights can be used by activists to redefine the boundaries between what is just and unjust (Agrikoliansky, 2010). Rights turn claims into universal and legitimate demands, and allow social movements to frame claims in a way that does not emphasize sectorial interests (Valocchi, 1996). Rights facilitate the integration of multiple ideologies and help export claims to movements with divergent ideological, political, or cultural references (Fillieule, Agrikoliansky, & Sommer, 2010). These advantages help explain why human rights have been mobilized in a great number of social struggles, and in particular by the civil rights movement (McAdam, 1990), by indigenous peoples (Sieder, 2011), by gay and lesbian rights groups (Plummer, 2006), and by activists defending workers’ rights, welfare rights (Reese & Newcombe, 2003), and women’s or migrants’ rights (Elias, 2010).

Yet, to frame claims as rights may present social movements with serious challenges. First, human rights regimes continue to be dominated by a Western, liberal, and individualist conception of rights (Donnelly, 1982; Engle Merry, 1997; Rajagopal, 2003). This has forced many groups to ‘define according to alien values some fundamental aspects of their identity and way of life’ (GRAIN, 2007). Second, these regimes are built around the obligations of states, and fail to adequately address the responsibilities of private and transnational actors. This ‘statist framework’ has been challenged by numerous thinkers but continues to dominate (Stammers, 1995). This is seen as highly problematic by some in view of the agency and legitimacy it attributes to the state (Kneen, 2009). Third, human rights tend to emphasize economic

liberty—understood as individual appropriation of, access to, and control over economic resources—often at the expense of equality of outcome/welfare (Charvet & Kaczynska-Nay, 2008). The discourse of human rights has even been qualified by some as ‘an instrument for the pathological expansion of modern and postmodern liberalism and what accompanies it: free market capitalism’ (Sardar, 1998).<sup>2</sup> Fourth, the replacement of responsibilities by rights may undermine social solidarity, appreciation of the public good, and communal identity (Kneen, 2009). Fifth, the absoluteness of human rights may promote unrealistic expectations, inhibit dialogue, and generate conflict, because rights are not tempered by limits or obligations (Glendon, 1991). Finally, human rights have been criticized for not helping us imagine a different future because the ideology of human rights is, in essence, ‘presentist’ (Gauchet, 2000, p. 272). All these factors combined can seriously hinder the subversive potential of human rights, and represent a considerable challenge for movements, such as LVC, that use rights in their struggles against capitalism and neoliberalism.

The limitations of the UN human rights framework are particularly useful to understand why LVC activists have not limited themselves to using existing rights, such as the *human right to food*, to frame their demands, but have instead claimed new human rights (Claeys, 2012). These limitations also help understand what has driven LVC activists to develop, from below, an alternative conception of human rights. Although it is still in the making, this conception emphasizes the collective dimension of claims over the individual one; targets the various decision-making levels (and actors) where food and agricultural governance issues ought to be deliberated, from the local, national, regional to the international, rather than focusing on the role of the state; and connects individual to collective autonomy, in a way that constrains economic liberty and reintroduces equality and self-determination in the food system. The following sections explore the ‘right to food sovereignty’ and ‘peasants’ rights’, both as *collective action frames*—the sets of beliefs that legitimate collective action (Imig & Tarrow, 2001), and as *new human rights* (Alston, 1984; Bob, 2008).

### The Right of Peoples to Food Sovereignty

The elaboration of food sovereignty as a collective action frame finds its roots in the mid-1980s in Meso-America, essentially in response to drastic structural adjustment programmes, the evaporation of state support for agriculture, and the arrival of food imports from the USA (Edelman, 2014). The development and elaboration of collective action frames are always contested processes: framing activities occur within complex and multi-organizational arenas and are affected by the cultural and political environment in which they take place. The imposition of a certain vision of reality involves dynamic framings and counter-framings to respond to events and detractors, and to attract potential movement participants (Benford & Snow, 2000). It is therefore not surprising that mentions of food sovereignty at the time occurred ‘in a flow of much more commonly-used, related terms’ such as food autonomy, food self-sufficiency, or food security, nor is it problematic in any way that the food sovereignty rhetoric was initially used by the Mexican government in its 1983 National Food Program (Programa Nacional de Alimentación, PRONAL) (Edelman, 2014, pp. 4–5). What the messy genealogy of food sovereignty indicates, however, is that peasant movements were successful in their strategic ‘frame transformation’ effort (Benford & Snow, 2000, p. 625): they managed to change the then prevailing meaning of food sovereignty to gradually impose theirs. At the core of this transformation was a double move, away from the emphasis on ‘national food security’ and towards a growing assertion of the ‘right to continue being producers’ (Edelman, 1999, pp. 102–103).

