

The background features a series of faint, concentric circles centered on the page. Scattered throughout are several realistic water droplets of various sizes, some with highlights and shadows, giving them a three-dimensional appearance.

# **IN THE QUEST FOR JUSTICE AGRARIAN MOVEMENTS IN INTERNATIONAL LAW**

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SCHOOL OF INTERNATIONAL STUDIES

UNIVERSITÀ DI TRENTO

# OUTLINE

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Socio-economic context

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International law and policy context

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The UN Declaration on the Rights of Peasants

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La Via Campesina

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Discussion: Social movements in international law development and scholarship



# WORK IN PROGRESS!

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Presentation at AIS Sociologia Politica 2020

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Tsioumani E, *Fair and Equitable Benefit-sharing in Agriculture: Towards agrarian justice* (Routledge 2021)

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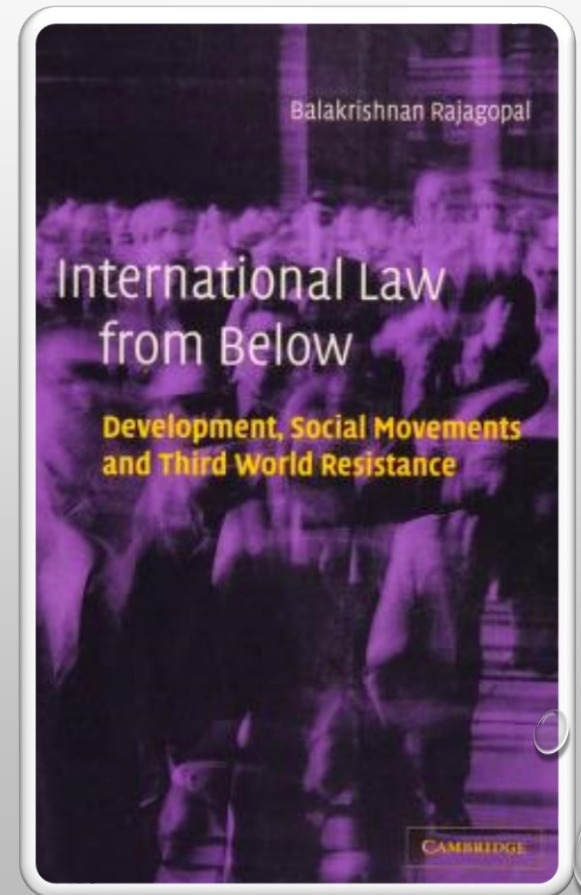
Tsioumani E, “Reimagining agrobiodiversity conservation and agricultural innovation from the grassroots up: The case of the Peliti seed network in Greece” in Alabrese M et al *The United Nations’ Declaration on Peasants’ Rights* (Routledge 2022)

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Lectures on smallholder farmers in global environmental governance

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Current readings on social movements and international law



# SOCIO-ECONOMIC CONTEXT

Varied realities across the globe

Mainstream model: Industrial agriculture

- Environmental degradation
- Market/land concentration
- Professionalization of seed sector/expansion of IPRs

Smallholder/subsistence agriculture

- Global/local food security
- Sustainable resource management
- Community resilience

Rebirth of agrarian movements

- Land/seed/natural resources
- Public support for agriculture
- Reclaiming innovation





INTERNATIONAL  
LAW AND  
POLICY  
CONTEXT

- WTO AGREEMENTS (TRIPS, AGRICULTURE)
- OTHER IPR INSTRUMENTS
- BILATERAL TRADE AND INVESTMENT AGREEMENTS
- MARKETING REGULATIONS
- MULTILATERAL ENVIRONMENTAL AGREEMENTS (CBD, ITPGRFA)
- HUMAN RIGHTS INSTRUMENTS
- VOLUNTARY GUIDELINES ON GOVERNANCE OF TENURE



PICTURE OF FRAGMENTATION  
(ILC, 2006; KOSKENNIEMI,  
2007)

DE FACTO SUPREMACY OF  
TRADE AND INVESTMENT  
FRAMEWORK (COTULA, 2014)

# UN DECLARATION ON THE RIGHTS OF PEASANTS

Voting Started		11/19/2018		3:59:52 PM	
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<input checked="" type="checkbox"/> IN FAVOUR: 119		<input checked="" type="checkbox"/> AGAINST: 7		<input checked="" type="checkbox"/> ABSTENTION: 49	

HUMAN RIGHTS  
COUNCIL  
(SEPTEMBER 2018)

