

This article was downloaded by:

On: 14 February 2011

Access details: *Access Details: Free Access*

Publisher *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



## Journal of Peasant Studies

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t713673200>

### Peasants' rights and the UN system: quixotic struggle? Or emancipatory idea whose time has come?

Marc Edelman; Carwil James

Online publication date: 13 January 2011

**To cite this Article** Edelman, Marc and James, Carwil(2011) 'Peasants' rights and the UN system: quixotic struggle? Or emancipatory idea whose time has come?', *Journal of Peasant Studies*, 38: 1, 81 — 108

**To link to this Article:** DOI: 10.1080/03066150.2010.538583

**URL:** <http://dx.doi.org/10.1080/03066150.2010.538583>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

## Peasants' rights and the UN system: quixotic struggle? Or emancipatory idea whose time has come?

Marc Edelman and Carwil James

The transnational agrarian social movement *Vía Campesina* is campaigning to have the United Nations negotiate and implement a Declaration, and eventually an International Convention, on Peasants' Rights. This article analyzes the origins and demands of the campaign and the place of the claimed rights in international law. Peasant organizations hope to follow in the footsteps of indigenous peoples' movements that participated in the negotiations preceding the 2007 UN Declaration on the Rights of Indigenous Peoples. The peasants' rights campaign has succeeded in linking its demands to discussions of the right to food in the United Nations, where concern is growing over the approach of the 2015 target for realizing the Millennium Development Goals, in particular the halving of the numbers of people suffering from hunger. The campaign is likely to face stiff resistance from powerful UN member states, but could achieve substantial advances even if the path to a convention is difficult or never completed.

**Keywords:** peasants; human rights; United Nations; *Vía Campesina*; transnational agrarian movements; civil society; social movements

### Introduction

This article analyzes one contemporary case in the long expansion of human rights, the campaign of transnational agrarian movements – notably *Vía Campesina* – to have the United Nations negotiate and implement a Declaration, and eventually an International Convention, on the Rights of Peasants (*Vía Campesina* 2002, 2008b).<sup>1</sup> This effort has recently made its first, halting steps within the United Nations system. We begin with a brief discussion of the place of the proposed Declaration in the international human rights regime. We then outline the late twentieth-century rise of

---

Earlier versions of this article were presented at the conference on Developing Food Policy: US and International Perspectives, Yale Law School, 16–17 April 2010, and the Roosevelt House Human Rights and International Justice Faculty Seminar at Hunter College-CUNY, 6 October 2010. For comments on the manuscript the authors thank participants in both of these fora, two anonymous reviewers for this journal, Jefferson Boyer, Elvira Basevich, and Justine Simon. They also thank Elvira Basevich, Justine Simon and Kate Goff for research assistance. Research was supported in part by grant #1024017 from the US National Science Foundation (Cultural Anthropology & Law and Social Science Programs).

<sup>1</sup>In advocating for such a convention, *Vía Campesina* has produced the 'Declaration of Rights of Peasants – Women and Men', sometimes called the 'Declaration on Farmers' Rights' (*Vía Campesina* 2008b, 2008a, 2009a). The term 'farmers' rights' is used elsewhere to refer to traditional seed-saving practices that conflict with new intellectual property regimes requiring seed certification and licensing (Borowiak 2004).

transnational agrarian movements, particularly *Vía Campesina*. Next we analyze the genesis of the Peasants' Rights Convention campaign and outline the rights claimed in the draft text of the Declaration and their relation to those established in earlier international human rights instruments. We argue that transnational agrarian movements' efforts to secure a Peasants' Rights Declaration (and eventually a Convention) represent both the progressive extension of the existing human rights regime and a continuation of the democratization of rights-making. This democratization was heralded by the three decades of efforts to draft and approve the 2007 UN Declaration on the Rights of Indigenous Peoples. The campaign's strategy is to secure passage in the General Assembly of a nonbinding Declaration as a first step toward a Convention, which, unlike a Declaration, would be considered binding on signatory states and monitored by UN agencies (*Vía Campesina* 2009a, 4).

Given existing precedents, we then briefly consider what the negotiation and the adoption of a Peasants' Rights Convention are likely to entail. This effort could have radical consequences if, against all odds, peasants prove to be the first economically defined grouping to win a widely accepted human rights convention and, even more radically, enforceable rights to self-determination.<sup>2</sup> Either achievement would be dramatic, however, and would give rise to some daunting obstacles. Many powerful UN member states have long opposed any extension of economic and social rights. Moreover, the international human rights regime is structured fundamentally around states, while many of the violations of peasants' rights that the proposed Convention seeks to address result from the activities and policies of supra-state, transnational or global and frequently unaccountable actors, especially – but not only – the World Trade Organization (Narula 2010, Rosset 2006).

The article situates *Vía Campesina's* campaign for a Peasants' Rights Convention within three broader processes. First, normative understandings of human rights have expanded over long historical time, in ongoing processes of political contention. Rights that were once considered inconceivable are now either accepted or seen as legitimate topics for discussion (Archibugi 2008, Cowan *et al.* 2001, Donnelly 1989, Freeman 2002, Gernigon *et al.* 2000, Glasius 2006, Goodale 2006, 2009, Hunt 2007, Merry 2003, Messer 1993, Risse-Kappen *et al.* 1999). Second, in recent decades UN agencies and other multilateral organizations have increasingly engaged in new forms of collaboration with non-state actors, including social movements and non-governmental organizations (NGOs) (Streets and Thomsen 2009). While inter-governmental institutions such as the United Nations Food and Agriculture Organization (FAO) had earlier formed occasional ties with *national-level* civil society organizations, since the early 1990s grassroots pressure has contributed to the emergence of durable alliances with *transnational* social movements (Borras 2010,

---

<sup>2</sup>We will discuss briefly the other class-defined human rights convention, the Migrant Workers Convention, ratified by 43 countries, which are generally migrant-sending rather than migrant-receiving. We use 'economically defined grouping' here, because 'class' has different meanings in legal and social scientific thought. Agrarian activists and scholars have long debated the class character of the peasantry in the sociological sense, a discussion that is beyond the scope of this article (see Bernstein and Byres 2001, van der Ploeg 2008). For our purposes here, the heterogeneity of contemporary peasantries in social class terms is beyond dispute, as is the reality that rights violations may impact agriculturalists that are diverse in terms of resources, economic sectors, and production relations.

McKeon 2009). Third, as an outgrowth of the first two processes, transnational social movements have sought to use global governance institutions to deepen and institutionalize new conceptions of 'rights' that go beyond those codified in existing international instruments. Indigenous movements secured unprecedented influence in the structure and agenda of international organizations, generating institutions such as the UN Permanent Forum on Indigenous Issues (2002), gaining a regular seat at the table in certain UN system meetings, and securing passage of the ILO Convention Concerning Indigenous and Tribal Peoples (1989) and the UN Declaration on the Rights of Indigenous Peoples (2007).<sup>3</sup> Now, transnational *agrarian* movements are seeking to follow in their footsteps.

Transnational agrarian movements' incursion into rights making is an effort to legitimize peasants' autonomous right to choose their economic and environmental model at the local level; this process is grounded in both the politics of the transnational agrarian movements themselves and in the growing space within the UN system for recognizing autonomy and for deepening rights to basic needs (such as food and water). This campaign is likely to face stiff resistance, but could achieve substantial advances even if the path to a convention is difficult or never completed.

### **The proposed Convention's place in the global human rights regime**

The United Nations system and the associated global human rights regime are among the most thoroughly institutionalized instantiations of universalism. Founded with the Allied effort to win World War II, the system grounded the postwar world order on an appeal to human rights and universal peace. It forms a nexus of rights-making that, like other universals, 'beckon[s] to elite and excluded alike' (Tsing 2005, 9). The international human rights regime has both this universal face and a sometimes partial system of voluntary adherence by nation-states.<sup>4</sup> In general, *nonbinding Declarations* and international conferences have proclaimed rights to be universal (that is, applying to all), interdependent, and indivisible.<sup>5</sup> However, the binding nature of both human rights and ILO labor rights *Conventions* has encouraged nations to be selective in their ratification of these documents. Most

<sup>3</sup>The 1989 agreement was Convention 169 of the International Labor Organization (ILO), a UN agency. It established the rights of indigenous communities to their traditional territories and to the natural resources found in and on them. The 'first substantive decision' of the UN Human Rights Council (created in 2006 to replace a UN Commission on Human Rights tainted and dominated by undemocratic member states) was to approve the draft Declaration on the Rights of Indigenous People and to pass it on for a vote by the General Assembly. The 2007 Declaration by the UN General Assembly reaffirmed the rights enumerated in 1989 and went far beyond them in terms of land rights, self-determination and political autonomy (Anaya and Wiessner 2007).

<sup>4</sup>On the concept of an international human rights regime, see Donnelly (1986).

<sup>5</sup>In particular, the 1993 World Conference on Human Rights in Vienna declared, 'All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis' (World Conference on Human Rights 1993). The framers of the 1948 Universal Declaration of Human Rights experienced considerable anguish over its unenforceable, non-binding nature and its lack of legal limitations on the actions of states (Moyn 2010, 184–6, Sellars 2002, 1–24). Some of them nonetheless viewed the Universal Declaration as a 'moral force' that contributed to what today might be termed 'norms evolution'.

dramatically, in 1966, differences between the United States and Soviet Union led to two separate International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (Lewis 2007, 119–21). More recently, both the 1990 UN Migrant Workers Convention and the 1978 ILO Rural Workers Convention were only ratified by an interested minority of states.

Nonbinding Declarations, issued by vote of the United Nations General Assembly, often precede more rigorous Conventions, which must be ratified by nation-states, are considered binding on signatory member states, and are subject to review by monitoring agencies and, in some cases, international courts. In the interim, Declarations serve as normative models for governmental institutions, and are sometimes accepted as part of so-called customary international law (PFII 2010, paras. 23–26, Lillich 1995, O’Connell 2000, Anaya and Wiessner 2007).<sup>6</sup> Inter-governmental institutions – including international financial institutions, regional organizations such as the OAS and EU, and quasi-independent organizations such as the Millennium Development Programme – may be uniquely influenced by the norms spelled out in declarations.<sup>7</sup> A series of declarations also enumerated sets of rights that might be thought of as held by society: the right to peace, to scientific and technological progress, to a healthy environment, to development and – relevantly to peasants’ rights – to food (United Nations 1986).

The Human Rights Convention framework is applied to distinct categories of rights holders, ranging from all humans to discriminated racial groups (ICERD 1965), women (CEDAW 1979), children (CRC 1989), migrant workers (ICRMW 1990), and people with disabilities (CRPD 2006), among others. Each human rights convention tends to reiterate universally held rights before spelling out new ones within its particular area of concern. The evolving human rights regime thus has a series of pre-existing priorities that are often incorporated into new conventions.<sup>8</sup> While each rights-claiming group is different, they go through a common pattern of identifying themselves as a global part of the human condition, asserting an equal claim to universal rights, and specifying rights that are particular to their unique situation. Via Campesina places itself squarely within this process. A fundamental argument for the Peasants’ Rights Convention, as summed up in a recent campaign statement, is that, ‘Almost half of the people in the world are peasants . . . There are already conventions

<sup>6</sup>Customary international law is that set of norms that arises from ‘consistent conduct of States acting out of the belief that the law required them to act that way’ (Rosenne 1984, 55). Sometimes the interval between an initial declaration and a legally binding treaty is substantial; the Declaration on the Rights of the Child, for example, passed in 1959, but it took 30 years before the Convention on the Rights of the Child entered into force. In 1981, the General Assembly approved the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (GA 36/55), but no international treaty has yet been approved that further protects freedom of belief (Burchill 2008, 55).

