

Comment

The Promise and Challenges of Food Sovereignty Policies in Latin America

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I. INTRODUCTION

The recent food crisis exacerbated the frailty of the world's food system. Nations were unable to respond to their internal market demands as national reserves were exhausted. A reduction in the grain supply forced a sharp increase in the food prices that prevented families from buying basic provisions. The rising food prices did not result in profit to farmers, but instead to a few companies that are currently in command of key areas of our food system, such as distribution, processing, and trade.

In fact, the food crisis came as result of three decades of redefinition of our food systems that favored market speculation by these powerful players, instead of development. In Latin America, structural adjustments for "fiscal responsibility and government efficiency" played a key role in dismantling sovereign nations' control over food and resources. Dictated as policy recommendations and/or mandates by international banks and donors, these policies forced nations to change their constitutions¹ to favor privatizing natural resources and deregulating food markets. Through deregulation, structural adjustment policies promoted profound changes not only in the regional food economy, but also in the governance of food itself, as they allowed large agribusinesses and fishing operations to control the production, processing, and distribution of food staples. And, most importantly, these policies generated an imbalance between producers by dismantling programs that benefitted small-scale farmers.

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1. Mexico's changes to Article 27 of its Constitution allowed the dismantling of communal land arrangements (ejidos) to create individual land holdings. Constitución Política de los Estados Unidos Mexicanos [Const.] *as amended*, tit. I, art. 27, Diario Oficial de la Federación [D.O.], 5 de Febrero 1917 (Mex.).

After three decades of neoliberal doctrine, a handful of Latin American nations have been gradually applying a new policy framework based on food sovereignty, a concept that reclaims local governance over land, water, seeds, and food. Contrary to past policies, the fundamental premise of the food sovereignty framework is that local communities have the right to grow their own food as well as to decide their own food policies.² Food sovereignty policies work to rebuild food reserves, strengthen small-scale agriculture, and protect food staples from market speculation. They also protect peasant and indigenous communities' resource rights, including traditional knowledge and genetic resources. In sum, food sovereignty policies contend with the principles of privatization of natural resources, industrialization of food production and harvesting, and wealth accumulation at the expense of the right to food.

This shift toward food sovereignty is embodied in several pieces of international law that emphasize the right to food, such as the United Nations Declaration of Human Rights of 1944,³ the United Nations Declaration of Indigenous Rights of 2007,⁴ and the International Convention of Economic, Cultural, and Social Rights of 2008.⁵ This growing body of international law has supported the drafting of national food sovereignty laws and government programs in Latin America. Countries such as Venezuela, Ecuador, Nicaragua, Bolivia, and, more recently, Brazil, have incorporated the right to food into their respective constitutions.⁶ With the exception of Brazil, these countries have taken a step forward by expressly including the concept of "food sovereignty" in their national laws as an overarching goal in the mission to accomplish the right to food.

Incompatible with a one-size-fits-all solution, the path to food sovereignty varies in Latin America. As a development paradigm, food sovereignty embodies a new framework that tackles issues of trade and production. Far from being an exhaustive analysis on this topic, this paper offers a snapshot of the complexity of the issues surrounding the implementation of food sovereignty policies, especially as related to the

2. ANNETTE AURÉLIE DESMARAIS, *LA VIA CAMPESINA: GLOBALIZATION AND THE POWER OF PEASANTS* (2007); ERIC HOLT-GIMÉNEZ ET AL., *FOOD REBELLIONS! CRISIS AND THE HUNGER FOR JUSTICE* 86 (2009).

3. Declaration of Human Rights art. 25, G.A. Res. 217A, at 71. U.N. GAOR, 3d Sess., 1st plen. Mtg., U.N. Doc A/810 (Dec. 12, 1948).

4. Declaration of the Rights of Indigenous Peoples, G.A. Res. 61/295 U.N. Doc. A/Res/61/295 (Oct. 2, 2007).

5. International Covenant on Economic, Social and Cultural Rights, art. 11, F.A. Res. 2200 (XXI), U.N. GAOR, Supp. No. 16, U.N. Doc. A/6316 (Dec. 16, 1966).

6. Constitución de la República Bolivariana de Venezuela, tit. VI, ch. I, art. 305, *as amended*, Gaceta Oficial, 30 de Diciembre de 1999 (Venez.), *available at* <http://pdba.georgetown.edu/Constitutions/Venezuela/ven1999.html>; Constitución de 2008, tit. VI, ch. III, art. 281-82, Septiembre de 2008 (Ecuador), *available at* http://www.assembleanacional.gov.ec/documentos/constitucion_de_bolsilb.pdf;

Constitución Política de la República de Nicaragua [Cn.][Constitution] tit. IV, ch. III, art. 63, La Gaceta [L.G.] 9 Jan. 1987, *available at* <http://pdba.georgetown.edu/Constitutions/Nica/nica05.html>; Nueva Constitución Política del Estado, tit. III, Octubre de 2008 (Bol.), *available at* <http://www.presidencia.gob.bo/download/constitucion.pdf>.

current trade development practices that have affected land tenure of peasants and indigenous people in Latin America. The following discussion of food policies in Brazil, Nicaragua, and Bolivia highlights the current trend in new food policies and the challenges these countries face in overcoming past development policies.