UN GENERAL  
ASSEMBLY  
(DECEMBER 2018)

# 73/165. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

*The General Assembly*

*Welcoming* the adoption by the Human Rights Council, in its resolution 39/12 of 28 September 2018,<sup>1</sup> of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;

- **NON-BINDING** *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof;
- **VERY BROAD SCOPE**
- **COMPREHENSIVE APPROACH REGARDING THE RIGHTS OF RURAL POPULATIONS, LINKING THEIR VULNERABILITIES, THEIR SPECIAL RELATIONSHIP TO LAND, WATER, SEEDS, AND NATURAL RESOURCES, AND THEIR CONTRIBUTION TO GLOBAL FOOD SECURITY, THROUGH INDIVIDUAL AND COLLECTIVE RIGHTS**
- **STATES' OBLIGATIONS WITH REGARD TO AGRICULTURAL RESEARCH AND DEVELOPMENT**
- **INTEGRATION OF NOVEL CONCEPTS (FOOD SOVEREIGNTY, AGRARIAN REFORM, SOCIAL FUNCTION OF LAND)**
- **FAR TOO EARLY TO DISCUSS IMPLEMENTATION POTENTIAL**
- **PRIMARY ROLE OF LA VIA CAMPESINA IN NEGOTIATIONS (CLAYES AND EDELMAN, 2020)**

*The General Assembly,*

*Recalling* the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all



LA VIA CAMPESINA

INTERNATIONAL PEASANTS MOVEMENT



# LA VIA CAMPESINA

## Food sovereignty

- the people who produce, distribute, and consume food should control the mechanisms and policies of food production and distribution
- Right of peoples to healthy and culturally appropriate food, and to define their own food and agriculture systems

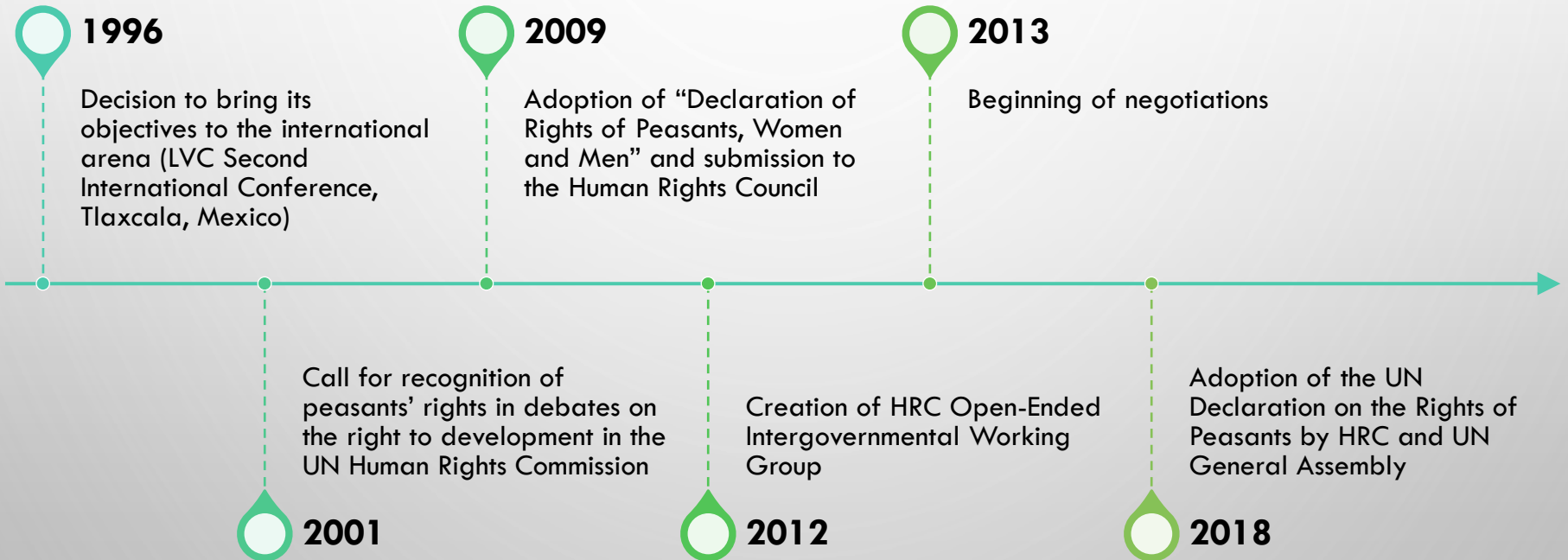
## Campaigns

- farmers' seeds
- agrarian reform
- ending violence against women
- rights of peasants