<sup>7</sup>The OAS is currently drafting an American Declaration on the rights of indigenous peoples in an echo of the UN process. NGO pressure also led several IFIs (including the World Bank and the Inter-American Development Bank) to adopt human rights monitoring procedures for their projects in the past 20 years (Wirth 1998). The UN Permanent Forum on Indigenous Issues (cited above) is encouraging the UNFCCC climate change process to accommodate indigenous consultation and consent rights based on the UN Declaration. The July 2010 UN General Assembly resolution on the human right to water and sanitation is already being contemplated as a tool to influence the priorities of the Millennium Development Programme.

<sup>8</sup>Core conventions, corresponding monitoring bodies and ratifying parties are listed by the UN High Commissioner on Human Rights at <http://www2.ohchr.org/english/law/>

that protect [other] vulnerable groups of people, such as indigenous peoples, women, children and migrant workers' (Vía Campesina 2009a, 1–3).<sup>9</sup>

Many of the rights enumerated in the draft Peasants' Rights Declaration were specified in other accords that date to early twentieth-century attempts to create an international human rights regime in the aftermath of World War I (Rodgers *et al.* 2009, McKeon 2009). In the 1920s, for example, the International Labor Organization approved several conventions on agricultural workers' rights, including minimum age (ILO-10), workmen's compensation (ILO-12) and health insurance (ILO-25). Not long after the founding of the United Nations, the 1948 Universal Declaration of Human Rights affirmed that everyone has the right to an adequate standard of living, including food, housing, medical care, and 'the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control' (United Nations 1948, Art. 25). The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) reiterated the specification in the Universal Declaration of Human Rights of the right to organize and to enjoy an adequate standard of living; it also established 'the fundamental right of everyone to be free from hunger' (United Nations 1966, Art. 11).<sup>10</sup> Despite the recognition of this right, peasants (whose daily life involves food production) now make up half of the world's hungry. Stepping into the gap between the right to food and the failure to eliminate hunger, Vía Campesina coordinator Henry Saragih indicated in 2005, 'with regards to the rights concerning food, the ESCR [i.e., ICESCR] only mentions access to food as the fulfillment of rights to food, whereas *the right to produce food* is much more fundamental to fulfilling the rights to food' (Saragih 2005, 7, italics added).<sup>11</sup>

### The rise of transnational agrarian movements

That peasant organization activists such as Saragih now speak before the United Nations and other international organizations is indicative of a recent upsurge of new kinds of agrarian activism. These movements, which emerged in the late 1980s and early 1990s, have their proximate origins in the global farm crisis that began in the 1970s. The main features of the 1970s crisis were skyrocketing prices for petroleum and oil-based inputs, particularly fertilizer and pesticides; sharply higher interest rates, resulting from oil-price shocks and monetary policies intended to slow inflation; and the breakdown of the Bretton Woods system of capital controls and fixed

<sup>9</sup>The claim that 'almost half of the people in the world are peasants' probably overstates the numbers of this group, however it might be defined, and its proportional weight in the global population. Nonetheless, peasants, farmers and agricultural laborers are still a major component of the world population, even though as countries industrialize, the proportion of their economically active population in agriculture tends to decline. FAO data indicate that today 'agriculture provides employment to 1.3 billion people worldwide, 97 percent of them in developing countries' (World Bank 2007, 77).

<sup>10</sup>The ICESCR entered into force in 1976.

<sup>11</sup>Saragih's comment echoes the 2002 declaration of social movements that attended the World Food Summit +5 and that went on to found the International Planning Committee for Food Sovereignty. This statement defined food sovereignty as including '*the true right to food and to produce food*, which means that all people have the right to safe, nutritious and culturally appropriate food and to food-producing resources and the ability to sustain themselves and their societies' (NGO/CSO Forum for Food Sovereignty 2002, italics added).

Table 1. Rights claimed in 2002 and 2009 draft Declarations on Peasants' Rights.

Rights claimed	Relevant international instruments
<p><b><i>Right to a proper living standard 2002</i></b>            Defining themselves as having the same rights as other people, without discrimination on the basis of gender, age, religion, culture            Includes: right to protection, livelihood, food (both as producers and consumers), health services, sport, electricity, water, communication, security, social services, education, housing</p>	<p><b>UDHR</b> standard of living, medical care, access to food  <b>UNMD</b> freedom from hunger, violence, oppression, access to water  <b>ICESCR</b> organize, standard of living, access food, protection of destruction of rights by state, group or person, right to technical support  <b>PA</b> livelihood, water, protection  <b>ILO-10</b> health insurance for agricultural laborers  <b>IRD</b> definition of a people who need to be protected from discrimination  <b>UDCD; CRC; CEDAW</b></p>
<p><b><i>Right to life and to an adequate standard of living 2009</i></b>            Affirming gender equality and the right to own land; to produce agricultural products, to rear livestock, to hunt and gather, and to fish in their territories</p>	<p><b>UDHR</b> property rights, environmental protection  <b>UNMD</b> freedom from hunger, access to water  <b>UDEHM</b>  <b>IRD</b> right to get support of the state, right to protection of economic institutions, right to land, role in decision-making process if affects right  <b>ICESCR</b> pursue economic development, protection of means of subsistence, protection of destruction of rights by state, group or person, technical support  <b>UDCD; ILO</b></p>
<p><b><i>Right to agrarian resources 2002</i></b>            Right to own and work their land, as well as non-productive state land; to clean water and to manage and use the water and forest resources from their land; to ask for state-support, and right to reject plans for their land and resources; to legal protection of land, protection from corporate claims, and from environmental pollution</p>	<p><b>UDHR</b> property rights, environmental protection  <b>UNMD</b> freedom from hunger, access to water  <b>UDEHM</b>  <b>IRD</b> right to get support of the state, right to protection of economic institutions, right to land, role in decision-making process if affects right  <b>ICESCR</b> pursue economic development, protection of means of subsistence, protection of destruction of rights by state, group or person, technical support  <b>UDCD; ILO</b></p>
<p><b><i>Right to land and territory 2009</i></b>            Right to own land, including nonproductive state land, and to own the products of their labor; to fight forced eviction; to state funds for irrigation technologies; to the access, and community control, of safe water</p>	<p><b>UDHR</b> property rights, environmental protection  <b>UNMD</b> freedom from hunger, access to water  <b>UDEHM</b>  <b>IRD</b> right to get support of the state, right to protection of economic institutions, right to land, role in decision-making process if affects right  <b>ICESCR</b> pursue economic development, protection of means of subsistence, protection of destruction of rights by state, group or person, technical support  <b>UDCD; ILO</b></p>
<p><b><i>Right to seed and agriculture 2002</i></b>            Right to determine their seeds, and reject varieties; to determine farming systems, right to use and develop local agricultural knowledge and seed varieties</p>	<p><b>IRD</b> right to protection of economic institutions the human and environmental health of future generations;  <b>NERLM</b> to enjoy culture  <b>UNMD</b> freedom from hunger, access to water  <b>UDEHM</b>  <b>ICESCR</b> pursue economic development, protection of means of subsistence, protection of destruction of rights by state, group or person  <b>UDCD</b>  <b>ITPGRFA</b>  <b>CEDAW</b>  <b>RC</b></p>
<p><b><i>Right to seed and traditional agricultural knowledge and practice 2009</i></b>            Right to determine the varieties of seeds, including the right to develop and sell their own varieties; to food sovereignty; to reject plant varieties and the industrial model of agriculture; to conserve and develop local knowledge in agricultural, fishing and livestock rearing and to the use of relevant facilities to use their own technologies or those guided by the principle of protecting human and environmental health</p>	<p><b>IRD</b>  <b>ICESCR</b> pursue economic development, protection of means of subsistence</p>

(continued)

Table 1. (Continued).

Rights claimed	Relevant international instruments
Right to obtain funds, capital, and balanced information; and to be involved in the planning of agriculture; to material and tools of agriculture, including irrigation and transportation, and right to choose where to get aid	UNMD freedom from hunger UDEHM UDCD CEDAW ITPGRFA
<b><i>Right to information and agriculture technology 2009</i></b>	
Right to obtain impartial and balanced information about capital, market, policies, prices, technology, and national and international policies; to obtain adequate information at the national and international levels on the preservation of genetic resources	
<b><i>Right to means of agricultural production 2009</i></b>	
Right to obtain funds, credit, tools, water transportation, storing facilities for agricultural production; to be actively involved in planning the agricultural budget	
<b><i>Right for freedom in determining price and market for agricultural production 2002</i></b> to produce and store their agricultural product; to fair markets where they determine the prices; to fair compensation for labor; the right to market products nationally and internationally and to fair inspections	NERLM to enjoy culture UNMD UDEHM ICESCR pursue economic development, protection of means of subsistence, protection of destruction of rights by state, group or person
<b><i>Freedom to determine price and market for agricultural production 2009</i></b>	IRD right to protection of economic institutions
Right to prioritize agricultural production and the satisfaction of the family's basic needs; to develop community-based commercialization; to foster traditional local markets, getting beneficial price for their production and a fair evaluation of their products' quality	
<b><i>Right for protection of agricultural values 2002</i></b>	UDHR participation in cultural life IRD protection of culture ICESCR pursue cultural and social development
Right to protect, preserve and value culture and to reject interventions that threaten culture/ agricultural practices	
<b><i>Right to the protection of agricultural values 2009</i></b>	UNMD freedom from hunger UDEHM; UDCD NERLM to enjoy culture
Right to recognize and protect local culture/ agricultural values; to develop and preserve local knowledge and to reject interventions that threaten local agricultural values; to be respected for their spirituality as individuals and as peoples	
<b><i>Right for biological diversity 2002</i></b>	IRD
Right to protect, conserve, develop, maintain and exchange biological and genetic diversity; to reject any patents on biological diversity. These rights must be protected by law, and the peasants have the rights to cancel the intellectual property rights of their goods and services.	ILO-10 protection of means of subsistence, protection of destruction of rights by state, group or person ITPGRFA

(continued)



Table 1. (Continued).

Rights claimed	Relevant international instruments
<b>Right to biological diversity 2009</b>	
Right to protect, preserve, develop, maintain, conserve and exchange biological and genetic diversity; to reject any patents on biological goods, services, resources, knowledge of the local community and certification mechanisms transnational corporations establish.	
Local, peasant-run guarantee schemes should be promoted and protected.	
<b>Right for environmental preservation 2002</b>	
Right to a clean and healthy environment that [peasants] can preserve using local knowledge; to reject agricultural policies based on environmental degradation, and to have lawsuits and get compensation for environmental damage	<b>ILO-10</b> protection of means of subsistence, protection of destruction of rights by state, group or person <b>UNMD</b> freedom from hunger, access to water <b>IRD</b> right to protection of economic institutions
<b>Right to preserve the environment 2009</b>	
Right to a clean and healthy environment preserved according to [peasants'] knowledge; to reject all forms of exploitation that cause environmental damage; to sue and claim compensation for environmental damage; to reparation for ecological debt and the historic and current dispossessions of their territories	<b>NERLM</b> to enjoy culture <b>UDEHM</b> <b>UDCD</b> <b>CAIPJE</b>
<b>Right for freedom to associate 2002</b>	
Right to convene, be protected, organize – including economically; to public expression of culture, religion, literature and art	<b>IRD</b> organize and expression of culture <b>NERLM</b> association <b>UDHR</b>
<b>Freedom of association, opinion and expression and the right to have access to justice 2009</b>	
The right is granted through claims, petitions and mobilizations; right to independent peasants' organizations, trade unions, cooperatives; to local customs, languages, culture, religions, literature and art;	<b>ICCPR</b> <b>ICESCR</b> trade unions and freedom from unjust imprisonment <b>IRD</b> <b>ILO</b> <b>UDHR</b>
Not to be criminalized for their struggles and to recourse to peaceful direct action; to a fair justice system, with effective and non-discriminatory courts and legal aid	

Source: Via Campesina (2009a, 2002), international agreements listed above.