The diffusion and growing resonance of the food sovereignty frame at the beginning of the 1990s appear closely linked to its grounding in the ‘rights master frame’ (Benford & Snow, 2000, p. 619). As early as 1993, in its Mons Declaration, LVC demanded ‘the right of every country to define its own agricultural policy according to the nation’s interest and in concertación [*sic*] with the peasant and Indigenous organizations, guaranteeing their real participation’, although this claim was not explicitly linked to food sovereignty (Vía Campesina, 1993). When food sovereignty made its first appearance on the international scene, in 1996, it was defined by LVC as the ‘the right of each nation to maintain and develop its own capacity to produce its basic foods respecting cultural and productive diversity’ (Vía Campesina, 1996). This emphasis on the right of states is attributable to the deployment of the food sovereignty frame in reaction to trade liberalization. The World Trade Organization (WTO) became one of the main targets of LVC’s activities, and opposition to the WTO in those years helped federate the movement. The focus of food sovereignty (at the international level) was on bringing an end to dumping, revamping international trade rules, and ensuring tariff protection for agricultural products (Vía Campesina, 1999).

The emphasis on the nation-state as the sovereign was short-lived. More than just an alternative paradigm, LVC activists started claiming food sovereignty as a human right, to be held by communities, peoples, or regions, leaving the initial statist approach behind to insist on the sovereignty of the peoples. This is illustrated by this statement, released on the occasion of the WTO Ministerial Summit of Cancun: ‘Food Sovereignty is every community’s fundamental right. Every community should have the right to produce their own food, the right to food sovereignty’ (Vía Campesina, 2003). The use of the emblematic term ‘peoples’ in many LVC statements can be interpreted as a way to embrace the multiplicity of decision-making levels where food sovereignty policies ought to be discussed, what Schiavoni (in this issue), building on Patel and McMichael, has described as localized ‘multiple sovereignties’. The right of peoples to food sovereignty injects a new meaning to the very idea of ‘participation’, which LVC activists do not limit to what Baxi has termed ‘the right to participate in development’, but see as ‘requiring to break the monopoly of the government in defining public interest’ (Baxi, 2007, p. 132), thereby challenging the state ‘as the only legitimate source of law making and applying’ (Falk, 1988, p. 27).

If explicit mentions of the term ‘the right to food sovereignty’ are not very numerous,<sup>3</sup> references to food sovereignty as either a list of rights or as the ‘right to’ are countless. I have discussed elsewhere how the new ‘right of peoples to food sovereignty’ built on and reactivated ‘old’ collective rights recognized by the UN, such as the right to self-determination, the right to development, and the right to permanent sovereignty over natural resources. Just as these other rights, the right to food sovereignty can be analysed as having an internal dimension—the right of a people to choose their own political, economic, and social system—and an external dimension—the right of states to develop their agriculture (Claeys, 2012, p. 849). Another way of looking at the right to food sovereignty is of comprising an economic dimension—asserting the role of peasants in the economy, and their right to produce and sell on local markets—and a political dimension—emphasizing democratic control in the food system (Windfuhr & Jonsén, 2005), without omitting the important cultural, ecological, and feminist dimensions.

Since the mid-2000s, the (right to) food sovereignty frame has evolved considerably, in the face of new international events, new strategies, new member organizations, and new attacks by adversaries. Food sovereignty has integrated the movement’s wide variety of struggles at the local and national levels—such as securing control over land and territory, protecting

local knowledge, and creating local markets. It has also spread to new geographic regions, including more deeply in Africa.

