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## Institutionalizing Food Sovereignty in Ecuador

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Karla Peña

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## Abstract

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As one of the first nations to incorporate food sovereignty as a constitutional right, Ecuador is an interesting case study to further our understanding of the food sovereignty conceptual framework. Social movements were influential in incorporating food sovereignty into the 2008 Ecuadorian Constitution that later developed into a food sovereignty legal framework with the approval of the Food Sovereignty Law (LORSA) in 2009. To further develop this legal framework, the *Conferencia Plurinacional e Intercultural de Soberanía Alimentaria* (COPISA) was created in 2010 as a participatory organization responsible for drafting nine-supplementary laws that support the LORSA. In this paper I look at how and why food sovereignty was incorporated into the 2008 Constitution followed by an analysis of the relationship that has developed between social movements and the state since then. Based on quantitative and qualitative data collected in Ecuador in 2012 through in-depth key informant interviews and participatory observations, I also explore the food sovereignty policy-making workshops fostered by COPISA. This research demonstrates social movements in Ecuador are negotiating with the state in ways that differ from previous attempts and that this relationship is developing a food sovereignty legal framework that is pushing the state to rethink and reshape the politics that govern food. What remains uncertain is how this relationship evolves beyond the process of policy formation to implementation.

## Introduction

Food sovereignty was first introduced in 1996 by *Via Campesina* at the World Food Summit. *Via Campesina* is a transnational movement that represents peasants, small and medium-scale farmers, rural women, farm workers, and indigenous organizations that promotes food sovereignty as an alternative model for agriculture based on ethics and values in which culture and social justice ensure a future without hunger (Desmarais 2007,38). This model is farmer driven and based on peasant production that uses local resources, ecological practices and traditional knowledge. When the concept of food sovereignty was first introduced it focused on the right for each nation to maintain and develop its own capacity to produce its basic foods while respecting cultural and productive diversity (Patel, 2010). The definition since then has expanded to include a variety of demands that makes food sovereignty what Patel (2010) calls a ‘big tent’ of a word that lacks a central and consistent set of ideas or what Boyer (2010) describes as having ‘multiple layers’ of understanding. To illustrate the range of demands within the conceptual framework of food sovereignty, consider the following definition over 500 representatives of social organizations formalized in the Neylani Declaration (2007):

Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations. It defends the interests and inclusion of the next generation. It offers a strategy to resist and dismantle the current corporate trade and food regime, and directions for food, farming, pastoral and fisheries systems determined by local producers and users. Food sovereignty prioritizes local and national economies and markets and empowers peasant and family farmer-driven agriculture, artisanal - fishing, pastoralist-led grazing, and food production, distribution and consumption based on environmental, social and economic sustainability. Food sovereignty promotes transparent trade that guarantees just incomes to all peoples as well as the rights of consumers to control their food and nutrition. It ensures that the rights to use and manage lands, territories, waters, seeds, livestock and biodiversity are in the hands of those of us who produce food. Food sovereignty implies new social relations free of oppression and inequality between men and women, peoples, racial groups, social and economic classes and generations.

Food sovereignty arises as a counter frame to the food security discourse. The United Nations Food and Agriculture Organization (FAO) (2013) defines food security as a situation “when all people at all times, have physical, social, and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life.” Food sovereignty goes beyond food security by attributing rights and “decisions about food production – as to what is produced and how and at what scale (Desmarais 2009). In simplest terms, food sovereignty is “precisely about invoking a right to have rights over food” (Patel 2010, 186). The food sovereignty movement advocates for a new international trade regime, agrarian reform, a shift to agroecological production practices, attention to gender relations and equity, and the protection of intellectual and indigenous property rights (Wittman 2010). Several countries have incorporated food sovereignty into their national constitutions and laws including Venezuela, Mali, Bolivia, Ecuador, Nepal and Senegal. However, the practice of food sovereignty or creating the structures and mechanisms to implement food sovereignty politics remains ‘elusive’ (McMichael 2010) and ‘contentious’ (Wittman 2010), leading scholars like Patel (2010) to ask, ‘What *does* food sovereignty look like?’