Notes: CAIPJE=Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters 1998; CEDAW=Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979; CRC=Convention on the Rights of the Child, 1989; ICCPR=International Covenant on Civil and Political Rights, 1966; ICESCR=International Covenant on Economic, Social and Cultural Rights, 1966; IRD=Indigenous Rights Declaration, 2007; ILO-10=International Labor Organization-10, Minimum Age (Agriculture) Convention, 1921; ITPGR-FA=International Treaty on Plant Genetic Resources for Food and Agriculture, 2002; NERLM=Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992; RC=Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemical and Pesticides in International Trade, 1998; UDCD=Universal Declaration on Cultural Diversity, 2001; UDEHM=Universal Declaration on the Eradication of Hunger and Malnutrition, 1974; UDHR=Universal Declaration of Human Rights, 1948; UNMD=United Nations Millennium Declaration, 2000.

exchange rates, which in turn led to a rapid expansion and liberalization of global food trade (Greider 2000, Helleiner 1994, McMichael 1998). Liberalized trade, especially after the 1995 founding of the World Trade Organization, encouraged highly subsidized commodity producers, mainly in the European Union and the United States, to 'dump' inexpensive exports in developing countries, often glutting agricultural markets and ruining farmers' livelihoods. At the same time, growing ownership concentration among seed, input, machinery and credit suppliers, and in the processing, storage, brokering, and exporting stages of key commodity chains, allowed a handful of giant corporations to garner a rising share of the total value added between the farm gate and the dinner plate (Kneen 2002, Morgan 1980). In poorer countries the 1980s debt crisis, also rooted in part in rising interest rates and oil import bills, brought neoliberal reforms that further devastated small agricultural producers accustomed to guaranteed prices, low-interest loans from public-sector banks and state-sponsored extension services.<sup>12</sup> More recently, the impacts of climate change, growing demand for biofuels and a new wave of land speculation have further exacerbated the already tenuous situation of small-scale agriculturalists in numerous world regions (Bryceson *et al.* 2000, Kay 2008, IAASTD 2009, Kloppenburg 2010, GRAIN 2008, van der Ploeg 2008).

By the early 1990s, these diverse onslaughts on living standards and livelihoods, as well as new forms of communication, cheaper travel, and the end of the Cold War and of military regimes in Latin America, spurred a wave of transnational advocacy groups and NGOs in addition to and alongside the agrarian movements (e.g., of women, indigenous peoples, ethnic and sexual minorities, environmentalists, human rights advocates, the disabled, and others). Because global governance was expanding its reach and because many pressing health, environmental, social and economic problems transcended national boundaries, these new networks, coalitions and movements became increasingly involved in contesting the direction of the international financial institutions, the World Trade Organization, the G-8 heads of state, and various UN agencies. They also organized their own 'parallel summits' (Pianta 2001) and – since 2001 – the annual World (and regional) Social Forums (Whitaker *et al.* 2006).<sup>13</sup>

The loosely organized global justice movement was, however, divided over the possibilities of engaging with the powerful international governance institutions that were behind the rush to economic liberalization. One segment, which we will call the 'grassroots wing', advocated far-reaching, radical reforms of the world economic order, took a rejectionist stance towards participating in economic summits, and asserted the local right to autonomous choice of economic model and control over resources.<sup>14</sup> Rather than demand a seat at the table, or put forward proposals to

<sup>12</sup>In an historic reversal, these reforms, encouraged or imposed by the World Bank and the International Monetary Fund, dismantled the commodities boards and the systems of subsidies for inputs, machinery, fuel, water, and credit that the World Bank had helped to set up in the 1950s and 1960s in order to make capital-intensive agriculture possible in conditions of poverty (Shiva 2001).

<sup>13</sup>Several scholars have analyzed distinctions between networks, coalitions and movements (Fox 2005, 2010, Edelman 2005). Because *Vía Campesina* and its allies have characteristics of all three organizational forms, such distinctions are not of central importance here.

<sup>14</sup>People's Global Action, for example, an alliance that lasted from 1998 to 2006, included several *Vía Campesina* member organizations. It characterized itself as having 'a confrontational attitude, since we do not think that lobbying can have a major impact in such biased and undemocratic organisations, in which transnational capital is the only real

institutions such as the WTO, IMF and World Bank, these movements sought to restrict the scope of these bodies' jurisdiction and to shut down their meetings. Under movement proposals, water and other essential services were to be excluded from privatization and commodification;<sup>15</sup> projects on indigenous traditional lands would require the consent of indigenous peoples; and agriculture was to be kept out of the WTO's purview (*Vía Campesina* 1999, Rosset 2006). To some degree, all of these positions embraced local autonomy as an alternative to global market competition and transnational corporate structures. These local bastions were repositories for a contest between social models, places where the local, indigenous, self-governing, renewable, organic, and diverse are extensively embraced, and from which they can be defended (Escobar 2001, Nash 2005). This grassroots wing of the global justice movement has also been richly productive of new normative concepts, such as food sovereignty, biopiracy, Creative Commons, and autonomous municipalities, among others.<sup>16</sup>

The new transnational agrarian movements of the 1990s, which included *Vía Campesina*, the International Planning Committee for Food Sovereignty, and ROPPA,<sup>17</sup> gained considerable visibility as interlocutors with the news media, national governments, international institutions, and other civil society organizations. The most dynamic of these new transnational movements is *Vía Campesina*, founded in Belgium in 1993, which now links some 150 organizations of small- and medium-sized agricultural producers, landless, rural women, indigenous people, and agricultural workers in almost 70 countries in the Americas, Europe, Asia, and Africa (Edelman 2003, Borras 2004, Desmarais 2007, Borras *et al.* 2008). The membership is diverse and includes landless peasants in Brazil, small dairy farmers in Europe, well-off farmers in South India, wheat producers in Canada, and land-poor peasants in Mexico. The main issues of concern to *Vía Campesina* include the liberalization of global agricultural trade; intellectual property and genetically modified organisms; the survival of family farms; sustainable alternatives to industrial agriculture; agrarian reform; the human rights of peasants and peasant activists; and 'food sovereignty'; which it describes as each country's right to determine the shape of its own food systems; to protect national and especially

---

policy-maker' (Peoples' Global Action 2001). A list of convenors of PGA provided by Juris (2008) includes *Vía Campesina* members such as the Landless Workers Movement (Brazil), Krishok Federation (Bangladesh), Karnataka State Farmers Association (India), and the Nationwide Federation of Landless Peasants (Philippines).

<sup>15</sup>Eight months after the 2000 'water war' in Cochabamba, Bolivia, organizers of the anti-privatization uprising hosted a gathering of water activists called 'Water: Globalization, Privatization, and the Search for Alternatives'. The conference's Cochabamba Declaration put forward a global call for a human right to water, urging that, 'These rights must be enshrined at all levels of government. In particular, an international treaty must ensure these principles are noncontroversial' (Cochabamba Declaration 2000). This demand was incorporated into the 2009 Bolivian Constitution, and encouraged the 2010 UN General Assembly Resolution on the Right to Water and Sanitation.

<sup>16</sup>Food sovereignty, advanced by *Vía Campesina*, is discussed below. Biopiracy describes the appropriation of agricultural lifeforms and knowledge for profit (Shiva 1999). Creative Commons is a legal schema created to legally facilitate the use and circulation of creative intellectual property without payment, but according to the wishes of the creator. Autonomous municipalities, proposed and implemented by the Zapatistas and the Mexican indigenous movement, create local forms of governance at the municipal level.

<sup>17</sup>ROPPA is Réseau des Organisations Paysannes et des Producteurs Agricoles de l'Afrique de l'Ouest (Network of Farmers and Agricultural Producers' Organizations of West Africa).

nonindustrial; smallholder production; and to shield domestic markets from the dumping of low-priced agricultural imports (Ishii-Eiteman 2009, Patel 2009).<sup>18</sup>

The heterogeneity of the national and sub-national organizations that have joined *Vía Campesina* makes for an internal politics that is complex and sometimes contentious, with different regional and class groupings at times promoting distinct priorities for the movement as a whole (Borras *et al.* 2008, Martínez-Torres and Rosset 2010). *Vía Campesina* and its component sub-national, national and regional organizations have nonetheless often presented a united face in global civil society gatherings, such as the World Social Forums (Marcuse 2005), and in theatrical protests against large agribusiness corporations, the World Trade Organization, the World Bank and International Monetary Fund (IMF), and G-8 governments.

*Vía Campesina* briefly entered into dialogue with the World Bank over the Bank's proposals for 'market-assisted agrarian reform' (*Vía Campesina* 1999, Edelman 2003, 207), but in general it has been skeptical about, if not hostile toward, the Bank, the IMF, the WTO, and the G-8, and ready to identify them as its enemies (Martínez-Torres and Rosset 2010, 162, Nelson 2002). While this rejectionist position places *Vía Campesina* squarely within the 'grassroots' wing of the global justice movement, the organization has nonetheless institutionalized working partnerships with several United Nations agencies, such as the Food and Agriculture Organization (FAO) and the International Fund for Agricultural Development (IFAD) (see below). *Vía Campesina* has also managed to achieve significant and largely favorable coverage in international media. Following the violence outside the 2001 G-8 summit in Genoa, for example, *Newsweek* singled out *Vía Campesina* as one of eight 'kinder, gentler globalist' groups behind the anti-G-8 protests (*Newsweek* 2001). In 2008, the London *Guardian* included *Vía Campesina* coordinator and Indonesian peasant leader Henry Saragih in its list of 'ultimate green heroes', the '50 people who could save the planet' (*Guardian* 2008).

Much of the political potency of the new transnational civil society of which *Vía Campesina* is a part derives from what Keck and Sikkink (1998, 12–3) famously termed 'the boomerang pattern'.<sup>19</sup> Essentially, movements that are unable to attain their objectives in domestic politics seek out international allies to intervene in local situations or to pressure governments to modify national standards to conform to international norms. International campaigns against sweatshop labor conditions and for the criminalization of marital rape typify these two strategies.<sup>20</sup> In the case of the Peasants' Rights Convention campaign, the proponents' objective is not just to secure compliance with international norms, but to shift the norms themselves. Such normative shifts facilitate external international pressure on governments and affect policymaking by international institutions. The creation of international standards

<sup>18</sup>*Vía Campesina* is always referred to by its Spanish name, which means 'the peasant way'.

<sup>19</sup>Others have variously called it 'venue shifting' (Van Rooy 2004, 20) or 'leap-frogging' (O'Brien *et al.* 2000, 61, Howard Hassmann 2005).

<sup>20</sup>Anti-sweatshop campaigners have repeatedly invoked international norms while petitioning and pressuring transnational corporations. They sought to convert the latter into (often unwilling or resistant) tools to ensure adherence to global labor standards. On the other hand, the effort to criminalize marital rape won international legitimacy as a requirement of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), in part through the Beijing Women's Conference. Since then, changes to national laws on marital rape have been demanded through the periodic review process of the Convention, adding to local campaigns for criminalization.

can also encourage the evolution of national norms by providing a readily available template for constitutions and legislation. The advent of struggles that involve shifting venues to global governance bodies thus requires analyzing not only the ‘changing global imaginary of social justice’ (Gledhill 2003, 212) and how claims about universal rights norms emerge, are contested and gain traction (Finnemore and Sikkink 1998, Tsing 2005). It also requires attention to the ways in which transnational advocacy groups and international institutions mutually constitute each other (Howard-Hassmann 2005) and to the limitations of ‘boomerang’ strategies when activists seek to alter trade and financial policies imposed by supra-state bodies, such as the WTO (Edelman 2009, 124–5, Nelson 2002).

### **Rights claims by transnational agrarian movements**

Scholars of collective action, social movements and democracy point to ‘the invention and creation of *new* rights’ (Dagnino 1998, 50) and of whole ‘new categories of rights’ (Archibugi 2008, 21) as key elements in contemporary contentious politics and in the long historical evolution of more inclusive and open societies. Various referred to as ‘the expansion of the human rights concept’ (Messer 1993, 222) or ‘norms evolution’ (Hertel 2006, 263), this trend accelerated in the early to mid-twentieth century with the first efforts to construct an international human rights regime and then again in the 1990s when new transnational social movements and NGOs sought to broaden existing rights frameworks (Glasius 2006). In the study of social movements and contentious politics, prevailing ‘concepts’ or ‘norms’ are important because they become reference points for rights claims, for conceptualizing entitlement and obligation, and for the ‘invention’ of new rights. Some scholars argue that ‘norms evolution’ occurs in a three-stage sequence or ‘life cycle’ that commences with an ‘emergence’ phase; continues to a tipping point, ‘norms cascade’ or ‘bandwagon’; and ends with the ‘internalization’ of the norm in common practice, legal instruments and institutions (Finnemore and Sikkink 1998, 895).