In recent years, it has developed into a full-fledged rights-based paradigm, often described as resting on the six pillars defined at the 2007 Nyéléni Food Sovereignty Forum: (i) focuses on food for people and defends 'the right to sufficient, healthy and culturally appropriate food for all individuals, peoples and communities'; (ii) values food providers and 'respects the rights' of all those who 'cultivate, grow, harvest and process food'; (iii) localizes food systems; (iv) puts control locally; (v) builds knowledge and skills; and (vi) works with nature (Nyéléni Food Sovereignty Forum, 2007). The 'right of people to food sovereignty' is now placed at the heart of the transnational movement that 'considers the Nyéléni Declaration as its political platform' (Nyéléni Newsletter, 2013).

### **Institutionalizing the Right to Food Sovereignty**

LVC has sought to institutionalize the *right of peoples to food sovereignty* in two ways: 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. In the run-up to the WTO Ministerial in Doha (2001), LVC, in partnership with a large network of social movements and non-governmental organizations (NGOs), demanded that the right to food sovereignty be enshrined in an International Convention (Our World is Not for Sale, 2001). In 2004, French activist José Bové brought LVC's call for a Convention on Food Sovereignty to the then UN Secretary General Kofi Annan, whom he asked 'to support *Vía Campesina* organisations in their efforts to have food sovereignty recognized as a new basic human right' (*Vía Campesina*, 2004).

Since then, attempts to institutionalize the right to food sovereignty at the international level have been given less priority. Although the idea of an International Convention was discussed at the 2007 Nyéléni Forum, calls for such a Convention have not been reactivated by the 2007–2008 global food crisis (International Planning Committee for Food Sovereignty (IPC) and More and Better Campaign, 2009). While recognizing that 'UN recognition of food sovereignty could constitute an umbrella for all these mobilizations', LVC activist Paul Nicholson cautions that such an endeavour would require a lot of 'organizational effort' and that direct dialogue with national governments may be, strategically, more accessible. The priority today is to concentrate on 'concrete struggles like land-grabbing' (Nicholson, 2012, p. 9). Strengthening member organizations is also a critical priority.

While many LVC activists insist that the struggle for food sovereignty should be articulated at the local, national, regional, and international levels, the focus on the 'local' is increasingly striking. Activists are putting in place food sovereignty *practices* that represent concrete and feasible alternatives, here and now. Less efforts are put into elaborating on the kind of regulatory apparatus that would be needed to enable these practices to flourish (Burnett & Murphy, 2014; Clapp, 2014; Edelman, 2014), in part because of LVC's strong anti-WTO and anti-reformist position (Buisson, 2013). The long-standing demand that an end be put to the WTO was reaffirmed at the occasion of the WTO Ministerial of Bali of December 2013 (*Vía Campesina*, 2013b). The same month, LVC announced its withdrawal from the Our World Is Not For Sale (OWINFS) coalition, arguing that it demanded 'deeper systemic change and not a mere reform or turnaround of the WTO' (*Vía Campesina*, 2013c). This strategic distancing, justified by the need to avoid granting any legitimacy to the WTO, is not promising in that regard.

Efforts to institutionalize food sovereignty have not been abandoned, but have shifted to different arenas: elaborating public policies for food sovereignty at the regional, national, and

municipal levels, and, to a limited extent, putting food sovereignty on the agenda of the UN Committee on World Food Security.

### *Food Sovereignty Policies*

LVC's efforts to institutionalize food sovereignty have been particularly successful at the national and local/municipal levels (Bellinger & Fakhri, 2013). Constitutional recognition of food sovereignty has been achieved in Ecuador, Bolivia, and Venezuela, while Nicaragua, Mali, and Senegal have adopted food sovereignty policies, usually in alliance with or under the pressure of peasant movements (Beuchelt & Virchow, 2012). Similar proposals are being discussed in the Dominican Republic, Peru, and El Salvador (Godek, 2013). Overall, the various dimensions of food sovereignty have been relatively well integrated in these policies, but the endorsement of food sovereignty as a state objective/obligation has generated new contradictions (Bernstein, 2014) and challenges for peasant movements. In Bolivia, the government's food sovereignty rhetoric is compatible with conventional agricultural schemes, export-led agribusiness, and 'state-controlled' genetically modified organisms (Cockburn, 2013, p. 3). In Ecuador, the 'persistence of a logic of rural industrialization and modernization inside some strategic components of the government' is accompanied 'by a reduced protagonism of social organizations that originally sponsored the proposal of food sovereignty' (Giunta, 2013, p. 20), leaving little room for action beyond a focus on alternative practices as a way to enact 'creative new forms of policy' (Sherwood et al., 2013, p. 2). In addition, the internal dimension of food sovereignty tends to be only partially embedded in these policies, while emphasis on the external dimension has often meant increased state control over agriculture and natural resources (Clark, 2013; Cockburn, 2013). Finally, these policies have brought little structural change so far, raising new strategic considerations for the organizations that had pushed for legal change. As a result, the initial enthusiasm for food sovereignty policies within the food sovereignty movement at large has waned considerably.