II. THE POLITICAL CONTEXT OF FOOD SOVEREIGNTY IN LATIN AMERICA

Recent political changes in Latin America resulted from the failure of neo-liberal policies that pushed millions to extreme poverty. Past economic policies not only widened the social and economic gap, but also reduced nations' power over policies for the region. In contrast, the majority of the newly elected governments have advocated for a political platform based on regional sovereignty.⁷ In reality, the "wave of change" in Latin America represents a movement towards long-term policy instead of profound, short-term, and frequently devastating, economic changes. In this political context, it is important to understand that the implementation of new food sovereignty policies in the region will depend on the extent to which nations are invested in making macroeconomic changes in the long run. Currently, few governments have embraced an overall change in their economic policies and thus little has been accomplished towards food sovereignty. As described in the next Part, Bolivia seems to have defined a broader policy agenda based on food sovereignty. Still, it is too early to know about the effects of such policies on the trade of agricultural products.

In the long run, the main challenges of food sovereignty policies in Latin America are the current economic policies, mostly favoring large agribusinesses, that have generated economic dependency on a few players, widened the social and economic gaps between rich and poor, and jeopardized the right to food of millions. In the perspective of food sovereignty, Latin American nations will need to shift the focus of their economic policies to better address the primary needs of their citizens. Changes in the economic policies would require, but would not be limited to, (1) larger investments in small-scale farming communities; (2) more effective antitrust laws and regulations to dismantle monopolies in the food system; (3) protection of resource rights of peasants and indigenous people; (4) review of the terms of outstanding loans from the World Bank, International Monetary Fund, the InterAmerican Development Bank and other financial institutions; and (5) challenging adherence to "fiscal responsibility" policies, which depleted financial reserves and dismantled rural development programs such as housing, loans for agriculture and

7. See, e.g., Conn Hallinan, *Latin America's New Consensus*, FOREIGN POL. IN FOCUS, Oct. 29, 2008, <http://www.globalpolicy.org/nations-a-states/political-integration-and-national-sovereignty-3-22/30550.html>; Humberto Marquez, *South America: Leaders Seek Regional Energy Sovereignty*, INTER PRESS SERVICE NEWS AGENCY, Apr. 16, 2007, <http://ipsnews.net/news.asp?idnews=37367>; *South American Nations Create Union to Boost Integration*, XINHUANET, May 23, 2008, <http://www.globalpolicy.org/component/content/article/173/30545.html>.

artisanal fishing, technical assistance, and health care programs. To accomplish food sovereignty and honor the right to food of rural and urban families, nations must rebuild these forsaken programs to revitalize peasant agriculture and local food markets. The actual increase in government spending on food and small scale agriculture still comprises a small fraction of the investments and tax benefits offered to large agribusinesses. Without programs and investments for small scale farmers, a new global food economy based on sustainable small scale farming and food sovereignty cannot be established.

The growing privatization of resources has weakened local food systems by diverting land and water to the production of agricultural commodities for export. In order to accomplish food sovereignty, nations will need to implement new regulations on land ownership to curb the growing problem of land grabbing by international investors, in addition to agrarian reform programs to address the land rights of peasants and indigenous communities. With the economic meltdown of Wall Street, eager investors poured billions of dollars of their assets into agribusinesses.⁸ This process fueled a gold rush on agricultural commodities, such as agrofuel plantations. Brazil, well-positioned to accommodate such investments, has facilitated the expansion of new agribusinesses, which has resulted in the displacement of peasants and indigenous people.⁹

Economic liberalism embodied in free trade agreements such as the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) has prevented nations from fully realizing their plans for food sovereignty.¹⁰ By definition, food sovereignty cannot be accomplished under the current terms of the free trade agreements. For countries whose economy is largely based on agricultural exportation, such as Nicaragua, "free" trade exacerbates the inequalities between small farmers and large agribusinesses, and favors only the development of powerful national and international market players. The proposed reduction of tariffs on foreign agricultural products, for instance, has only benefited the expansion of international agribusinesses. Agricultural workers and small-scale farmers have in fact received few, if any, of the benefits promised by the agreements.

Despite these enormous challenges, food sovereignty policies have drawn financial and political support from new collaborations between

8. SHEPARD DANIEL & ANURADHA MITTAL, OAKLAND INST., *THE GREAT LAND GRAB: RUSH FOR WORLD'S FARMLAND THREATENS FOOD SECURITY FOR THE POOR* 4-5 (2009), available at http://www.oaklandinstitute.org/pdfs/LandGrab_final_web.pdf.