The specifically human – rights-oriented aspects of *Vía Campesina*’s global campaign for an International Convention on Peasants’ Rights should be understood in the context of the coalition’s broader attempts at normative shifts. Martínez and Rosset’s (2010) history of *Vía Campesina* describes an increasing interest in a ‘struggle among models’: changing the economics, technology, and practice of agriculture globally by offering alternatives. ‘Food sovereignty’, for example, is an umbrella term for an alternative agricultural and economic model that *Vía Campesina* counterposes to chemical-based, industrial agriculture for export (Ishii-Eiteman 2009, Patel 2009, Martínez-Torres and Rosset 2010, 168–70). *Vía Campesina*’s adoption of a more explicit human rights discourse mirrors a shift in the practice of transnational indigenous, anti-privatization, and environmentalist movements in the same period, some of whom now call for a ‘Universal Declaration of the Rights of Mother Earth’ (World People’s Conference on Climate Change and the Rights of Mother Earth 2010).

The proposal for an ‘International Convention on the Rights of Peasants’ emerged from a 2000 Workshop on Peasants’ Rights in North Sumatra, a 2001 conference on agrarian reform in Jakarta, and a 2002 *Vía Campesina* conference in Jakarta, which published the first draft text of a proposed Declaration (*Vía Campesina* 2002, Golay 2009a, 2009b, 2009c, Saragih 2005). Championed by Asian – especially Indonesian – *Vía Campesina* member organizations, the idea was quickly adopted by the broader, transnational coalition (*Vía Campesina* 2002).

The campaign developed in collaboration with two European NGOs, first the Geneva-based Centre Europe—Tiers Monde (CETIM) and later the Heidelberg—based Foodfirst Information and Action Network (FIAN). Its activities have included sending human rights fact-finding missions to more than a dozen countries, the publication of three annual compendiums on ‘peasant rights violations’ (FIAN and *Vía Campesina* 2004, *Vía Campesina* 2005, 2006), and lobbying at the UN General Assembly (Saragih 2009), the UN Human Rights Council (Golay 2009b, 18), and other UN agencies.<sup>21</sup>

The first draft of the Peasants’ Rights Declaration, published in stilted English and somewhat more polished French and Spanish (*Vía Campesina* 2002), detailed a bundle of rights, many of which were already part of existing UN Conventions (see below). Human rights scholars once distinguished ‘first generation’ civil and political rights, ‘second generation’ socioeconomic and cultural rights, ‘third generation’ development rights, and ‘fourth generation’ indigenous rights (Messer 1993, 222–3, Viljoen 2009, 8–9). Some activists today employ the term ‘new generation’ rights, particularly when referring to demands related to ‘food sovereignty’, ‘ecological debt’,<sup>22</sup> and access to information about and participation in international economic decision-making processes. Many of the rights enumerated in the draft Peasants’ Rights Declaration are, however, arguably ‘first’, ‘second’ or ‘third generation’ rights already part of existing international instruments. Among these are the rights of ‘peasant women and men’ to freedom of association and expression, physical integrity, personal security, health, food, and water for consumption and irrigation, as well as freedom from political persecution and from discrimination ‘based on their economic, social and cultural status’ (*Vía Campesina* 2009a, *Vía Campesina Asia* 2009).

Other rights enumerated in the draft Declaration, however, were indicative of an effort to push existing norms beyond their current bounds, such as claims of a ‘right to reject’ intellectual property of crop genetic material or demands for participation in international economic policymaking processes. The authors of the draft Declaration sought to achieve these objectives in part through asserting that peasants, like native peoples, are a vulnerable group, with culturally specific characteristics and practices that deserve international recognition and protection.

*Vía Campesina*’s draft Declaration on Peasants’ Rights also aims implicitly to supersede the old ‘generations’ paradigm for analyzing rights. The ‘generations’ approach mirrors a division that dates to 1966 when differences between the United

---

<sup>21</sup>It has also included regional lobbying of ASEAN governments. The annual reports on ‘peasants’ rights violations’ focus largely on countries where *Vía Campesina* has member organizations (e.g. Thailand, the Philippines, Brazil, Honduras, Colombia, Indonesia, South Africa, and India). In a trenchant analysis of peasant resistance in contemporary China, Walker (2008, 479) laments that *Vía Campesina*’s ‘annual reports of “Violations of Peasants’ Human Rights” virtually ignore this area of the world where one in three peasants reside’.

<sup>22</sup>Ecological debt, according to an Ecuadorian organization in the forefront of the movement, is ‘the debt accumulated by Northern, industrial countries toward Third World countries on account of resource plundering, environmental damages, and the free occupation of environmental space to deposit wastes, such as greenhouse gases, from the industrial countries’. Its mechanisms include ‘the ecologically unequal terms of trade caused by goods being exported without taking into account the social and environmental damages caused by their extraction or production [and] the intellectual appropriation and the use of ancestral knowledge related to seeds, the use of medicinal plants and other knowledge, upon which the biotechnology and the modern agro-industries are based, and for which, we [in the Global South] have to pay royalties’ (*Acción Ecológica* 2005).

States and Soviet Union led to two separate International Covenants on civil and political rights and on economic, social and cultural rights (Lewis 2007, 119–21).<sup>23</sup> In the post-Cold War period a pronounced contradiction persists between developed-country governments that support (or claim to support) political rights and developing-country governments that prioritize (or claim to prioritize) economic and social rights. Scholars, legal professionals and social movement activists have, however, increasingly moved beyond the ‘generations’ framework, for several reasons. First, it creates a false dichotomy between so-called ‘positive’ and ‘negative’ freedoms (i.e., what a state *should* and *should not* do), when both kinds of rights are – in the words of the 1993 Vienna UN Human Rights Conference – ‘interdependent and indivisible’ and potentially entail a range of obligations on the state (Shafir and Brysk 2006, 283, Viljoen 2009, 9). Second, transnational processes of migration and civil society activism increasingly call into question understandings of rights that are contingent on citizenship in a state rather than on an individual’s humanity or membership in a rights-bearing group (Fraser 2003, 91, Shafir and Brysk 2006, 279). Finally, a consensus is emerging (at the rhetorical if not always at the institutional level) within the United Nations and major NGOs such as Amnesty International that peace and security, development and human rights are inextricably linked and that the realization of the Millennium Development Goals in 2015 depends on a coherent and integrated approach that recognizes and strengthens all three of these ‘pillars’ (Domínguez Redondo 2009).

### **The indigenous rights model and the peasants’ rights campaign**

The international process that led to the 2007 Declaration on the Rights of Indigenous Peoples was a path-breaking transformation of the UN human rights framework. Previously, human rights declarations and conventions had been negotiated among state actors, with only ‘consultative’ input from civil society organizations. However, in the lead up to the 2007 Declaration indigenous representatives worked within the drafting process (through an overwhelming presence at the United Nations Working Group on Indigenous Populations, which completed the draft Declaration in 1994, and through a standing indigenous caucus in later stages) and well beyond it, generating new UN institutions and successfully codifying a right to dialogue directly with UN member states (Morgan 2007, Muehlebach 2001). Through elements of the Declaration that concern consultation, as well as through this procedural precedent, indigenous activists advanced the principle that people who are the subject of a rights document are entitled to participate in its framing.<sup>24</sup> The Peasants’ Rights Convention campaign attempts to

<sup>23</sup>The United States signed the latter Covenant in 1977, but has never ratified it; it only ratified the ICCPR in 1992. The Soviet Union signed both accords but opposed the optional protocol of the ICCPR that allowed for international review of citizen complaints.

<sup>24</sup>More generally, the intensification of global civil society activity in the 1990s generated momentum in the UN system for institutional changes that opened new space for social movements and NGOs, notably during the 1990 World Conference for Children in New York and the 1992 Rio de Janeiro Conference on Environment and Development. After 1996, UN reforms broadened criteria for granting NGOs ‘consultative status’ with UN agencies. The trend intensified following the 2004 report of the ‘Cardoso Panel’ on United Nations–civil society relations chaired by former Brazilian President Fernando Henrique Cardoso (Falk 2006, McKeon 2009, Willetts 2006).

use this model as a precedent for the participation of affected parties in global governance. At the core of *Vía Campesina's* adoption of this precedent is the culturalization of peasants spelled out in Article IX and alluded to elsewhere in the draft Declaration: 'the right to the recognition and protection of their culture and local agriculture values' (*Vía Campesina* 2009a). In effect, peasants are represented not only as 'rights holders', but as the same kind of culture-possessing population that indigenous people are recognized to be within the indigenous rights regime.

Recent human rights scholarship by anthropologists and others has pointed to the growing deployment and reification of 'culture' as an argument for group or collective rights, as well as to how universal rights concepts are taken up, reinterpreted and transformed in the context of local struggles (*Cowan et al.* 2001). Some have noted the irony that just when anthropologists have largely abandoned notions of culture as fixed, homogeneous and bounded, activists have seized upon these same traditional ideas of culture as discursive frames for mobilizing around collective rights claims (*Kuper* 1999, 1–20, *Warren and Jackson* 2002, 8–12, *Hale* 2006). The apparent incompatibility of liberal universalism, on the one hand, and of cultural relativism and later multiculturalism, on the other, has been a central preoccupation of human rights scholarship for decades (*Benhabib* 2002, *Okin* 1999, *Merry* 2006b). This tension is likely to be a key fault line in UN debates over whether to adopt the Peasants' Rights Declaration. The distinctiveness of peasants as a social, cultural and/or economic category has also been an ongoing discussion in agrarian studies and applied development work (*Bryceson et al.* 2000, *Bernstein and Byres* 2001, *Silverman* 1979, *van der Ploeg* 2008). This too could complicate the advance of the Peasants' Rights campaign, since advocates will not only have to explain why existing universal instruments do not adequately guarantee the claimed rights, but also argue for the specificity of the rights bearers (see below).

The draft Peasants' Rights Declaration generally claims that peasants should have rights similar to those now recognized by the Indigenous Rights Declaration, such as rights to self-organization, and self-governance in their own 'territories', and to 'free, prior, and informed consent' for projects affecting them. The right to consent is boldly expanded in the draft Peasants' Rights Declaration into the 'right to actively participate in policy design, decision making, implementation, and monitoring of any project, program or policy affecting their territories'. It is accompanied by a 'right to reject' a large number of outside interventions, policies, and forms of agriculture, including privately held market intelligence, threats to biological diversity, patenting of crop genetic material, and prohibitions on seed saving and exchange, such as the bans on planting or selling farmer-produced or non-certified seeds that now exist in the European Union and many other countries (*Kästler* 2005, *Kloppenborg* 2010). Finally, the draft Declaration embraces a 'right to resist oppression and to resort to peaceful direct action' on the part of peasants, which is a major extension of the existing right to strike.

### **Advancing the peasants' rights agenda in international institutions**

The 1996 FAO World Food Summit in Rome marked the first, massive incursion of transnational peasant and farmer organizations into the UN policy-making process. Hundreds of agrarian activists from various organizations and world regions attended the summit, though most were only able to secure observer status or participate in the 'parallel' civil society forum (*McKeon* 2009). The Summit



nonetheless set in motion a process of redefining the right to food – one of the central missions of the FAO – from access to adequate staples for consumption to culturally integrated food production.<sup>25</sup> Emblematic of this systemic shift were the 1999 General Comment No. 12 on implementing the right to adequate food under the Covenant on Economic, Social and Cultural Rights (CESCR 1999); the 2000 appointment of the first UN Special Rapporteur on the Right to Food; the 2002 World Food Summit + 5, which attracted an even larger number of agrarian activists and which, some months after its conclusion, led to strengthened participation of civil society actors in intergovernmental committees and improved access to the FAO Secretariat;<sup>26</sup> and the formation of an intergovernmental working group for the drafting of voluntary guidelines to assist states in achieving the right to food (Windfuhr 2006). In 2006 the UN's International Fund for Agricultural Development initiated an ongoing Farmers' Forum (IFAD 2006). In 2001–2009, the Special Rapporteur sent investigative missions to over a dozen poor and developing countries. In 2009 the FAO's Committee on Food Security was opened to full civil society participation (Agricoltura Italiana 2009).