As one of the first nations to incorporate food sovereignty as a constitutional right and as a national policy, Wittman et al (2010, 9) suggests the “need to observe and analyze carefully what happens in Ecuador as those experience hold important lessons for food sovereignty

movements and national government elsewhere.” Social movements in Ecuador were influential in incorporating food sovereignty into the 2008 Constitution, a concept that later developed into a legal framework with the approval of the Food Sovereignty Law (LORSA) in 2009. To further develop this legal framework, the *Conferencia Plurinacional e Intercultural de Soberanía Alimentaria* (COPIISA) was created in 2010 as a participatory organization responsible for drafting nine-supplementary laws that support the LORSA. The following research provides an analysis of how and why food sovereignty was incorporated into the 2008 Constitution and the relations that have developed between social movements and the state since then. This research also explores the food sovereignty policy-making workshops of COPIISA and the development of the food sovereignty legal framework of Ecuador.<sup>1</sup>

### New Social Movements of Latin America

The 1980s witnessed the appearance of new forms of understanding and discussion on resistance and social change, marking a significant discontinuity with past forms of analysis and frameworks for the study of social movements (Escobar and Alvarez 1992). New national-level rural organizations had emerged in Latin America representing sectors that were previously excluded, such as the indigenous, landless, environmental and rural women’s movement (Deere and Royce 2009). These new social movements did not have a clear class base as the old labor or agrarian movements (Foweraker 1995, Davis 2005). What makes social movements ‘new’ in this perspective is their autonomy or distance from state institutions and formal political processes (Davis 2005), where “to play with ‘politics’ is to risk cooptation by corporate-industrial organizations” (Foweraker 1995, 41). This newness provided the basis for ‘New Social Movement’ (NSM) theory, a framework that stresses on social identity and identity formation while rejecting the Marxist structural approaches to understanding social movements (Foweraker 1995). *Via Campesina* is in a sense a new social movement as “its forms of protest are mostly sub-institutional, and its claims are not geared towards compensations that the welfare state can provide” but similar to the ‘old’ social movements in that they employ “an anti-capitalist rhetoric close to that of capital-labour struggles” (Claeys 2012).

What gave rise to the identity-based claims and new social movements in Latin America was the transformation of social relations between the bourgeoisie and the proletariat (Escobar and

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<sup>1</sup> Analysis for this paper draws on ethnographic fieldwork carried out between May and August 2012 in Ecuador, including participatory observations of the COPIISA policy-making workshops and meetings with State organizations and social organizations, along with semi-structured interviews with representatives of social organizations, State actors and participants of the policymaking workshops.

Alvarez 1992). During the 1960's, rural spaces were restructured through land reforms, land distribution and the privatization of land and land titling (Goodman and Redclift 1981). These land reforms had the objective of disaggregating the land tenancy systems of the post-colonial society. Modernization in Latin America took the form of capitalist development, meaning agrarian reforms provided the opportunity for land to enter the free market and for land tenants to integrate into capitalist enterprise (Petras 2003). Following this veer towards modernizing, Latin America initiated decades of economic restructuring through structural adjustment programs (SAP) promoted by international institutions like the World Bank, International Monetary Fund and the World Trade Organizations. The primary objective of these SAP's was for the state to implement policies that would increase agricultural production for exports over production for national consumption, facilitating the free market economy and the growth of non-traditional exports (Deere and Royce 2009).

New social movements of the twenty-first century continue to challenge the economic and political systems of the region by contesting neo-liberalism and advocating for a radical redefinition of politics (Stahler-Sholk et al. 2008). As Yashar (2005, 285) observes, the indigenous movements of Latin America are putting forth a 'post-liberal challenge' that aims to restructure the way citizenship and democracy is conceptualized by the state. The indigenous movement of Ecuador in particular has been characterized as the most successful movement of Latin America (Jameson 2011), having ousted three governments (Bucaram 1997; Mahuad 2000; Guitierrez 2005); pushed for electoral recognition with the formation of the political party *Movimiento de Unidad Plurinacional Pachakutik Nuevo Pais (Pachakutik)* in 1996; and incorporated the recognition of indigenous rights in the 1998 Constitution (Becker 2008) and the notion of *Sumak Kawsay* and plurinationalism in the 2008 Constitution (Becker 2010).