9. Saulo Araújo & Lilian Autler, *Brazilian Activists Weigh in on U.S. Environmental Policy*, Apr. 29, 2009, <http://www.grassrootsonline.org/news/articles/brazilian-activists-weigh-us-environmental-policy> (last visited Apr. 13, 2010).

10. The Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), Aug. 5, 2004, 119 Stat. 462, 43 I.L.M. 514, available at <http://www.ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text>.

nations, such as the Bolivarian Alliance for the Peoples of the America and the People's Trade Agreement (ALBA-TCP) and the Union of South American Nations (UNASUR). Created by a block of countries in response to the Free Trade Agreement of the Americas (FTAA), ALBA-TCP has helped foster partnerships among Latin American and Caribbean countries in the areas of energy, agriculture, health care, and education.¹¹ In the area of agriculture, ALBA-TCP seeks to increase food production, and to facilitate trade and technical cooperation between countries. ALBA-TCP initiatives are also supported by regional social movements that are mobilizing for greater participation in the decisions of this regional block. Among these social movements is La Via Campesina International, an international network of 149 organizations of peasants, indigenous, pastoralists and fishermen of 69 countries.¹² La Via Campesina has proposed several policies to attain food sovereignty, including:

The enforcement of land rights of peasants, indigenous, afro-descendants and fishermen communities through *agrarian reform* plans that are not limited to redistribution of land and demarcation of territories of traditional communities, but also dedicated to the establishment of better infrastructure and government services integral to the development of communities. The Brazilian Landless Movement (MST), one of La Via Campesina's largest member-organizations in Latin America, has helped to settled over 1.5 million peasants through pressuring governments to enforce constitutional land rights of rural communities.¹³

The *protection of biodiversity and local seeds*, which includes recognizing traditional knowledge embodied in the development of new crop varieties; the contribution of fishermen, pastoralists, and peasants in the preservation of biodiversity; the right of farmers to maintain and multiply their own seeds; the right of fishermen, pastoralists and forest dwellers to lead environmental conservation efforts; and access to biodiversity reserves.

The inclusion of *peasants and indigenous rights* in national laws. The National Confederation of Peasant Indigenous Women "Bartolina Sisa" (CNMCIO-BS), one of La Via Campesina's members in Bolivia, along with other indigenous organizations, has participated in an effective political strategy that resulted in a new national constitution that recognizes cultural diversity and indigenous rights to full citizenship as prerequisites to food sovereignty.

The promotion of *sustainable agriculture policies* seeking to increase

11. ALBA-TCP, Agreement for the Application of the Bolivarian Alternative for the Peoples of America and the Peoples' Trade Agreement, Boli.-Cuba-Ven., Apr. 29, 2006, available at <http://www.alternativabolivariana.org/modules.php?name=Content&pa=showpage&pid=2076>.

12. Annette Aurélie Desmarais & Luis Hernández Navarro, *Voices from Maputo: La Via Campesina's Fifth International Conference*, in N. AM. CONG. ON LATIN AM. REP. ON THE AMS. (2009).

13. MOVIMENTOS DOS TRABALHADORES RURAIS SEM TERRA (MST), MST: LUTAS E CONQUISTAS 8-11 (2010), <http://www.mst.org.br/sites/default/files/MST%20Lutas%20e%20Conquistas%20PDF.pdf>.

self-reliance of farming families and communities, promote environmental stewardship, and generate healthy foods. La Via Campesina International has identified 45 sustainable practices in Latin America to improve soil and water conservation, increase food production and address the needs of local communities.

These local sustainable practices are disseminated through community-driven actions. From the bottom up, peasants and indigenous communities are inspiring a new wave of food policies in Latin America. Some of these development practices have been multiplied and transformed into local programs of food sovereignty. One example of such grassroots-driven policy initiatives is the One Million Cisterns Project that involves the construction of rainwater catchment systems to increase water supply for domestic use and agriculture by over 700 grassroots organizations in Northeast Brazil.¹⁴ The Brazilian Semi-Arid Network (ASA) has built more than 287,439 cisterns benefiting 1.29 million people. In terms of increasing freshwater reserves, the organization has built water infrastructure capable of storing 1.2 billion gallons of fresh water.¹⁵ ASA's success in implementing those policies shows the potential of transforming community-led initiatives into national policies. Nevertheless, such collaborations between social movements and governments in Latin America are infrequent.

Other factors constraining the development of food sovereignty policies in the region include: contradictions between current development policies and poverty alleviation programs; free trade agreements; intervention policy debates by outside players, such as international financial institutions; and the growing militarization as an enforcement strategy for economic liberalism. As discussed in the next Part, some of these influences present themselves in the policies of Brazil, Nicaragua, and Bolivia.

III. THE BRAZILIAN CONTEXT

Brazil has enacted the "Zero-Hunger strategy," a multi-pronged food security policy based on the idea of eradicating hunger by 2015,¹⁶ a benchmark defined in the Millennium Development Goals (MDG). The MDG consists of policy recommendations set by the United Nations to address social and economic inequalities. The government's implementation of the "Zero-Hunger strategy" can be divided in two major categories: "short-term impact" programs to address immediate needs of families living with food insecurity; and "long-term impact" initiatives to promote structural changes to permanently eliminate hunger.