In March 2009, Basque farmer activist Paul Nicholson represented *Vía Campesina* in sessions of the UN Human Rights Council on the global food crisis (Golay 2009b, 18). In April 2009, *Vía Campesina* Coordinator Henry Saragih spoke before the General Assembly, urging it to adopt the Peasants' Rights Convention (Saragih 2009). In January 2010 the Fourth Special Session of the Advisory Committee of the UN Human Rights Council, meeting in Geneva, heard again from Saragih, who urged the Council to adopt 'a new legal framework with clear standards to recognize the basic rights of more than 2.2 billion ... peasants in the world' (Saragih 2010, *Vía Campesina* 2010a). In February 2010 the Advisory Committee submitted its report on 'discrimination in the context of the right to food' (UN Human Rights Council 2010). The report, authored by Jean Ziegler (the first Special Rapporteur on the Right to Food), José Bengoa, Chinsung Chung, Latif Hüseyinov, and Mona Zulficar, included as an appendix the entire text of the draft Peasants' Rights Declaration. In March the Geneva Academy of International Humanitarian Law and Human Rights organized a conference titled 'A New Initiative to Protect the Rights of Peasants', where Olivier de Schutter, the Special Rapporteur on the Right to Food, declared that the Peasants' Rights initiative was 'intertwining' with the right to food (*Vía Campesina* 2010). Also in March 2010 the Cuban delegation to the Human Rights Council introduced a resolution urging the full Council to adopt the Peasants' Rights Declaration (*Vía Campesina* 2010).

In essence, the draft Peasants' Rights Declaration's perspective on the right to food is being incorporated directly into the UN agenda as a result of years of civil society pressure within the FAO, the UNHRC and other agencies, the very significant presence of peasants among those in need of food, and the approach of the 2015 target date for the Millennium Development Goals. Notably absent from the discussion so far, however, are elements of the draft Peasants' Rights Declaration that demand rights to conserve and exchange or sell traditional seed varieties, to intervene in markets and set prices, to participate in economic decision-making at the

<sup>25</sup>This process of redefinition paralleled the emergence of demands for 'food sovereignty' and the intensifying critique of technical measures of 'food security'.

<sup>26</sup>Edelman's recorded interviews with Costa Rican, Nicaraguan, Canadian, and Dutch participants in 1996 Rome FAO and 2001 Rome +5 events.

international and national levels, and ‘to reject interventions that can destroy local agricultural values’ (Vía Campesina 2009a).

### **Conclusion: prospects for success and key areas of contention**

Would an International Convention on Peasants’ Rights make a difference and, if so, how? International human rights conventions have a ‘dual nature as both instrumental and expressive instruments’ (Hathaway 2002, 1940). On the one hand, they establish legally binding obligations that require signatory states to conform to treaty norms. They also create monitoring and enforcement mechanisms. On the other, they permit countries to express their position on key rights issues – whether genuine or not – to the international community. Not surprisingly, UN member states have generally shown a willingness to pass new nonbinding declarations on diversifying areas of concern, but they have been reticent to agree to legal instruments that limit their sovereign power. As Jack Donnelly (1989, 152) points out, ‘the [further] move to implementation or enforcement . . . involves a major qualitative jump that most states resist, with considerable vigor when necessary, and usually with success’.

Scholars and activists are divided about the extent to which and how international human rights agreements contribute to improving conditions. While the relevant debates are largely beyond the scope of this article, advocates of diverse approaches – and especially those influenced by the new legal realism – concur that the expressive aspects of human rights law may have their own practical effects and that scholars need to consider how human rights are ‘vernacularized’ in ‘local social settings’ (Merry 2006b, 38, Moyn 2010, 218–9) and how ‘ideas and the documents that express them are . . . disseminated and appropriated by social movements and political elites’ (Merry 2006a, 977, Garth 2006, Zerilli 2010).<sup>27</sup> Scholars working in the tradition of the new legal realism, like the older realists in international relations, are skeptical about the direct mandatory effect of laws and argue that laws’ effects are mediated by social practices and political priorities. In analyzing the social processes that surround legal norms, the new legal realism (unlike the older realism) tends to accord considerable importance to institutions other than state regimes, including global governance organizations and the associated bodies of international law and regulation. New legal realist studies of human rights have, however, found meaningful effects of even non-mandatory norms when movements and governments engage in efforts to spread awareness of new norms, or use shame, monitoring, pressure tactics, and ‘social pressure to appear civilized’ to encourage compliance (Merry 1992, 2006a, 101).

Nonbinding legal instruments are also the domain of soft law scholarship. This field examines the wide variety of nonbinding guidelines, norms, and protocols that proliferate at the national and international level. Such norms are particularly influential in institutional contexts, where they can – and often do – serve as templates for national policies, standards of evaluation, and the basis of expected behavior. Non-treaty agreements may also contribute to confidence-building, to the creation of a preliminary regime that can develop further in stages, and to achieving

---

<sup>27</sup>Hathaway (2002) provides an able summary of different theoretical approaches, as well as a cross-national empirical test of the effectiveness of five international and five regional human rights treaties.

consensus and avoiding problems with domestic ratification processes and recalcitrant states (Hillgenberg 1999, 501). At the international level, beyond states and binding law, there is now a ‘burgeoning of sites from which actors and institutions practice and perceive normativity’ (Zerilli 2010, 7). Within the UN system, this diversity in norms production has prompted the UN International Law Commission to urge different UN ‘subsystems’ to act consistently to maintain effectiveness. In the view of the UN Permanent Forum on Indigenous Issues, this requires UN agencies to structure their work in harmony with UN human rights declarations (PFII 2010, 10).

Could the United Nations adopt an International Convention on Peasants’ Rights? While the issue of peasants’ rights has been put on the table at the United Nations, it remains only a proposal. The path from proposal to Declaration and on to either a Convention and/or substantive change is fraught with difficulties. The broad similarities between their rights-making processes make the trajectory of the Indigenous Rights Declaration a useful point of comparison for considering the prospects for success of a Peasants’ Rights Convention. Indigenous peoples began their intervention in UN rights-making processes as an outsider group, whose historical claims were in direct conflict with many existing nation-states and whose future existence as distinct communities was not broadly accepted by reigning ideologies. While agriculture is an inevitable part of human existence, a variety of ideological positions view peasant communities built around traditional or small-scale agricultural practices as something of a relic (Handy 2009, van der Ploeg 2008, 2). Peasants in *Vía Campesina* see themselves as having, like indigenous peoples, an interest in asserting their right to continued self-defined existence and in inserting a ‘peasant perspective’ into planning of the human future.

The experience of indigenous peoples demonstrates that transforming universal rights norms is an uphill process and one which nation-states are willing to devote substantial resources to opposing, or at least complicating.<sup>28</sup> Collective rights were a particular point of contention in the indigenous rights-making process. The term ‘peoples’, with its connotations of cultural distinctiveness and connection to the right to self-determination in international law, was bracketed in negotiations of the Indigenous Declaration for over a decade (Davis 2008, 463). Western states also deployed a liberal argument against collective rights, arguing that only individuals can hold certain rights, and that all collective arrangements were to be worked out through electoral and legislative processes, rather than allowing some communities rights to greater self-determination. Indeed, the US, Canada, Australia and New Zealand, all countries with substantial native populations, were the only member states to vote against the 2007 UN Declaration on the Rights of Indigenous Peoples. All four in practice accord at least some sovereign (or quasi-sovereign) rights to substantial indigenous minorities, but they were also clearly concerned about the impact on their sovereign power of a comprehensive rights regime. The United States Mission to the United Nations, in explaining its negative vote, maintained that the declaration’s ‘failure to define the phrase “indigenous peoples”’ is ‘debilitating to the effective application and implementation of the declaration’ and that ‘[t]his obvious shortcoming will subject application of the declaration to endless debate, especially if entities not properly entitled to such status seek to enjoy the special benefits and

<sup>28</sup>After 10 years of negotiating a text introduced by indigenous peoples in 1995, just two of 45 articles had been adopted (Cooper 2005).

rights contained in the declaration' (quoted in Anaya and Wiessner 2007). Whatever the merits of these arguments, one can reasonably expect them to be deployed again with respect to substantial portions of the Peasants' Rights Declaration, which at best will make its drafting and proclamation an extended endeavor.

One alternative scenario for a Peasants' Rights Convention would be that a committed minority of states may embrace it, as was the case with the Migrant Workers and Rural Workers conventions mentioned above. This could also result in regional groupings or ideological blocs, such as the Union of South American Nations (UNASUR) or the Venezuelan-led Bolivarian Alliance for the Americas (ALBA), developing a peasants' rights framework. The Venezuelan government's support for other *Vía Campesina* efforts, such as the peasant-directed Institute of Agro-Ecology that opened in the state of Barinas in 2006, is one indication that such a development is within the realm of possibility.<sup>29</sup> The 2010 Cuban motion to have the UN Human Rights Council adopt the Peasants' Rights Declaration (mentioned above) is another (*Vía Campesina* 2010). In 2010 Ecuador, another ALBA member, was the first country to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which will allow individuals and groups within the country to seek UN intervention if these rights are violated (Amnesty International USA 2010).

At least two other issues are likely to be major points of contention: the right to land, and the right of peasant communities to reject a range of practices. Land reform and associated property rights have been among the most contentious issues in international human rights law, around which no global consensus exists. While the issue of agrarian reform had largely dropped off the agenda of international development institutions in the 1980s, by the mid 1990s peasant and farmer organizations succeeded in reintroducing it as a policy priority. Land reform enjoys broad support in sub-Saharan Africa and as an element of responsible governance in Latin America. Nonetheless, the new attention to agrarian reform has also involved a 'struggle between models', as proponents of state-led redistributive reforms have squared off against the World Bank and its programs of 'market-assisted' agrarian reform (Barros *et al.* 2003, Deininger 2003, Lahiff *et al.* 2007, Rosset *et al.* 2006). In advancing the peasants' rights campaign, *Vía Campesina*-affiliated movements in countries such as India and South Korea may be capable of the kind of mobilizations that secured Latin American governments' ratification of ILO Convention 169. National land policies are, however, extremely varied within and across regions, and existing regional human rights conventions differ extensively on the topic.<sup>30</sup> Specific rights in the draft Declaration to both use and own 'non-productive state lands' and to security of tenure are likely to be highly controversial. Although a vague consensus may emerge around 'the right to benefit from land

---

<sup>29</sup>ALBA is the Alianza Bolivariana para los Pueblos de Nuestra América, an alliance of populist and left-leaning governments in Venezuela, Bolivia, Cuba, Nicaragua, Ecuador and various small Caribbean countries. In 2005 the Venezuelan government signed a technical cooperation agreement with *Vía Campesina* to create an Institute of Agro-Ecology, coordinated by Latin American *Vía Campesina* member organizations. The Institute enrolled its first class of 250 students in 2006.

<sup>30</sup>For a summary of existing international recognition of land rights see South African Human Rights Commission (2004, 9). For overviews of land reform policies, see Borrás and Franco (2010) and Sikor and Müller (2009).

reform', the draft's blanket ban on latifundia or large, unproductive properties will surely draw objections.