### Social Movements of Ecuador

The food sovereignty movement of Ecuador is a 'collectiv[ity] [of] identities' (Escobar and Alvarez 1992, 4) that mobilize for food sovereignty, for the right to land and territory, the right to resources to produce on that land, gender equality, agroecology, the conservation of mangrove fisheries and of artisanal fishing practices, the respect of indigenous and traditional knowledge and the recognition of cultural and ethnic diversity. This movement is by no means new in Ecuador. It builds and bridges the struggles of the indigenous movement, the peasantry, the Afro-Ecuadorians, women and the environmentalist. It represents the constant political, social and cultural struggle of people who continuously and creatively find ways to redefine politics, democracy and identity. The social movement organizations of the food sovereignty movement of Ecuador are social organizations that represent this collectivity of identities. These organizations have the historical traditional of mobilizing that emerges from

the post-colonial land tenancy arrangements of the *huasipungos*<sup>2</sup> and the Agrarian Reforms<sup>3</sup> of the mid-20th century. However, it wasn't until the decade of the nineties that the indigenous movement gained recognition for their mobilizations.

In the historical mobilization of 1990, the indigenous movement of Ecuador led the *Levatamiento Nacional Indígena* (the Indian Uprising), a 10-day protest that paralyzed the country with the removal of agricultural products from the market and the blocking of commercial transport on the Pan American Highway. One of the major demands of the Indian Uprising was for the government to recognize indigenous territories in the Amazon, the continuation of the agrarian reform and the expropriation of large land holdings (Deere and León de Leal 2001, 240). As Yashar (2005) documents, “the protest and demands highlighted the centrality of indigeneity and land in ways that had not been seriously considered by national politicians and the nonindigenous citizenry” (146). The indigenous social movement organization at the forefront was the Confederación Nacionalidades Indígenas del Ecuador (CONAIE). However, other indigenous and peasant based national organizations were also influential in this mobilization, primarily the Federación Nacional de Organizaciones Campesinas, Indígenas, y Negras del Ecuador (FENOCIN), Federación Ecuatoriana de Indígenas Evangélicos (FEINE) and Confederación de los Pueblos de Nacionalidad Kichua del Ecuador (Ecuarunari). The mobilization ended with the government agreeing to negotiate a 16-point agenda presented by CONAIE that focused on granting land and land titles to indigenous communities, declaring Ecuador a plurinational state and providing more funding and control for bilingual educational programs (Mijeski and Beck 2011).

In 1994, another rebellion provoked by peasants and indigenous people forced the government to form a commission with 50 percent participation of indigenous leaders to reform the Law of Agrarian Development. As Deere and Leon del Leal (2001) observe, several of these provisions

<sup>2</sup> The socioeconomic organization in the Highlands was based on territorial control, where the hacienda economy was linked to communities of *huasipungueros*, peasants who contributed permanent quotas of labor in exchange for small subsistence plots and low wage supplements (Zamosc 1989). These relationships extended to the *allegados*, who were members of the extended *huasipunguero* family who received no plots of land and worked for wages. The *huasipungueros* were concentrated in the Highlands, mainly in the provinces of Pichincha, Chimborazo, Cotopaxi and Imbabura.

<sup>3</sup> In Ecuador, the military government, the *Junta Militar de Gobierno*, passed the Land Reforms, Idle Lands, and Settlement Act of 1964 outlawing the *huasipungo* of the Highlands. The second agrarian reform was passed in 1973 by another military government. As Zamosc (1989) documents, the agrarian reforms reduced the *allegados* to landless peasants, turned the former *huasipungueros* into owners of plots that were too small to make a living. It separated the landowner and peasant economies and created the conditions for the emergence of a more “modern” form of articulation in the areas of capitalist agrarian development, an articulation in which wage labor would come to replace the former labor rent system (Zamosc 1989). However, as Yashar (2005, 95) notes, land distribution did provide some indigenous with secure land titles and increased access to resources from the state. It granted indigenous people and communities with a degree of authority, opportunity and participation that had not previously existed.

of the law were ‘victories’ for CONAIE and the indigenous and peasant movements. CONAIE was successful in permitting communal lands to be parceled and sold if two-thirds of the community members voted in favor (article 22) as oppose to having the land parceled by majority vote. CONAIE also blocked the attempt of privatizing water rights, and had the state recognize the rights of indigenous, Afro-Ecuadorian, and Montubian communities to their ancestral land (article 36). Most notably, CONAIE was able to include a provision in the law that assured agricultural development would support national food security. Leon Zamosc (2007) notes “the image of erudite Indians, in indigenous dress, negotiating directly with the national government—particularly during the 1994 negotiations over proposed changes to the agrarian law, parts of which were widely televised in Ecuador—[was] a potent symbol of the changing relationship between Indians and the Ecuadorian state.” The success of the negotiation reflected the role of the indigenous movement as a ‘widely acknowledge[d] political actor’ (Yashar 2005).