One of the main short-term impact programs is *Bolsa Familia*, a cash

14. ASA Brasil, Quem Somos (About Us), www.asabrasil.org.br/Portal/Informacoes.asp (last visited Apr. 15, 2010).

15. Interview with Representative, ASA Brasil (Mar. 10, 2010).

16. Patrus Ananias, *Accelerating the Reduction of Maternal and Child Nutrition: Contributions to the Debate Based on the Brazilian Experience*, 36 STANDING COMM. ON NUTRITION NEWS, 8, 8-9 (2008).

transfer initiative that has benefited 11.1 million low-income families with a monthly stipend.¹⁷ In its six years of existence, the *Bolsa Família* has transferred nearly \$29 billion dollars to low-income families,¹⁸ and, through coordination with different agencies, it has provided other services, such as health care. Overall, *Bolsa Família* has helped to mitigate hunger in rural and urban communities in Brazil by complementing families' income.¹⁹ In the long run, the success of the *Bolsa Família* program will depend on whether it is coupled with or complemented by other programs, such as agrarian reform and urban-based income generation projects that address structural barriers that perpetuate hunger.

The "long-term impact programs" are based on strengthening local, small-scale farmers such as the National Program of Family Farming (PRONAF), a loan program, and the Food Acquisition Program (PAA). Both programs envision increasing food supply to local markets and reducing hunger in rural areas by fortifying small-scale farming, which according to a recent report is still responsible for 38% of Brazil's food supplies.²⁰ According to a study by the Brazilian Institute of Geography and Statistics (IBGE), family farmers are responsible for 87% of the total cassava production, 70% of the national bean production, 46% of all corn produced in Brazil, 38% of Brazilian coffee, 34% of the national rice production, 58% of the nation's milk, 59% of all pigs raised in the country, 50% of the poultry production, 30% of the animal protein originated from cattle herds, 21% of Brazil's wheat production, and 16% of Brazil's soybeans, a crop often associated with large agribusinesses.²¹ Despite their incredible potential, small-scale farmers did not receive proper attention by the federal government. Through PRONAF, Brazil failed to improve lending programs to small-scale farmers, which has led to falling short on expectations to increase food reserves and strengthen local economies. Current restrictions and bureaucratic obstacles have discouraged small-scale farmers from accessing funds, which, in turn, perpetuates disparities among farmers, instead of reducing them. In contrast, wealthier farmers with more resources and influence in the political sphere have been able to negotiate the terms and conditions of loans, including the cancellation of debts with the federal government.²²

17. Press Release, Ministério das Relações Exteriores, Soberania e Segurança Alimentar e Nutricional no Brasil: Políticas Públicas Inovadoras, 3 (Jan. 26, 2009).

18. Press Release, Fome Zero, Presidência da República, Bolsa Família Completa Seis Anos com Investimentos de R\$ 52,7 Bilhões, (Oct. 20, 2009), available at <http://www.fomezero.gov.br/noticias/bolsa-familia-completa-seis-anos-com-investimentos-de-r-52-7-bilhoes>.

19. FÁBIO VERAS SOARES, RAFAEL PEREZ RIBAS, & RAFAEL GUERREIRO OSÓRIO, INT. POVERTY CTR., EVALUATING THE IMPACT OF BRAZIL'S BOLSA FAMILIA: CASH TRANSFER PROGRAMMES IN COMPARATIVE PERSPECTIVE, 1 IPC EVALUATION NOTE, 1, 5-7, 14 (2007).

20. Press Release, Fome Zero, Presidência de República, Censo Confirma: Agricultura Familiar é Responsável Pela Segurança Alimentar dos Brasileiros (Oct. 13, 2007), available at <http://www.fomezero.gov.br/noticias/censo-confirma-agricultura-familiar-e-responsavel-pela-seguranca-alimentar-dos-brasileiros>.

21. Governo Federal, Brasília, Instituto Brasileiro De Geografia E Estatística, Censo Agropecuário—Agricultura Familiar 2006 (2009), available at http://www.ibge.gov.br/home/presidencia/noticias/noticia_imprensa.php?id_noticia=1466.