Transnational agrarian movements have advanced a critique of a number of economic and technological systems they see as being imposed on the constituencies they represent, including monocrop production for export, genetically engineered seeds, chemical fertilizer-dependent production, and patenting of crop genetic material and other agricultural knowledge. The proposed Declaration addresses these concerns through the repeated use of the term 'the right to reject', a right that would be exercised at the community (or perhaps regional or national) level. Conceptually, this right rests on the political right of peasant communities to direct their own affairs and on the integrity of peasant societies, in which the cultural, social, technological, and economic domains are perceived as interlinked. Or, as the draft Peasants' Rights Declaration echoes the Indigenous Rights Declaration, 'they freely determine their political status and freely pursue their economic, social and cultural development, having the right to autonomy or self-government in matters relating to their internal and local affairs' (Vía Campesina 2009a, 5). While the 'right to reject' might appear to be a novel concept in international law, it corresponds almost exactly to 'the right to free, prior, and informed consent' in the 2007 Indigenous Rights Declaration. The Peasants' Rights Declaration would extend to more than a billion additional human beings in the world's peasant communities the potential to assert this radical claim of local autonomy.

Even if the United Nations were to approve not only a Declaration, but a Peasants' Rights Convention, there would no doubt be significant obstacles before its provisions could become legal obligations. Signatory states would have to ratify the Convention according to the rules of their domestic political systems and, in some cases, enact enabling legislation, both of which are frequently contentious and prolonged processes. At the time of signing or ratifying a convention, states also have the right to submit reservations or interpretative statements of understanding that indicate their views about the applicability of particular provisions. The ability to put forward reservations assures that more states are likely to accept a treaty, but it may also eviscerate key protections.<sup>31</sup> Finally, human rights conventions typically contain 'derogation' provisions that permit states to suspend their obligations under international law in emergency situations.<sup>32</sup> Such emergency circumstances, when states often suspend domestic constitutional guarantees as well, are typically when the rights of peasants (and others) are in greatest peril.

While the effort to win a Peasants' Rights Convention may be long and arduous, we anticipate a number of in-process benefits to transnational agrarian movements along the way. First, the spaces in international governance carved out by these movements may act as points of visibility and pressure on governmental and intergovernmental institutions, places where 'peasants' rights violations' are discussed alongside a Peasants' Rights Convention. Second a number of forms of

<sup>31</sup> France, for example, signed the ICCPR but nonetheless asserted that the article protecting the rights of ethnic, religious and linguistic minorities to 'their own culture ... religion, or ... language' contradicted the French Constitution's guarantee of 'equality of all citizens before the law, without distinction of origin, race or religion' (Burchill 2008, 59).

<sup>32</sup> The UK lodged derogations to its obligations under the ICCPR and the European Human Rights Court following the 9/11 terrorist attacks on the US. It argued that it now faced a singular security threat that required suspending basic rights for individuals suspected of terrorist involvement (Burchill 2008, 62–3).

leverage come with the adoption of a Declaration, even though such a document is technically nonbinding. Third, the elaboration of a draft rights document facilitates the legitimacy, and local government recognition, of such rights even prior to winning a United Nations imprimatur.

Despite the challenges involved in pushing forward a Peasants' Rights Convention, there are also a number of favorable elements in the international political environment. First and foremost is the above-mentioned support of elements of the UN, and particularly the FAO, the IFAD and the UNHRC, for food security and the right to food. Second, peasants have inserted their issues into discussion of the Millennium Development Goals, a broadly supported international initiative that includes the objective of reducing hunger by one half by 2015. Peasant advocacy organizations have utilized one salient fact in connecting their agenda to this hunger reduction goal. In the words of Olivier de Schutter, the UN Special Rapporteur on the Right to Food,

80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and ... these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes. (United Nations 2008, 4)

With this recognition, the entire agenda of peasant movements becomes relevant to the international commitment to eradicating hunger, including the following concerns, again summarized by the UN Special Rapporteur:

... that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element for food security and the provision of the right to food. (United Nations 2008, 4)

Third and finally, a series of internationally recognized crises – the food crisis beginning in 2007, the global financial crisis beginning 2008, and the ecological crisis as highlighted by the 2009 climate change negotiations – all represent arenas in which *Vía Campesina* and its allies can push forward their 'struggle among models'. The deeper and wider hunger that came with the first two crises has called into question the practical viability for feeding the world of globalized, export-oriented industrial agriculture. Numerous critics have also found that partial fault in the food crisis belongs to large-scale biofuel production, which increasingly competes with food crops for arable land (*Vía Campesina* 2009, White and Dasgupta 2010). Meanwhile, *Vía Campesina* argues that small-scale agriculture offers a superior form of carbon sequestration by conserving and enriching soils and preventing agriculture-driven deforestation (*Vía Campesina* 2009b).

While the Peasants' Rights Convention campaign has advanced within several UN agencies, it has also faced a number of major stumbling blocks. The launch of the campaign in 2002 occurred at an unpropitious moment, in the aftermath of the 9–11 terrorist attacks, when leading specialists argued that 'the human rights era' might be ending (Ignatieff 2002). The UN human rights regime has long included social and economic rights. The expansion of such rights or of the classes of rights holders, however, faces daunting obstacles in an age when the hegemonic

conceptions of ‘rights’ within the most powerful UN member states are still largely limited to narrow notions of individual expression and the ‘rights’ of economic actors in the market (Glasius 2006, Lewis 2007). An additional difficulty is that “‘exotic” Indians preserving a “traditional culture” seem more worthy of support than “acculturated” people’ (Gledhill 2003, 215). ‘Peasantness’ has always been better conceived as a political claim than as an analytical category (Edelman 1999), but to make such a politicized, protean grouping a subject of an international convention requires not only persuasion and effective framing, but, eventually, legal clarity based on rigorous classificatory taxonomies (Benhabib 2002, 18). Furthermore, these difficulties in expanding norms about rights and in establishing the case for ‘peasants’ as a legally defined cultural group of rights bearers are part of a broader problem of making peasant voices heard in societies where thousands are abandoning the countryside every day, where in many regions peasants are viewed skeptically as a result of their participation in predatory resource wars (Buijtenhuijs 2000, Renner 2002), and where powerful elites and policymakers no longer view agriculture as the motor force of economic development (Edelman 2008, Handy 2009). Despite these very considerable barriers, proponents of the International Convention on the Rights of Peasants have recently made notable advances. It remains to be seen how they will strategize about these obstacles, in addition to how they understand and implement the advances already obtained within the international human rights regime.

## References

- Acción Ecológica. 2005. What is ecological debt? Available from: <http://www.ecologicaldebt.org/What-is-Ecological-Debt/> [Accessed 16 July 2010].
- Agricoltura Italiana. 2009. FAO, Global platform for food security revitalized. *Agricoltura Italiana*. Available from: [http://en.agricolturaitalianaonline.gov.it/contenuti/foreste\\_e\\_parchi/fao/sicurezza\\_alimentare\\_mondiale/fao\\_rilanciata\\_la\\_piattaforma\\_mondiale\\_per\\_la\\_sicurezza\\_alimentare](http://en.agricolturaitalianaonline.gov.it/contenuti/foreste_e_parchi/fao/sicurezza_alimentare_mondiale/fao_rilanciata_la_piattaforma_mondiale_per_la_sicurezza_alimentare) [Accessed 29 November 2009].
- Amnesty International USA. 2010. Ecuador first to ratify new UN mechanism to enforce economic, social and cultural rights. Available from: <http://www.amnestyusa.org/document.php?id=ENGNU2010061617196&lang=e> [Accessed 16 June 2010].
- Anaya, S.J. and S. Wiessner 2007. The UN Declaration on the Rights of Indigenous Peoples: towards re-empowerment. *Jurist*. October. Available from: <http://jurist.law.pitt.edu/forumy/2007/10/un-declaration-on-rights-of-indigenous.php> [Accessed 12 April 2010].
- Archibugi, D. 2008. *The global commonwealth of citizens: toward cosmopolitan democracy*. Princeton: Princeton University Press.
- Barros, F., S. Sauer and S. Schwartzman. 2003. *Os impactos negativos da política de reforma agrária de mercado do Banco Mundial*. Brasília: Rede Brasil.
- Benhabib, S. 2002. *The claims of culture: equality and diversity in the global era*. Princeton: Princeton University Press.
- Bernstein, H. and T.J. Byres. 2001. From peasant studies to agrarian change. *Journal of Agrarian Change*, 1(1), 1–56.
- Borowiak, C. 2004. ‘Farmers’ rights’, intellectual property regimes and the struggle over seeds. *Politics and Society*, 32(4), 511–43.
- Borras, S.M.Jr. 2004. *La Via Campesina: an evolving transnational social movement*. TNI Briefing Series 6. Amsterdam: Transnational Institute.
- Borras, S.M.Jr. 2010. The politics of transnational agrarian movements. *Development and Change*, 41(5), 771–803.
- Borras, S.M. Jr., M. Edelman and C. Kay 2008. Transnational agrarian movements: origins and politics, campaigns and impact. *Journal of Agrarian Change*, 8(2/3), 169–204.
- Borras, S.M.Jr. and J.C. Franco 2010. Contemporary discourses and contestations around pro-poor land policies and land governance. *Journal of Agrarian Change*, 10(1), 1–32.

- Bryceson, D., C. Kay and J. Mooij. 2000. *Disappearing peasantries: Land and labour in Africa, Asia and Latin America*. London: Immediate Technology Publications.
- Buijtenhuijs, R. 2000. Peasant wars in Africa: gone with the wind? In: D. Bryceson, C. Kay and J. Mooij, eds. *Disappearing peasantries? Rural labour in Africa, Asia and Latin America*. London: Intermediate Technology Publications, pp. 112–21.
- Burchill, R. 2008. International human rights law: struggling between apology and utopia. In: A. Bullard, ed. *Human rights in crisis*. Burlington, VT: Ashgate, pp. 49–66.
- CEDAW. 1979. Text of the Convention on the Elimination of All Forms of Discrimination against Women. Available from: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> [Accessed 14 January 2010].
- CESCR. 1999. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment 12. The right to adequate food (Art. 11). Available from: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument) [Accessed 17 December 2009].
- Cochabamba Declaration. 2000. Cochabamba Declaration on the Right to Water. Available from: <http://www.nadir.org/nadir/initiattiv/agp/free/imf/bolivia/cochabamba.htm> [Accessed 5 October 2010].
- Cooper, J. 2005. Indigenous peoples, governments continue to lack consensus as draft declaration deadline approaches. *Cultural Survival Quarterly*, 28(4), 7.
- Cowan, J.K., M. Dembour and R. Wilson. 2001. *Culture and rights: anthropological perspectives*. New York: Cambridge University Press.
- CRC. 1989. Convention on the Rights of the Child. Available from: <http://www2.ohchr.org/english/law/crc.htm> [Accessed 14 January 2010].
- CRPD. 2006. Convention on the Rights of Persons with Disabilities. Available from: <http://www2.ohchr.org/english/law/disabilities-convention.htm> [Accessed 14 January 2010].
- Dagnino, E. 1998. Culture, citizenship, and democracy: changing discourses and practices of the Latin American Left. In: S.E. Alvarez, and E. Dagnino and A. Escobar, eds. *Cultures of politics, politics of cultures: re-visioning Latin American social movements*. Boulder, CO: Westview Press, pp. 33–63.
- Davis, M. 2008. Indigenous struggles in standard-setting: the United Nations Declaration on the Rights of Indigenous Peoples. *Melbourne Journal of International Law*, 9(2), 439–71.
- Deininger, K. 2003. *Land policies for growth and poverty reduction*. Washington, DC: World Bank and Oxford University Press.
- Desmarais, A.A. 2007. *La Via Campesina: globalization and the power of peasants*. Halifax: Fernwood.
- Domínguez Redondo, E. 2009. The millennium development goals and the human rights based approach: reflecting on structural chasms with the United Nations system. *International Journal of Human Rights*, 13(1), 29–43.
- Donnelly, J. 1986. International human rights: a regime analysis. *International Organization*, 40(3), 599–642.
- Donnelly, J. 1989. *Universal human rights in theory and practice*. Ithaca: Cornell University Press.
- Edelman, M. 1999. *Peasants against globalization: rural social movements in Costa Rica*. Stanford, CA: Stanford University Press.
- Edelman, M. 2003. Transnational peasant and farmer movements and networks. In: M. Kaldor, H. Anheier and M. Glasius, eds. *Global civil society 2003*. London: Oxford University Press, pp. 185–220. Available from: <http://www.lse.ac.uk/Depts/global/yearbook03chapters.htm> [Accessed 15 January 2004].
- Edelman, M. 2005. When networks don't work: the rise and fall and rise of civil society initiatives in Central America. In: J.C. Nash, ed. *Social movements: an anthropological reader*. Malden, MA: Blackwell, pp. 29–45.
- Edelman, M. 2008. Transnational organizing in agrarian Central America: histories, challenges, prospects. *Journal of Agrarian Change*, 8(2/3), 229–57.
- Edelman, M. 2009. Peasant–farmer movements, third world peoples, and the Seattle protests against the World Trade Organization, 1999. *Dialectical Anthropology*, 33(2), 109–28.
- Escobar, A. 2001. Culture sits in places: reflections on globalism and subaltern strategies of localization. *Political Geography*, 20(2), 139–74.