### *Food Sovereignty at the Committee on World Food Security*

Following its reform in 2009, the Committee on World Food Security (CFS) has slowly emerged as the central UN political platform dealing with food security, agriculture, and nutrition. The CFS has been celebrated for proposing an alternative governance model for decision-making on global issues, because CFS membership extends beyond states to include international institutions, foundations, the private sector, and civil society. LVC's interactions with the CFS have been ambivalent. On the one hand, LVC actively participates, through the Civil Society Mechanism, in a number of working groups, where issues such as land, agricultural investment, volatility, biofuels, and climate change are debated. On the other hand, many LVC activists (especially those who are not involved in institutional processes) regard the CFS as yet another international arena that is unlikely to bring social change. In a recent statement to announce that a collaboration agreement had been signed between LVC and the Food and Agriculture Organization, the movement cautioned that it 'remains realistic about the amount of energy that should be put into the UN, maintaining its greatest strength on the ground mobilizing farmers and building alternatives' (Vía Campesina, 2013a). The same reasoning applies to the CFS. Indeed, advances at the CFS in areas such as land rights and ways to support smallholder investments have not been matched by similar breakthroughs in discussions on biofuels or ways to tackle price volatility, and trade issues have not yet featured on the agenda of the CFS. The

very concept of food sovereignty has proven difficult to mobilize at the CFS, despite the insistence of some Latin American states that it be discussed during the 39th session of the CFS of October 2012.<sup>4</sup> In contrast, the *right to food* has been used extensively by civil society, and is referred to in a number of CFS documents.

### **The Rights of Peasants, Women, and Men**

While the *right of peoples to food sovereignty* has been mostly deployed by LVC to contest neo-liberalism in agriculture, a number of other new rights are part of the movement's vocabulary. Over the last decade, the rights repertoire of LVC has flourished to include the 'right to land and territory', the 'right to means of agricultural production', the 'freedom to determine price and market for agricultural production', the 'right to the protection of agriculture values', and the 'right to biological diversity' (Vía Campesina, 2008a). These rights, listed in the movement's Declaration of the Rights of Peasants, address deeper, long-term, 'agrarian transformations' and in particular the transition of agriculture to capitalism (Bernstein, 2014; Borras, 2009).

The peasants' rights frame (and very first draft of the Declaration) was elaborated during village-level consultations with peasant communities in Indonesia, in the late 90s (Purwanto, 2013). It was further articulated in the period ranging from 2002 to 2008. What started as an essentially Indonesian process (led by the member organization Serikat Petani Indonesia) was brought to the attention of member organizations from other countries in the region, and was subsequently brought to the international level. It was put on the agenda of the work of LVC's Working Committee on Human Rights and submitted for consideration by other members of the movement during the 2008 International Conference on Peasant Rights that was organized in Jakarta (Vía Campesina, 2008b). The text was finally adopted by LVC at its Fifth International Conference in Maputo in 2008.