22. COMISSAO PASTORAL DA TERRA (PASTORAL LAND COMMISSION), O LATIFUNDIO E SUAS

Brazil's food and agricultural policies exemplify a dilemma common to many Latin American countries. Faced with the hardship of chronic poverty and hunger, the majority of nations have been unable to cut ties with trade-orientated development. In the case of Brazil, the largest economy in the region, the government has launched a development plan to support large agribusinesses. Through the Accelerated Growth Program (PAC), an initiative to enhance economic growth by favoring large food production operations, Brazil bets that new, PAC-promoted infrastructure will offer the conditions needed to undergird steady national economic growth and, thus, eliminate hunger. In terms of "agricultural development," PAC seems poised to work permanent changes in Brazil's rural landscapes. In the Amazon region, the expansion of agrofuel plantations is contributing to a steady deforestation process. In the dry Northeast region, the watershed transposition of the São Francisco River basin to irrigate plantations of large agribusinesses is displacing indigenous and Afro-descendant communities.²³

In many ways, PAC undermines what the Zero-Hunger strategy endeavors to accomplish. Current PAC infrastructure projects displace rural families from their lands so that those lands may be repurposed for industrial agriculture operations that require less labor and whose products bring little benefit to local communities. As a result, traditional rural communities, threatened by these development projects, must depend on government services for basic needs. PAC thus exacerbates the loss of land rights by those rural communities that are important food suppliers to local markets. Without land and a livelihood, those farmers will primarily be the ones to depend on the small *Bolsa Familia* stipend to alleviate food insecurity.

IV. THE NICARAGUAN CONTEXT

Tied to the CAFTA-DR, Nicaragua faces an uphill battle to achieve the conditions necessary to reconstruct its food sovereignty and address its population's right to food. Conceived to increase trade, CAFTA-DR has increased economic dependence on the success of large corporations. In fact, the free trade agreement with the United States has favored large operations whose businesses are in the same production and marketing chain as transnational companies. In the case of agriculture, farmers from both Nicaragua and United States are dependent on the products, infrastructure, and capital of these firms.

Lacking leverage to renegotiate trade agreements so that they would not have such a devastating impact on food security, Nicaragua depends

TRINCHEIRAS (2004), <http://www.cptnac.com.br/?system=news&action=read&id=1180&eid=5> (last visited Apr. 13, 2010).

23. COMISSAO PASTORAL DA TERRA (Pastoral Land Commission), THE SÃO FRANCISCO RIVER DIVERSION PROJECT—LULA'S FOLLY, Nov. 27, 2007, www.tradeobservatory.org/library.cfm?refID=101066 (last visited Apr. 13, 2010).

on CAFTA-DR's trade rules to keep its economy afloat. Even though the country has been able to generate revenue through trade of its products—mostly clothing and textiles through CAFTA-DR—Nicaragua has enjoyed little benefit from it. Trade of agricultural products, for instance, depends on large national and international agribusinesses which often demand more incentives, including access to natural resources. According to a recent study of the United Nations' Department of Economic and Social Affairs, CAFTA-DR has not contributed significantly to the development of Nicaragua's agricultural sector.²⁴ It bears noting that the study refers to the large agribusinesses that currently dominate Nicaragua's agricultural trade. Katarina Wahlberg also emphasizes the asymmetries between the main players—large agribusinesses in Nicaragua and the United States—and what it represents to the regional development:

CAFTA is the first sub-regional agreement negotiated between such unequal trading partners. While agriculture contributes only 2% to the GDP of the US, it contributes 17% to the GDP of Central America on average, and in Nicaragua it represents 32%. Moreover 36% of the labor force in Central America is employed in agricultural activities, whereas the agricultural sector in the U.S. employs only 2% of the labor force.²⁵

As Wahlberg also points out, because of these asymmetries between the economies of United States and Nicaragua, "CAFTA will have much deeper and wide-reaching effects in Central America than it will have in the U.S."²⁶ The problems of Nicaragua's already vulnerable peasant economy deepened with CAFTA-DR, as cheaper products from the United States flooded the Nicaraguan market.²⁷ Unable to compete with large transnational corporations, small-scale farmers began to disappear, ultimately deepening the food crisis in rural and urban communities.²⁸ With few alternatives, these small-scale farm families have been forced to migrate to El Salvador and Costa Rica to work in plantation fields or even further north to the United States. Many of these workers do not migrate permanently. They often travel to find work during the growing season and return to their communities when work is scarce. The migration flux—back to Nicaragua—exacerbates the level of food insecurity in rural areas, as the majority of these workers are landless farmers who do not have any

24. U.N. Dep't of Econ. and Soc. Affairs, *Liberalizing Trade, and Its Impact on Poverty and Inequality in Nicaragua*, in *AGRICULTURAL PRICE DISTORTIONS, INEQUALITY AND POVERTY* (K. Anderson et al. eds, forthcoming 2010), available at http://www.un.org/esa/policy/events/iberalizing_trade_vos_sanchez.pdf.

25. Katarina Wahlberg, *CAFTA from a Nicaraguan Perspective*, GLOBAL POL. FORUM, Aug. 2004, <http://www.globalpolicy.org/component/content/article/220/47242.html>.