- Falk, R. 2006. Reforming the United Nations: global civil society perspectives and initiatives. In: H.K. Anheier, M. Kaldor and M. Glasius, eds. *Global civil society 2005/6*. Thousand Oaks, CA: Sage, pp. 150–86.
- FIAN and Via Campesina. 2004. Violations of peasants' human rights. A report on cases and patterns of violation 2004. Available from: <http://www.fian.org/resources/documents/others/violations-of-peasants-human-rights/pdf> [Accessed 3 April 2009].
- Finnemore, M. and K. Sikkink 1998. International norm dynamics and political change. *International Organization*, 52(4), 887–917.
- Fox, J. 2005. Unpacking 'transnational citizenship'. *Annual Review of Political Science*, 8(1), 171–201.
- Fox, J. 2010. Coalitions and networks. In: H. Anheier and S. Toepler, eds. *International encyclopedia of civil society*. New York: Springer, pp. 487–92.
- Fraser, N. 2003. Social justice in the age of identity politics: redistribution, recognition, and participation. In: N. Fraser and A. Honneth, eds. *Redistribution or recognition? A political-philosophical exchange*. London: Verso, pp. 7–109.
- Freeman, M. 2002. *Human rights: an interdisciplinary approach*. Malden, MA: Blackwell.
- Garth, B.G. 2006. Introduction: taking new legal realism to transnational issues and institutions. *Law and Social Inquiry*, 31(4), 939–45.
- Gernigon, B., A. Odero and H. Guido 2000. ILO principles concerning collective bargaining. *International Labour Review*, 139(1), 33–55.
- Glasius, M. 2006. Pipe dream or panacea? Global civil society and economic and social rights. In: H.K. Anheier, M. Kaldor and M. Glasius, eds. *Global civil society 2006/7*. London: Sage, pp. 62–93.
- Gledhill, J. 2003. Rights and the poor. In: R.A. Wilson and J.P. Mitchell, eds. *Human rights in global perspective: anthropological studies of rights, claims and entitlements*. London: Routledge, pp. 209–28.
- Golay, C. 2009a. Towards a convention on the rights of peasants. In: S. Murphy and A. Paasch, eds., *The global food challenge: towards a human rights approach to trade and investment*. Minneapolis: Institute for Agriculture and Trade Policy, pp. 102–11. Available from: <http://www.fian.org/resources/documents/others/violations-of-peasants-human-rights/pdf> [Accessed 6 April 2010].
- Golay, C. 2009b. The rights of peasants. Available from: [http://cetim.ch/en/documents/report\\_5.pdf](http://cetim.ch/en/documents/report_5.pdf) [Accessed 6 April 2010].
- Golay, C. 2009c. The adoption of the Declaration of the Rights of Peasants by La Via Campesina. Available from: <http://base.d-p-h.info/en/fiches/dph/fiche-dph-8094.html> [Accessed 7 April 2010].
- Goodale, M. 2006. Toward a critical anthropology of human rights. *Current Anthropology*, 47(3), 485–98.
- Goodale, M. 2009. *Surrendering to utopia: an anthropology of human rights*. Stanford, CA: Stanford University Press.
- GRAIN. 2008. Seized: the 2008 landgrab for food and financial security. Available from: [http://www.grain.org/briefings\\_files/landgrab-2008-en.pdf](http://www.grain.org/briefings_files/landgrab-2008-en.pdf) [Accessed 30 November 2008].
- Greider, W. 2000. The last farm crisis, vol. 271. *The Nation*, 20 November, 11–18.
- Guardian. 2008. 50 people who could save the planet. *The Guardian*, 5 January. Available from: <http://www.guardian.co.uk/environment/2008/jan/05/activists.ethicalliving> [Accessed 10 January 2008].
- Hale, C.R. 2006. Activist research v. cultural critique: indigenous land rights and the contradictions of politically engaged anthropology. *Cultural Anthropology*, 21(1), 96–120.
- Handy, J. 2009. 'Almost idiotic wretchedness': a long history of blaming peasants. *Journal of Peasant Studies*, 36(2), 325–44.
- Hathaway, O.A. 2002. Do human rights treaties make a difference? *Yale Law Journal*, 111(8), 1935–2042.
- Helleiner, E. 1994. From Bretton Woods to global finance: a world turned upside down. In: R. Stubbs and G.R. Underhill, eds. *Political economy and the changing global order*. New York: St Martin's Press, pp. 163–75.
- Hertel, S. 2006. New moves in transnational advocacy: getting labor and economic rights on the agenda in unexpected ways. *Global Governance*, 12(3), 263–81.

- Hillgenberg, H. 1999. A fresh look at soft law. *European Journal of International Law*, 10(3), 499–515.
- Howard-Hassmann, R.E. 2005. The second great transformation: human rights leapfrogging in the era of globalization. *Human Rights Quarterly*, 27(1), 1–40.
- Hunt, L.A. 2007. *Inventing human rights: a history*. New York: W.W. Norton.
- IAASTD. 2009. *Agriculture at a crossroads: global report*. Washington, DC: International Assessment of Agricultural Knowledge, Science and Technology for Development. Available from: [http://www.agassessment.org/reports/IAASTD/EN/Agriculture%20at%20a%20Crossroads\\_Global%20Report%20\(English\).pdf](http://www.agassessment.org/reports/IAASTD/EN/Agriculture%20at%20a%20Crossroads_Global%20Report%20(English).pdf) [Accessed 2 February 2010]
- ICERD. 1965. International Convention on the Elimination of All Forms of Racial Discrimination. Available from: <http://www2.ohchr.org/english/law/cerd.htm> [Accessed 14 January 2010].
- ICRMW. 1990. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Available from: <http://www2.ohchr.org/english/law/cmw.htm> [Accessed 14 January 2010].
- IFAD. 2006. The Farmers' Forum. Available from: <http://www.ifad.org/events/gc/29/farmer/english.pdf> [Accessed 28 December 2009].
- Ignatieff, M. 2002. Is the human rights era ending? *The New York Times*, 5 February. Available from: <http://www.nytimes.com/2002/02/05/opinion/is-the-human-rights-era-ending.html?scp=1&sq=is%20the%20human%20rights%20era%20ending?&st=cse> [Accessed 4 April 2010].
- Ishii–Eiteman, M. 2009. Food sovereignty and the International Assessment of Agricultural Knowledge, Science and Technology for Development. *Journal of Peasant Studies*, 36(3), 689–700.
- Juris, J.S. 2008. *Networking futures: the movements against corporate globalization*. Durham, NC: Duke University Press.
- Kästler, G. 2005. Europe's seed laws: locking out farmers. *Seedling*, 10–16. Available from: [http://www.grain.org/seedling\\_files/seed-05-07.pdf](http://www.grain.org/seedling_files/seed-05-07.pdf) [Accessed 2 December 2007].
- Kay, C. 2008. Reflections on Latin American rural studies in the neoliberal globalization period: a new rurality? *Development and Change*, 39(6), 915–43.
- Keck, M.E. and K. Sikkink 1998. *Activists beyond borders: advocacy networks in international politics*. Ithaca: Cornell University Press.
- Kloppenborg, J. 2010. Impeding dispossession, enabling repossession: Biological open source and the recovery of seed sovereignty. *Journal of Agrarian Change*, 10(3), 367–88.
- Kneen, B. 2002. *Invisible giant: Cargill and its transnational strategies*. London: Pluto Press.
- Kuper, A. 1999. *Culture: the anthropologists' account*. Cambridge, MA: Harvard University Press.
- Lahiff, E., S.M. Borras and C. Kay 2007. Market-led agrarian reform: policies, performance and prospects. *Third World Quarterly*, 28(8), 1417–36.
- Lewis, H. 2007. 'New' human rights: US ambivalence toward the international economic and social rights framework. In: C. Soohoo, C. Albisa and M.F. Davis, eds. *Bringing human rights home: a history of human rights in the United States*, vol. 1. Westport, CT: Praeger, pp. 103–48.
- Lillich, R.B. 1995. The growing importance of customary international human rights law. *Georgia Journal of International and Comparative Law*, 25(1/2), 1–30.
- Marcuse, P. 2005. Are social forums the future of social movements? *International Journal of Urban and Regional Research*, 29(2), 417–24.
- Martínez–Torres, M.E. and P.M. Rosset 2010. La Via Campesina: the birth and evolution of a transnational social movement. *Journal of Peasant Studies*, 37(1), 149–175.
- McKeon, N. 2009. *The United Nations and civil society: legitimating global governance—whose voice?* London: Zed.
- McMichael, P. 1998. Global food politics. *Monthly Review*, 50(3), 97–111.
- Merry, S.E. 1992. Anthropology, law, and transnational processes. *Annual Review of Anthropology*, 21, 357–79.
- Merry, S.E. 2003. Human rights law and the demonization of culture (and anthropology along the way). *PoLAR Political and Legal Anthropology Review*, 26(1), 55–76.
- Merry, S.E. 2006a. New legal realism and the ethnography of transnational law. *Law and Social Inquiry*, 31(4), 975–95.