## Peasant identity

- against neoliberal development
- struggle over resources
- cultural elements

# LVC AND PEASANTS' RIGHTS



## Declaration of Rights of Peasants - Women and Men

La Via Campesina

Peasants of the World need an International Convention on the Rights of Peasants

### I. Introduction

Almost half of the people in the world are peasants. Even in the high-tech world, people eat food produced by peasants. Small-scale agriculture is not just an economic activity; it means life for many people. The security of the population depends on the well-being of important to

← 2009

United Nations

A/RES/73/165



General Assembly

Distr.: General  
21 January 2019

Seventy-third session  
Agenda item 74 (b)

2018 →

### Resolution adopted by the General Assembly on 17 December 2018

[on the report of the Third Committee (A/73/589/Add.2)]

**73/165. United Nations Declaration on the Rights of Peasants and Other  
People Working in Rural Areas**

*The General Assembly,*

*Welcoming the adoption by the Human Rights Council, in its resolution 39/12*

# ENABLING CONDITIONS

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Timing: 2007 adoption of UN Declaration on the Rights of Indigenous Peoples; 2008 global food crisis

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Strategic alliance with NGOs, academia, certain states, UN Special Rapporteur on the right to food

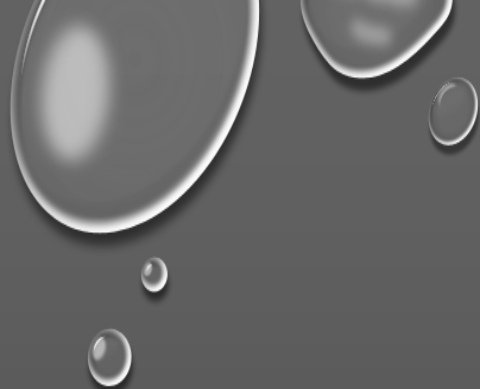
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Bolivia as Chair of the Working Group and sponsor of the process

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Soft-law instrument; majority voting in the HRC and UNGA





WHAT THIS  
MEANS FOR  
INTERNATIONAL  
LAW  
DEVELOPMENT  
AND  
INTERPRETATION

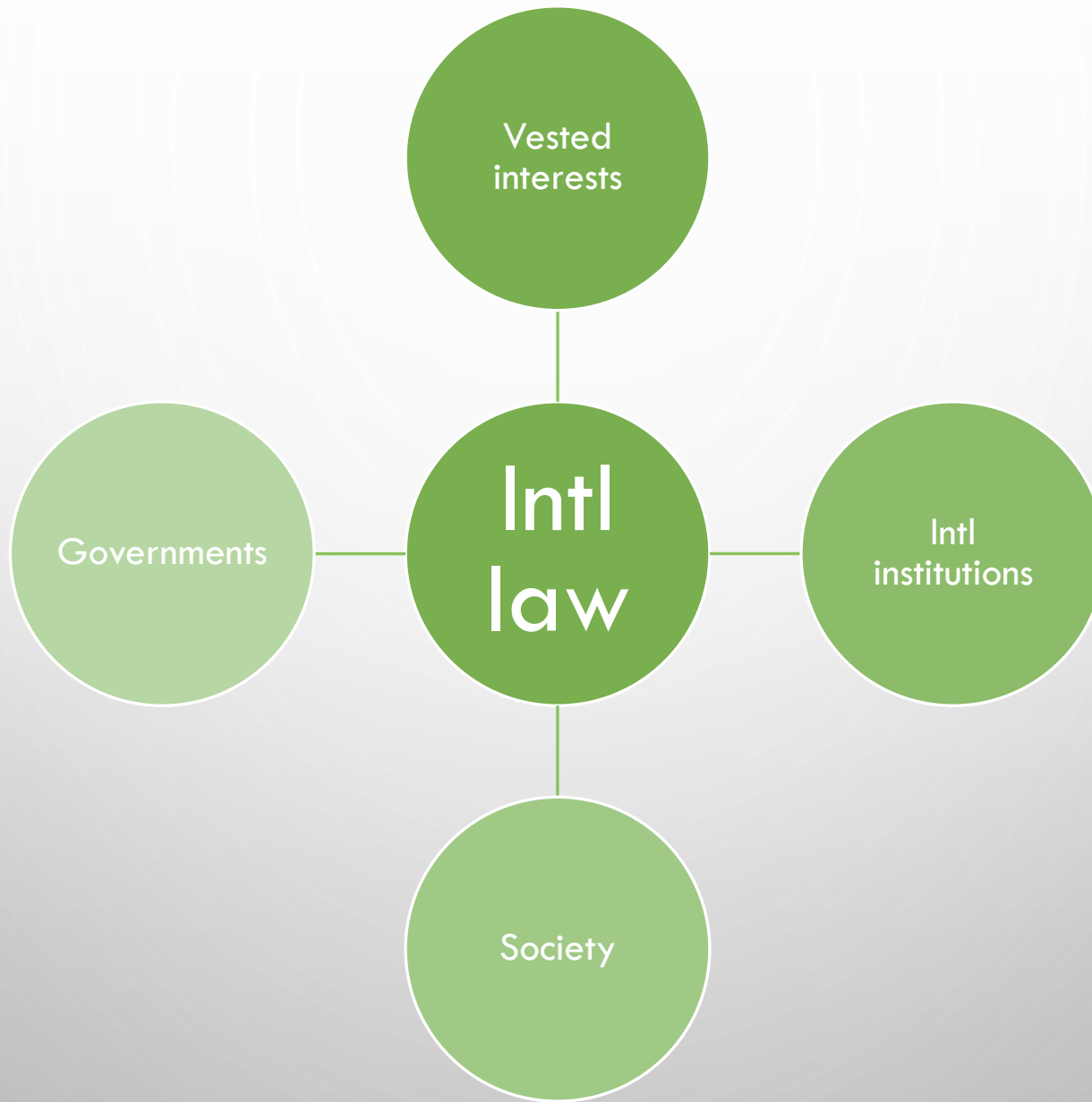
*A RARE CASE OF DIRECT INVOLVEMENT OF SOCIAL  
MOVEMENTS IN INTERNATIONAL LAW-MAKING (CLAYES  
AND EDELMAN, 2020)*