26. *Id.*

27. *Id.*

28. La VIA CAMPESINA, NICARAGUA: INFORME PRELIMINAR DE LA MISIÓN INTERNACIONAL (July 2, 2007), <http://www.redmesoamericana.net/?q=node/603> (last visited Apr. 2, 2010); LEONARDO CORRAL, *REFORMA Y TENENCIA DE LA TIERRA EN NICARAGUA* (1999), available at <http://www.landnetamericas.org/docs/Reforma%20y%20tenencia%20en%20Nicaragua.pdf>.

place to grow their own food to sustain their families.²⁹

Under CAFTA, short-term policy options such as the Zero-Hunger Program to alleviate the hunger of landless families have yielded little benefit. Seeking alternatives to CAFTA-DR, Nicaragua's government has fostered partnerships with other nations affiliated with the Bolivarian Alliance for the Peoples of the America and the People's Trade Agreement (ALBA-TCP). Created as a counter-response to the model of free trade agreements, ALBA-TCP has become a source of financial and technical support to poor nations in Latin America and the Caribbean region.³⁰ ALBA-TCP nation-members have created trade deals and developed cooperation programs around energy, education, health care, and agriculture. With ALBA-TCP's support, Nicaragua is implementing programs to mitigate the effects of poverty and hunger.³¹ Aligned with ALBA-TCP's policies, the current administration has been able to strengthen its plans to boost food production in peasant communities through small-scale farmers' cooperatives. In addition, the government has implemented a program similar to Brazil's Zero-Hunger strategy. The Nicaraguan program involves the distribution of both food to meet short-term needs, and animals, seeds, and tools to increase rural families' capacity to produce their own food. The program aims to benefit 75,000 families.³²

With respect to long-term policy, peasant organizations and their allies have coordinated efforts in the drafting and advocacy of a new food law through the Working Group on Food Sovereignty, Food Security, and Nutrition (GISSAN).³³ The Food Sovereignty, Food Security, and Nutrition law mandates that government departments a) coordinate their programs to enhance national food sovereignty and food security, and b) guarantee an opportunity for citizens to participate in decision-making. The law also creates a new position to oversee the implementation of food security programs. It also establishes a legal framework to regulate the participation of transnational companies in the local food economy and to help local organizations and governments restore local food culture and peasant

29. See *La VIA CAMPENSINA supra*, note 25.

30. Juan Antonio Mejía Guerra, *América Latina en Movimiento, ALBA: ¿Un nuevo esfuerzo de integración latinoamericana y caribeña?*, Sept. 8, 2008, available at <http://alainet.org/active/26170>.

31. Acuerdo Energético Del Alba, Nica.-Venez., Apr. 29, 2007, available at <http://www.alianzabolivariana.org/modules.php?name=News&file=article&sid=1805>; Memorandum De Entendimiento Entre El Ministerio Del Poder Popular Para Las Telecomunicaciones Y La Informática De La República Bolivariana De Venezuela Y El Instituto De Telecomunicaciones Y Correos (Telcor) De La República De Nicaragua, Nica.-Venez., Jun. 3, 2007, available at <http://www.alianzabolivariana.org/modules.php?name=Content&pa=showpage&pid=1607>.

32. FOOD FIRST INFO. AND ACTION NETWORK INT., *Nicaragua: The Right to Food and the Fight Against Hunger: One year of the Zero-Hunger Program*, in RIGHT TO FOOD AND NUTRITION WATCH 63, 63-66 (Oct. 2009), available at <http://www.fian.org/resources/documents/rtfn-watch/right-to-food-and-nutrition-watch-2009/pdf>.

33. Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (GISSAN), GISSAN, <http://gissannicaragua.org/> (last visited Apr. 7, 2010) (describing the group's constituency, mission statement, and activities).

agriculture.

Through this law, peasant organizations also tried to address an important aspect of food sovereignty: farmers' control over their seeds. Poverty and food insecurity have forced farm families to consume grains reserved as seeds for the next season. The reduction of those reserves has adversely affected farmers' capacity to replenish their reserves. Such reserves are essential to sustainable agriculture because farmers minimize risk by planting different varieties of the same crop. The depletion of these reserves exacerbates the loss of biodiversity. As in other countries, Nicaragua's peasant communities have been increasingly dependent on fewer commercial crop varieties produced by a few international agribusinesses such as Monsanto and Bayer.³⁴ Limited by CAFTA-DR's statutes, the new food sovereignty law in Nicaragua does not restore full control over the production, distribution and marketing of seeds to farmers. The seed market oligopoly in Nicaragua, encouraged by CAFTA-DR, demonstrates that food sovereignty cannot be accomplished under the terms of current free trade agreements.