- Merry, S.E. 2006b. Transnational human rights and local activism: mapping the middle. *American Anthropologist*, 108(1), 38–51.
- Messer, E. 1993. Anthropology and human rights. *Annual Review of Anthropology*, 22, 221–49.
- Morgan, D. 1980. *Merchants of grain*. New York: Penguin.
- Morgan, R. 2007. On political institutions and social movement dynamics: the case of the United Nations and the global indigenous movement. *International Political Science Review/ Revue internationale de science politique*, 28(3), 273–92.
- Moyn, S. 2010. *The last utopia: human rights in history*. Cambridge, MA: Belknap Press.
- Muehlebach, A. 2001. ‘Making place’ at the United Nations: Indigenous cultural politics at the UN Working Group on Indigenous Populations. *Cultural Anthropology*, 16(3), 415–48.
- Narula, S. 2010. Reclaiming the right to food as a normative response to the global food crisis. *Yale Human Rights and Development Law Journal*, 13(2), 403–20.
- Nash, J. 2005. Defying deterritorialization: autonomy movements against globalization. In: J. Nash, ed. *Social movements: an anthropological reader*. Malden, MA: Blackwell, pp. 175–86.
- Nelson, P. 2002. New agendas and new patterns of international NGO political action. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 13(4), 377–92.
- Newsweek. 2001. New face of protest: a who’s who. *Newsweek*, 30 July, 17.
- NGO/CSO Forum for Food Sovereignty. 2002. Food sovereignty: a right for all. Available from: <http://www.foodfirst.org/progs/global/food/finaldeclaration.html> [Accessed 6 August 2010].
- O’Brien, R., et al. 2000. *Contesting global governance: multilateral economic institutions and global social movements*. Cambridge: Cambridge University Press.
- O’Connell, M.E. 2000. The role of soft law in a global order. In: D. Shelton, ed. *Commitment and compliance: the role of non-binding norms in the international legal system*. New York: Oxford University Press, pp. 100–14.
- Okin, S.M. 1999. Is multiculturalism bad for women? In: S.M. Okin, ed. *Is Multiculturalism bad for women?* Princeton: Princeton University Press, pp. 7–24.
- Patel, R. 2009. What does food sovereignty look like? *Journal of Peasant Studies*, 36(3), 663–73.
- Peoples’ Global Action 2001. Hallmarks of PGA. Available from: <http://www.nadir.org/nadir/initiativ/agp/free/pga/hallm.htm> [Accessed 5 October 2010].
- PFII (Permanent Forum on Indigenous Issues). 2010. Study on the extent to which climate change policies and projects adhere to the standards set forth in the United Nations Declaration on the Rights of Indigenous Peoples; Note by the secretariat. Available from: <http://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.7%20EN.pdf> [Accessed 8 October 2010].
- Pianta, M. 2001. Parallel summits of global civil society. In: H. Anheier, M. Glasius and M. Kaldor, eds. *Global civil society 2001*. Oxford: Oxford University Press, pp. 169–194. Available from: <http://www.lse.ac.uk/Depts/global/Publications/Yearbooks/2001/2001chapter7.pdf>
- Renner, M. 2002. *The anatomy of resource wars*. Worldwatch Paper 162. Washington, DC: Worldwatch Institute.
- Risse-Kappen, T., S.C. Ropp and K. Sikkink. 1999. *The power of human rights: international norms and domestic change*. New York: Cambridge University Press.
- Rodgers, G., et al. 2009. *The International Labour Organization and the quest for social justice 1919–2009*. Geneva: International Labour Office.
- Rosenne, S. 1984. *Practice and methods of international law*. London: Oceana Publications.
- Rosset, P.M. 2006. *Food is different: why we must get the WTO out of agriculture*. Halifax: Fernwood.
- Rosset, P.M., R. Patel and M. Courville. 2006. *Promised land: competing visions of agrarian reform*. Oakland: Food First.
- Saragih, H. 2005. The world peasant framers [sic] need a peasant farmers rights convention: the way for the United Nations to end the oppression and the extinction of peasant framers [sic]. Available from: <http://www.cetim.ch/en/documents/05-onu2-saraghi.pdf> [Accessed 10 April 2010].
- Saragih, H. 2009. *Statement by Mr Henry Saragih, General Coordinator of La Via Campesina at the United Nations General Assembly*. New York. Available from: <http://webcast.un.org/ramgen/ondemand/ga/63/2009/ga090406pm.rm> [Accessed 8 June 2009].

- Saragih, H. 2010. Statement at the fourth session of the Advisory Committee of UN Human Rights Council responding to the report of the Advisory Committee 'Discrimination in the Context of Right to Food' and addressing the Advisory Committee on the need to take further study into standard-setting on rights of peasants. Available from: <http://blog.henrysaragih.net/2010/02/rights-of-peasants-ending-the-discrimination-against-peasants/> [Accessed 8 October 2010].
- Sellars, K. 2002. *The rise and rise of human rights*. Gloucestershire, UK: Sutton.
- Shafir, G. and A. Brysk. 2006. The globalization of rights: from citizenship to human rights. *Citizenship Studies*, 10(3): 275–87.
- Shiva, V. 1999. *Biopiracy: the plunder of nature and knowledge*. Boston: South End Press.
- Shiva, V. 2001. *Yoked to death: globalisation and corporate control of agriculture*. New Delhi: Research Foundation for Science, Technology and Ecology.
- Sikor, T. and D. Müller. 2009. The limits of state-led land reform: an introduction. *World Development*, 37(8), 1307–16.
- Silverman, S. 1979. The peasant concept in anthropology. *Journal of Peasant Studies*, 7(1), 49–69.
- South African Human Rights Commission 2004. *The right to land*. (5th Economic and Social Rights Report Series). Available from: [http://www.sahrc.org.za/old\\_website/5th\\_esr\\_land.pdf](http://www.sahrc.org.za/old_website/5th_esr_land.pdf) [Accessed 8 October 2010].
- Streets, J. and K. Thomsen 2009. *Global landscape: a review of international partnership trends: an input for UNICEF's strategic framework for partnerships*. Berlin: Global Public Policy Institute. Available from: [http://www.gppi.net/fileadmin/gppi/Steets\\_Thomsen\\_Global\\_Landscape\\_2009.pdf](http://www.gppi.net/fileadmin/gppi/Steets_Thomsen_Global_Landscape_2009.pdf) [Accessed 28 December 2009].
- Tsing, A.L. 2005. *Friction: an ethnography of global connection*. Princeton: Princeton University Press.
- UN Human Rights Council. 2010. Preliminary study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food A/HRC/13/32. Available from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-32.pdf> [Accessed 22 March 2010].
- United Nations. 1948. The Universal Declaration of Human Rights. Available from: <http://www.un.org/en/documents/udhr/index.shtml#a25> [Accessed 30 December 2009].
- United Nations. 1966. International Covenant on Economic, Social and Cultural Rights. Available from: <http://www2.ohchr.org/english/law/cescr.htm> [Accessed 30 December 2009].
- United Nations. 1986. Declaration on the Right to Development. Available from: <http://www2.ohchr.org/english/law/rtd.htm> [Accessed 14 January 2010].
- United Nations. 2008. Resolution adopted by the General Assembly 63/187. The right to food. Available from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/482/01/PDF/N0848201.pdf?OpenElement> [Accessed 29 January 2009].
- van der Ploeg, J.D. 2008. *The new peasantries: struggles for autonomy and sustainability in an era of empire and globalization*. London: Earthscan.
- Van Rooy, A. 2004. *The global legitimacy game: civil society, globalization, and protest*. New York: Palgrave Macmillan.
- Vía Campesina. 1999. Seattle declaration: Take WTO out of agriculture. Available from: [http://www.viacampesina.org/en/index.php?option=com\\_content&view=article&id=57:seattle-declaration-take-wto-out-of-agriculture&catid=24:10-years-of-wto-is-enough&Itemid=35](http://www.viacampesina.org/en/index.php?option=com_content&view=article&id=57:seattle-declaration-take-wto-out-of-agriculture&catid=24:10-years-of-wto-is-enough&Itemid=35) [Accessed 15 January 2000].
- Vía Campesina. 2002. *Peasant rights-droits paysans-derechos campesinos*. Jakarta: Via Campesina. Available from: [http://www.viacampesina.org/main\\_en/images/stories/pdf/peasant-rights-en.pdf](http://www.viacampesina.org/main_en/images/stories/pdf/peasant-rights-en.pdf) [Accessed 4 April 2006].
- Vía Campesina. 2005. *Annual report peasant rights violation – Informe anual sobre las violaciones de los derechos campesinos*. Jakarta: Via Campesina.
- Vía Campesina. 2006. *Annual report: Violations of peasants' human rights*. Jakarta: Via Campesina. Available from: [http://www.viacampesina.org/main\\_en/images/stories/annual-report-HR-2006.pdf](http://www.viacampesina.org/main_en/images/stories/annual-report-HR-2006.pdf) [Accessed 19 September 2008].
- Vía Campesina. 2008a. Jakarta conference: farmers need a convention on peasant rights! Available from: [http://www.viacampesina.org/main\\_en/index.php?option=com\\_content&task=view&id=569&Itemid=1](http://www.viacampesina.org/main_en/index.php?option=com_content&task=view&id=569&Itemid=1) [Accessed 28 December 2009].

- Vía Campesina. 2008b. Final declaration of international conference on peasants' rights. Jakarta. Available from: [http://www.viacampesina.org/main\\_en/index.php?option=com\\_content&task=view&id=572&Itemid=1](http://www.viacampesina.org/main_en/index.php?option=com_content&task=view&id=572&Itemid=1) [Accessed 2 December 2009].
- Vía Campesina. 2009a. Declaration of rights of peasants – women and men. Available from: <http://viacampesina.net/downloads/PDF/EN-3.pdf> [Accessed 28 December 2009].
- Vía Campesina. 2009b. *Small scale sustainable farmers are cooling down the earth.* (La Vía Campesina Position Paper). Jakarta: Vía Campesina: Available from: <http://viacampesina.net/downloads/PAPER5/EN/paper5-EN.pdf> [Accessed 8 October 2010].
- Vía Campesina. 2009c. *Industrial agrofuels: fuel hunger and Poverty.* Jakarta. Vía Campesina: Available from: <http://viacampesina.net/downloads/AGROFUELS/EN/LVC-AGROFUEL7.pdf> [Accessed 8 October 2010].
- Vía Campesina. 2010. The rights of peasants to strengthen the human rights framework. Available from: [http://www.viacampesina.org/en/index.php?option=com\\_content&view=article&id=882:the-rights-of-peasants-to-strengthen-the-human-rights-framework&catid=19:human-rights&Itemid=4](http://www.viacampesina.org/en/index.php?option=com_content&view=article&id=882:the-rights-of-peasants-to-strengthen-the-human-rights-framework&catid=19:human-rights&Itemid=4) [Accessed 10 March 2010].
- Vía Campesina Asia. 2009. Statement: peasants of South East and East Asia. Available from: <http://www.derechoshumanosdelcampesinado.org/es/asia/133-la-via-campesina-asia-english.pdf> [Accessed 29 December 2009].
- Viljoen, F. 2009. International human rights law: A short history. *UN Chronicle*, 1/2: 8–13.
- Walker, K.L. 2008. From covert to overt: everyday peasant politics in China and the implications for transnational agrarian movements. *Journal of Agrarian Change*, 8(2/3), 462–88.
- Warren, K.B. and J.E. Jackson 2002. Introduction: studying indigenous activism in Latin America. In: K.B. Warren and J.E. Jackson, eds. *Indigenous movements, self-representation, and the state in Latin America*. Austin: University of Texas Press, pp. 1–46.
- Whitaker, C., B.D.S. Santos and B. Cassen 2006. The World Social Forum: where do we stand and where are we going? In: M. Glasius, M. Kaldor and H. Anheier, eds. *Global civil society 2005/6*. London: Sage, pp. 64–86.
- White, B. and A. Dasgupta 2010. Agrofuels capitalism: a view from political economy. *Journal of Peasant Studies*, 37(4), 593–607.
- Willets, P. 2006. The Cardoso report on the UN and civil society: functionalism, global corporatism, or global democracy? *Global Governance*, 12(3), 305–24.
- Windfuhr, M. 2006. Voluntary guidelines: a new instrument to promote the implementation of the right to adequate food. *FIAN International Documents*, 3–7.
- Wirth, D.A. 1998. Partnership advocacy in World Bank environmental reform. In: J.A. Fox and L.D. Brown, eds. *The struggle for accountability: the World Bank, NGOs, and grassroots movements*. Cambridge, MA: MIT Press, pp. 51–79.
- World Bank. 2007. *World development report 2008 – agriculture for development*. Washington, DC: World Bank.
- World Conference on Human Rights. 1993. Vienna Declaration and Programme of Action. Available from: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(symbol)/A.CONF.157.23.En?OpenDocument) [Accessed 12 April 2010].
- World People's Conference on Climate Change and the Rights of Mother Earth. 2010. Universal Declaration of the Rights of Mother Earth. Available from: <http://motherearthrights.org/2010/04/27/world-peoples-conference-on-climate-change-and-the-rights-of-mother-earth/#more-376> [Accessed 6 August 2010].
- Zerilli, F.M. 2010. The rule of soft law: an introduction. *Focaal – Journal of Global and Historical Anthropology*, 56, 3–18.

**Marc Edelman** is professor of anthropology at the City University of New York Graduate Center and at Hunter College-CUNY, where he is also chair of the Anthropology Department. Corresponding author: [medelman@hunter.cuny.edu](mailto:medelman@hunter.cuny.edu)

**Carwil James** is a doctoral candidate in the CUNY PhD Program in Anthropology. He received an MPP in environmental and human rights policy from the University of Chicago.