- CONCERTED SOCIAL MOVEMENT ACTION AS A DRIVER OF INT LAW DEVELOPMENT
- PROCESS: TRANSFORMATION OF POLITICAL SPACE AND OF RULE-MAKING (BOTH FOR LVC AND FOR THE INSTITUTIONS INVOLVED) – “CONSTITUTIVE” USE OF HR TO TRANSFORM THE ECONOMIC PARADIGM (COTULA, 2020): OPENING PATH FOR TRANSFORMATIVE GOVERNANCE?
- SUBSTANCE: NOVEL HR CONFIGURATIONS WITH EMPHASIS ON MEANS OF PRODUCTION (COTULA, 2020); STRONG RELATION BETWEEN HR NORMS AND SOCIAL JUSTICE
- EXPANSION OF HR LANGUAGE (ONLY “LANGUAGE OF RESISTANCE” IN INT LAW - RAJAGOPAL, 2003) TOWARDS MORE CONTEXTUAL UNDERSTANDINGS AND REFLECTION OF COLLECTIVE IDENTITIES



## WHAT THIS MEANS FOR INTERNATIONAL LAW SCHOLARSHIP

- LIMITED ENGAGEMENT OF INTERNATIONAL LAW SCHOLARS WITH SOCIAL MOVEMENTS, INCL. SEED ACTIVISM AND AGRARIAN MOVEMENTS, DUE TO LIMITATIONS OF TRADITIONAL LEGAL APPROACHES
- LIMITED ENGAGEMENT OF SOCIAL MOVEMENTS SCHOLARS WITH SOCIO-LEGAL APPROACHES
- NEED FOR INTERNATIONAL LAW SCHOLARS TO
  - “TAKE SOCIAL MOVEMENTS SERIOUSLY”
  - ENGAGE WITH SOCIAL MOVEMENTS LITERATURE
  - DEVELOP THE LANGUAGE AND CONCEPTS NEEDED TO ACCOMMODATE NEW REALITIES INTO LAW, MAKE PLACE FOR RESISTANCE AND FOR DEVELOPMENT OF OTHER “COMMON SENSES”/ALTERNATIVE MODERNITIES
- RESEARCH PATHS
  - PEASANT RIGHTS
  - CLIMATE LITIGATION
  - EARTH JURISPRUDENCE
- POTENTIAL INSPIRATION
  - CLS AND SOCIO-LEGAL APPROACHES
  - LEGAL MOBILIZATION APPROACHES
  - PLURIVERSALITY AND DEGROWTH



**THANK YOU!**

[ELSA.TSIOUMANI@UNITN.IT](mailto:ELSA.TSIOUMANI@UNITN.IT)