The biggest challenge confronting the peasants' rights frame today is one of 'frame diffusion' (Benford & Snow, 2000, p. 627). Despite the organization of internal consultations on the issue, an internal LVC document recognized in 2008 that there was a 'different level of comprehension of the declaration on the rights of the peasants in different countries and regions' and that internal debate was lacking (Vía Campesina, 2008c). The lack of appropriation of the peasants' rights frame by other regions, in particular Latin America, where references to food sovereignty dominate, and by activists who are not involved in transnational arenas remains a considerable obstacle to the diffusion of the peasants' rights frame, although there are signs that this is changing. European organizations of LVC, for example, have taken up the issue in recent months and have started to lobby their respective governments. Valeria (name changed), a long-time member and activist of the international human rights organization FIAN who has been involved in getting peasants' rights recognized at the UN, explains:

Henri [Saragih] knows the latinos are not convinced but they have not discussed it. The Indonesians have put a lot of political capital and now they need to convince the others. In Africa, there is no aversion. In Latin America, it is different. A different colonialism? A different Marxism? I don't know.<sup>5</sup>

Moreover, the peasants' rights frame has not yet acquired strong mobilizing qualities: it does not constitute a uniting and mobilizing frame, although several LVC leaders have expressed their hopes that the Declaration can work as a mobilizing tool, encouraging members to refer to it and not wait for it to be recognized by the UN. In contrast with the food sovereignty frame, which has proven to be highly motivational and adaptable, the peasants' rights frame remains somewhat disconnected from grassroots activists. Valeria explains: 'Peasants' rights, it comes

from the leaders and the intellectuals, we will need to see if peasants follow'.<sup>6</sup> At the same time, key people within LVC such as Paul Nicholson appear confident that the movement will manage to harness grassroots support for the Declaration, noting that it might be easier to achieve than the institutionalization of the right to food sovereignty:

UN recognition of Food Sovereignty could constitute an umbrella for all these mobilizations. (...) But the way UN works means that representatives have to be present continuously, it is a permanent effort and a heavy task. We (...) must see if, within our programme, we are capable of tackling these objectives and putting organizational effort to it. Indeed, the right to Food Sovereignty represents a much larger task than mobilizing for the convention/Declaration of Peasants' Rights. (Nicholson, 2012, p. 9)

The mobilizing potential of the peasants' rights frame could indeed be considerable if it manages to reinforce the collective identity of a movement always in search of new ways to build symbolic links and confronted with an increasingly diverse membership. Now that identification with the WTO as the shared enemy no longer plays a determining role, the peasants' rights frame could become more potent, thanks to its strong focus on what Stammers has called the 'expressive' dimension—oriented toward norms, values, identities, and lifestyles (Stammers, 1999). As Alberto Gomez, a Mexican peasant leader, argues: 'The Declaration on the rights of peasants has a strong symbolic value, it gives strength to our struggle'.<sup>7</sup> By embracing a term traditionally used in pejorative ways, the peasants' rights frame could succeed in pursuing the task of 'frame transformation' that LVC activists have undertaken for years (Desmarais, 2008b), and thereby acquire increased resonance. Yet, it is uncertain at this stage if mobilizing in defence of the concept of peasants' rights will generate more public support, facilitate alliances, or induce rejection and criticism.

If the Declaration on the Rights of Peasants has been generally well received within the movement, it has also raised criticism for not dealing with what some activists perceive as more pressing issues. A particular source of concern, for some, is whether the work on an alternative international trade framework grounded in food sovereignty will be completely abandoned, 'now that the Indonesians are working on peasants' rights'.<sup>8</sup> At the same time, when asked about potential conflicts between food sovereignty and peasants' rights, most LVC activists tend to discard the possibility that conflicts might surface between the two rights frames, although they acknowledge that the movement has limited capacity to engage with international institutions and that opportunities to advance rights claims in international forums are scarce. For some, such as Jean (name changed) from the European Coordination of LVC, the issue has been little explored: 'There has been no debate between the right to food sovereignty and peasants' rights. Normally it should have been discussed in Maputo'.<sup>9</sup> Others argue that both frames are compatible and mutually supportive,<sup>10</sup> or that they simply emerged in different contexts.<sup>11</sup> Jean regrets: 'But peasants' rights are not an agricultural policy issue'.<sup>12</sup> These critiques are well received by Henri Saragih, the former Secretary General of LVC, who has been leading the peasants' rights initiative: 'We don't pressure other regions. We know it is difficult for national organizations to add new issues. Latin America is about land and indigenous peoples. (...) Different regions have different issues.'<sup>13</sup>

### **Institutionalizing the Rights of Peasants**

Despite these challenges and uncertainties, LVC has worked actively over recent years to bring the Declaration on the Rights of Peasants to the UN Human Rights Council (HRC), with the

support of trusted human rights experts. These efforts have recently brought results. On 24 September 2012, the HRC adopted a resolution (A/HRC/21/L.23) leading to the creation of an open-ended intergovernmental working group with the mandate of negotiating a draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (Human Rights Council, 2012b). Negotiations started in July 2013 and are expected to extend over the next few years, following the adoption in June 2014 of a new resolution renewing the mandate of the working group.