V. THE BOLIVIAN CONTEXT

Bolivia is an emblematic example of the challenges that Latin American nations face to attain food sovereignty. In 2006, the country underwent a constitutional assembly process to address long-standing social and cultural inequalities among its populations.³⁵ The constitutional assembly emphasized the rights of Bolivia's indigenous majority to self-determination, e.g., their political autonomy, recognition of the thirty-six different indigenous ethnic groups and rights to land, water, and food.³⁶ Seen as a key issue in the drafting of the new constitution, resource rights were critical to Bolivia's plans for the nationalization of gas reserves, exploitation of mineral reserves, and implementation of food sovereignty policies.³⁷ These constitutional provisions represent a sharp departure from

34. GIORGIO TRUCCHI, NICARAGUA: SOBERANÍA Y SEGURIDAD ALIMENTARIA FRENTE A LOS TLC Y LA CRISIS ECONÓMICA, BIODIVERSIDAD EN AMÉRICA LATINA Y EL CARIBE (2009), <http://www.biodiversidadla.org/content/view/full/48207> (last visited at Apr. 7, 2010); GIORGIO TRUCCHI, LA SEMILLA CRIOLLA ES IMPRESCINDIBLE PARA ALCANZAR LA SOBERANÍA ALIMENTARIA (2009), http://www.rel-uita.org/agricultura/alimentos/semillas_de_identidad.htm (last visited Apr. 7, 2010); AGENCIA LATINOAMERICANA Y CARIBEÑA DE COMUNICACIÓN, NICARAGUA: ENTIDADES PIDEN ACCIÓN DEL GOBIERNO CONTRA INGRESO DE TRANSGÉNICOS (2007), available at <http://www.redmesoamericana.net/?q=node/502>. See also Special Rapporteur on the right to food, Background Document to the Report (A/64/170) presented in October 2009 by Special Rapporteur on the right to food Olivier de Schutter at the 64th session of the UN General Assembly (June 2009), available at http://www.keinpatent.de/uploads/media/seed_policies.pdf.

35. Pilar Uriona Crespo & Dunia Mokrani Chávez, *Democracy and Conflict: Bolivia's Constituent Assembly, Federal Government and Departmental Autonomy Statutes*, AMERICAS PROG. REP'T, Aug. 22, 2008 (Nalina Eggert trans.), available at <http://americas.irc-online.org/am/5487>.

36. Constitución de la República Bolivariana de Venezuela, tit. VI, ch. I, art. 2-3, as amended, Gaceta Oficial, 30 de Diciembre de 1999 (Venez.), available at <http://pdba.georgetown.edu/Constitutions/Venezuela/ven1999.html>.

37. *Id.*

past policies and have precipitated a political conflict between the central administration and regional oligarchies, mainly around the issue of limitations on land ownership.³⁸ Bolivia's new supreme law limits land ownership to 5,000 hectares, a regulation that has amounted to a conflict between the central government and oligarchy-controlled departments. For decades, international investors and local agribusinesses enjoyed Bolivia's policies encouraging industrial agriculture.³⁹

Brazilian soybean farmers, for example, controlled large tracts of land in the fertile lowlands of Bolivia's eastern region. Soy production, however, sold mostly in the international market, brought little benefit to local communities, apart from a few jobs on the farms.

Contending with resource exploitation by "third parties," often an international investor, Bolivia's constitutional assembly went beyond nationalizing resources, agriculture and food, and associated the achievement of a sustainable future for all to the right of local communities to produce food. Still, one of the main challenges of food sovereignty laws in Bolivia is the transformation of the agrarian structure. Embattled landowners and political groups in the dissident departments of Pando, Beni, Santa Cruz, and Tarija are blocking government plans to redistribute land to peasants and indigenous people.⁴⁰

Bolivia's new constitution, as well as the National Development Plan, defines food sovereignty and peasant agriculture as the country's priority for development.⁴¹ The National Development Plan promotes food sovereignty as a development goal that guarantees the fundamental human rights of peasants and indigenous families and will result in a proper diet and dignify the work of peasant agriculture.⁴² With this development perspective in mind, the Bolivian government crafted the Food Security and Food Sovereignty Policy. This legislation, approved in February of 2006, increases government intervention in food production and markets. Also, Bolivia's food policy defines guidelines for technical assistance for rural development programs, regulation of markets, and

38. JON BRIGHT, FUNDACIÓN PARA LAS RELACIONES INTERNACIONALES Y EL DIÁLOGO EXTERIOR, *UN CHOQUE NACIONAL DE MUNDOS MÚLTIPLES* (2008), available at <http://www.fride.org/publicacion/475/bolivia-un-choque-nacional-de-mundos-multiples>.

39. Avendaño Luis Fernando, *78% Pide Límite de 5.000 Ha*, LOS TIEMPOS, Jan. 26, 2009, available at http://www.lostiempos.com/diario/actualidad/nacional/20090126/78-pide-limite-de-5000-ha_19417_30681.html.

40. PILAR URIONA CRESPO & DUNIA MOKRANI CHÁVEZ, *DEMOCRACY AND CONFLICT: BOLIVIA'S CONSTITUENT ASSEMBLY, FEDERAL GOVERNMENT AND DEPARTMENTAL AUTONOMY STATUTES* (AMERICAS PROGRAM REPORT, CTR. FOR INT'L POL.) (Nalina Eggert trans., July 22, 2008), available at <http://americas.irc-online.org/am/5487>; see generally ISABEL MORENO & MARIANO AGUIRRE, *RE-FOUNDING THE STATE IN BOLIVIA 12-14* (FRIDE) (July 2007), available at <http://www.fride.org/publicacion/170/la-refundacion-del-estado-en-bolivia>.