The assertion of new rights to resources—such as the right to land—is likely to constitute a stumbling block in the negotiations, either because of the collective nature of the rights claimed, or because of their lack of consistency with existing standards, and because of the challenges that their implementation would represent (Golay, 2013). The definition of the peasantry as a (socio-economic or cultural?) group to be granted new specific rights also promises to be controversial. The ambiguous relationship between peasants' rights and the right to food sovereignty will also need to be clarified. The 2008 Declaration adopted by LVC recognized the 'right to food sovereignty' (art. 5.9), but provided no definition of it and oddly placed it under article 5 which dealt with the right to seeds. In the latest version of the Declaration on the Rights of Peasants presented by the Advisory Committee of the HRC in 2012, the 'right to food sovereignty' is recognized under article 2.5, which states that peasants have 'the right to healthy and culturally appropriate food produced through ecological sound and sustainable methods, and the right to define their own food and agriculture systems' (Human Rights Council, 2012a). Interestingly, this formulation was taken from the Nyéléni Declaration, but leaves out the reference to food sovereignty as a 'right of peoples'. Needless to say, it is uncertain what will happen to this article in the course of the negotiations process.

From a strategic perspective, the use of human rights presents three interrelated challenges for social movements. First, the human rights framework is heavily associated with strong and responsible (national) institutional and legal frameworks (Kolben, 2008). Human rights praxis tends to be reduced to a praxis that is organized through and oriented towards institutionalized structures of power. This may seriously endanger the 'emancipatory thrust' of human rights (Stammers, 2009, p. 106, p. 225). Second, the level of expertise required to deploy human rights arguments is such that human rights have more often than not been defended by human rights lawyers (Riles, 2006) and not by average citizens. As a result, conflicts framed in human rights terms tend to be solved in specialized arenas and run the risk of undermining social movements' efforts to organize and mobilize. Third, human rights claims tend to be constructed in ways that demand their codification in law, but the institutionalization of human rights claims may hinder the subversive potential of human rights (Stammers, 2009).

How has LVC dealt with these challenges? Can the movement pursue the recognition of new rights for peasants at the UN without undercutting the subversive potential of its rights-based claims? Will food sovereignty—not only as a right, but also as a vision, as a platform for action—and peasants' rights reinforce or undermine each other?

Contrary to the UN Declaration of the Rights of Indigenous Peoples, which relies on self-identification, the Declaration on the Rights of Peasants gives a definition of peasants as rights-holders. This definition is broad and inclusive in the sense that it includes agricultural workers and the landless, but it omits certain categories and risks to overlook the complex and evolving identity of the contemporary rural family (Edelman, 2013; Golay, 2009). Moreover, the Declaration highlights the importance of maintaining 'traditional food cultures' (art. 3.5) and emphasizes the existence of values and of a way of life that are based on household and community (art. 10.4; art. 10.5), thereby attributing social and cultural characteristics to

the peasantry. It celebrates harmony with nature and defines peasants as those who have ‘a direct and special relationship with the land and nature’ (art. 1). This emphasis on what all the ‘people of the land’ have in common has certainly helped activists from distinct sociopolitical and economic environments find common ground. However, there is a risk that ‘peasant essentialism’ (Bernstein & Byres, 2001, p. 6) might lead to exclusions once identities become fixed in law.

Looking at the way human rights have been institutionalized historically, Stammers concludes that the codification of new human rights often leads to the ‘institutionalization of particularity’ (Stammers, 2009, p. 102). The essentialization of culture and social categories has been denounced as inherent to the making of claims for cultural rights (Cowan, Dembour, & Wilson, 2001, p. 3). It has also been noted as a common feature of many indigenous peoples’ rights campaigns, with potentially serious political consequences, such as a ‘drift to racism’ when the so-called cultural identity becomes the basis for ‘privileged’ or ‘exclusive’ rights, for example to resources (Kuper, 2003, pp. 390–392).

Will LVC manage to build alliances and gain the support of other rural and urban constituencies while advancing new rights for peasants as a group? Experience with other UN processes aiming at creating new human rights standards shows that to be successful in the longer term, those involved in standard setting need to build a broad and inclusive base and reach out to governments, civil society organizations, experts, victims and beneficiaries, and UN agencies (International Council on Human Rights Policy, 2006). If food sovereignty proved to be a relatively good vehicle for alliance building, the struggle for peasants’ rights may make things more complicated, although the movement is well aware of the importance of building alliances across sectors. In the framework of the peasants’ rights process, efforts have been made to reach out to other rural constituencies whose concerns are so far not adequately reflected in the draft Declaration. A first meeting was held in Geneva in April 2014 to start a dialogue with pastoralist organizations, nomadic people, fisherfolk, and agricultural workers, which was promising. Yet, there are dangers that, in order to convince reluctant states, LVC activists will need to emphasize issues of discrimination, identity, and recognition, more than issues of redistribution, such as access to the means of production, alternative trade rules, and fair prices. This is a key challenge if this new legal instrument is to contribute to the movement’s struggle against capitalism and neoliberalism in agriculture.

## Conclusion

By defending a conceptualization of peasants’ rights as group rights, of individual autonomy as connected to collective autonomy, and of self-determination as resting both on the individual and the collective,<sup>14</sup> LVC activists have succeeded in ‘localizing’ human rights, and making them meaningful to their various contexts (Feyter, Parmentier, Timmerman, & Ulrich, 2011). They have revitalized the human rights project with subversive dimensions, because they have managed to frame new rights in a way that combines what Santos has called the *global validity* and *local legitimacy* of human rights (Santos, 1997). LVC’s experience with human rights also points to the importance of political mobilization for the success of rights-based strategies, and of finding an adequate balance between *institutional* and *non-institutional* movement activity. It remains to be seen if LVC will manage, in the future, to move beyond making ‘reactive claims for rights’<sup>15</sup> to build on *both* food sovereignty and human rights, to elaborate, together with other social groups, an alternative vision of the common good.

## Notes

- 1 Various names circulate for the 'La Via Campesina' network. I use the term 'La Via Campesina' in accordance with a decision taken by the network in 2013. However, many statements issued in earlier years are listed as 'Vía Campesina'.
- 2 Cited in (Kneen, 2009, p. 16).
- 3 A web search conducted on LVC's website on 10 January 2013 provided 17 occurrences of the 'right to food sovereignty' and 18 occurrences of 'el derecho a la soberanía alimentaria'. The 'right to food sovereignty' frame was reactivated on the occasion of the WTO Ministerial of Bali in December 2013 (Vía Campesina, Gerak Lawan, and Social Movements for an Alternative Asia (SMAA), 2013).
- 4 These observations are based on participant observation at the 38th, 39th, and 40th sessions of the Committee on World Food Security in 2011, 2012, and 2013, as well as on participation in the negotiations of Voluntary Guidelines on the responsible governance of the tenure of land, fisheries, and forests, and of new principles for responsible agroinvestment.
- 5 Interview with the author, 23 June 2009.
- 6 Interview with the author, 23 June 2009.
- 7 Interview with the author, 14 August 2009.
- 8 Interview with the author, 2 June 2009.
- 9 Interview with the author, 2 June 2009.
- 10 Interview with CETIM representative, 3 July 2009.
- 11 Email exchange with representative of FIAN International, March 2009.
- 12 Interview with the author, 2 June 2009.
- 13 Interview, 22 March 2010.
- 14 I owe the idea of articulating individual and collective self-determination to Camilo Perez-Bustillo who describes it as 'Sen+' (Pérez-Bustillo, 2011).
- 15 Taken from Kneen in an interview with Devlin Kuyek: 'Food politics and the tyranny of rights: A profile of Brewster Kneen', January 5, 2010 in *Briarpatch Magazine*.

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