41. Constitución de la República Bolivariana de Venezuela, tit. VIII, art. 215, *as amended*, Gaceta Oficial, 30 de Diciembre de 1999 (Venez.), available at <http://pdba.georgetown.edu/Constitutions/Venezuela/ven1999.html>.

42. REPÚBLICA DE BOLIVIA, PLAN NACIONAL DE DESARROLLO: BOLIVIA DIGNA, SOBERANA PRODUCTIVA Y DEMOCRÁTICA PARA VIVIR BIEN (2006-10) available at http://www.constituyentesoberana.org/3/propuestas/gobierno/11_Min_Planificacion_Plan_Nal_Desarrollo_Nal.pdf (translated by author).

investments in infrastructure for small and medium-scale farmers.⁴³

The Food Security and Food Sovereignty Policy of 2006 imposes market regulations to prevent, or at least mitigate, the impact of the sort of food shortages that occurred in 2008. The policy promotes actions such as: a) regulating of food imports to protect national production; b) defining of new regulations for agricultural exports, mainly foodstuffs; c) establishing price regulation mechanisms for grains and other agricultural products sold in internal markets; and d) combating market speculation and smuggling of agricultural products. Similar market regulations were used in Latin America before the neoliberal structural adjustments. Because of the recent food crisis, governments throughout the region have reinstated some pre-1990s market regulations on foodstuffs for domestic consumption and export in an effort to reduce the impacts of market speculation in the national economies. Overall, these policies will mitigate the consequences of market speculation but not eliminate the effects of a changing global market, where storage and distribution ports have been increasingly controlled by a few corporations. To be effective, the Bolivian government will need to create programs to improve processing and storage of products from small and medium scale farmers. All these initiatives will take several years to generate results and, for this reason, the efficacy of Bolivia's comprehensive policies remains to be seen.

VI. CONCLUSION

When the subject is the food crisis, a dark-humor joke has become common among peasants and indigenous peoples in Latin America: "Crisis? What crisis? We always live in a crisis mode."

Rural families are aware that the world has failed them. The false promises of industrial agriculture and free trade policies generated hunger and destroyed families' capacity to maintain their livelihood and food production. In Latin America, the neoliberal recipes of the Washington Consensus have dismantled essential government services to rural families. Resilient, peasants and indigenous people have maintained their traditions and knowledge throughout generations that outlived the crises.

According to a recent report from the ETC Group, "The work of peasants and pastoralists to maintain soil fertility is 18 times more valuable than the synthetic fertilizers provided by the seven largest corporations."⁴⁴ Further, the same report states that peasant agriculture consumes seventy-five percent less than industrial agricultural operations to produce the same vegetable, grain or animal protein. This information supports the assertion from climate justice advocates that small scale farming could help to mitigate climate crisis.⁴⁵

43. REPÚBLICA DE BOLIVIA, MINISTERIO DE DESARROLLO RURAL, AGROPECUARIO Y MEDIO AMBIENTE, *POLÍTICA DE SEGURIDAD Y SOBERANÍA ALIMENTARIA* 39-63 (2008).

44. ACTION GROUP ON EROSION, TECH. AND CONCENTRATION (ETC GROUP), 102 COMMUNIQUÉ, *WHO WILL FEED US? QUESTIONS FOR THE FOOD AND CLIMATE CRISES 1* (2009).

45. Stephen Leahy, *Small Farmers Can Cool the World*, INTER PRESS SERVICE, Dec. 12, 2009, available at <http://www.commondreams.org/headline/2009/12/12-5>.

Peasants and indigenous people in Latin America are also aware that the drastic effects of the food crisis created new opportunities for broad policy changes. They have become the source of inspiration and political support for a policy shift throughout the continent. In all three cases summarized here, rural families are the leading voices and proponents of new food sovereignty policies. In Brazil, despite the unfavorable political climate, landless families are still pressing for agrarian reform and the protection of natural resources. Nicaragua's Food Sovereignty and Food Security and Nutrition Law grew out of an initiative promoted by local peasant organizations. Divided by a bloody civil war in the 1970s, peasants overcame political differences in order to work together for the passage of this law. The inspiring policies in Bolivia are also largely based on the expertise of indigenous people and peasants.

Building food sovereignty in Latin America, as a process of reclaiming collective rights to land, water, seeds, and food, faces old and new challenges. First, free trade agreements such as CAFTA-DR limit the governance of impoverished countries over their food systems. Second, the boom in agrofuel plantations and the global land market are threatening communities' ability to achieve their right to food. Finally, the success of new food sovereignty policies will depend on governments' capacity to rebuild rural development infrastructure and services to peasant families.

Fortunately, these challenges do not seem to have deterred the regional movement towards food sovereignty. The progress of food sovereignty in Latin America will not only solve the problem of chronic hunger in the region, but can also ensure a better future for us all.