CONAIE furthered their engagement with the state by becoming part of the national political coalition, *Movimiento de Unidad Plurinacional Pachakutik Nuevo Pais (Pachakutik)* in 1996. The decision to enter electoral politics was contested within the organization yet a “noteworthy achievement” (Yashar 2005, 149). Changes in electoral procedures opened the door for CONAIE as a political movement *within* electoral politics to effect legislation, negotiate constitutional changes and gain access to state resources (Mijesk and Beck 2011). *Pachakutik* was successful in winning eight seats within the National Assembly in 1996 and several local and national level races. As a political movement, *Pachakutik* opposes the neoliberal economic policies of Ecuador. However, as Mijesk and Beck (2011) argue, “the potential for the *Pachakutik* political movement to substantially transform the Ecuadorian political system [has been] extremely limited from the start” (129). The inability to garner more than five percent of valid votes in elections signified electoral weakness of the party and minority participation in the writing of the 1998 and 2008 Constitution (128). To this end, they argue CONAIE (as a social movement) has been far more strategic and effective in negotiating with the state than *Pachakutik* (as a political party) that works *within* electoral politics.

### Institutionalizing Food Sovereignty in Ecuador

In 2007 over 80% of the Ecuadorian electorate approved a referendum to convoke a constituent assembly for the making of a new constitution. As Becker (2010) notes, the 2008 Constitution was a “critical juncture for [the] indigenous movements [to open a] historic opportunity to decolonize the country’s political structures.” This new constitution is based on the Kichua indigenous tradition of *Sumak Kawsay*, a concept translated to *Buen Vivir* or ‘good living.’ It is a framework the indigenous movement of Ecuador incorporated into the 2008

Constitution to shape the politics of development that is based on a harmonistic and synergetic relationship between humans and nature, a biocentric and radical social contract that presents itself as an alternative to capitalism and neo-liberal policies (Gudynas 2010, Walsh 2010, Muñoz 2010). Food sovereignty was incorporated into the constitution as an entitlement for the attainment of *Sumak Kawsay* (Article 13). It is within the framework of *Sumak Kawsay* and for the attainment of a 'good living' that food sovereignty emerges as a right, a strategy, and an obligation from the State to ensure everyone can achieve self-sufficiency with respect to healthy and culturally appropriate food on a permanent and continual basis (Article 281). The State (Article 282) is also responsible for regulating the use and access to land to prohibit the (re)concentration of land (*latifundios and minifundios*) and the privatization of water resources.

In 2009, the Food Sovereignty Law (LORSA) was approved to provide a legal framework for food sovereignty. To further develop this legal framework, the LORSA created the *Conferencia Plurinacional e Intercultural de Soberanía Alimentaria* (COPISA) in 2010 as a participatory organization responsible for providing participatory spaces for the deliberation and formulation of nine supplementary laws (Article 32 of the LORSA). The nine food sovereignty laws COPISA is responsible for drafting with the participation of the public address: 1) land and the productive resources to produce on that land; 2) artisanal fishing, aquaculture and the conservation of mangrove fisheries; 3) seeds, agrobiodiversity and agroecology; 4) ancestral territory and communal property; 5) food safety regulations; 6) agro-industrial development and the agricultural workforce; 7) credits, subsidies and insurance; 8) nutritional and consumer health; and 9) commercialization.

### Opening the Door for Food Sovereignty

The process of drafting the 2008 Constitution was the critical opening for food sovereignty in Ecuador. The process was decentralized and participatory whereby social movement organizations had access to influential legislative allies and political alignments, allowing them to directly negotiate the principles of the food sovereignty regime of the constitution. Members of the constituent assembly were elected officials, primarily members of the political party of President Rafael Correa or *Alianza Pais*. This shift in political alignment (a shift towards the left) within the constituent assembly opened the opportunity for political parties or movements from the left (FENOCIN, *Federación Nacional de Trabajadores Agroindustriales, Campesinos e Indígenas Libres del Ecuador* (FENACLE), *Alternativa Democrática*, *Ruptura de Los 25* among others) to have representation within the constituent assembly (Muñoz 2010). In addition, the working table responsible for drafting the food sovereignty provisions was the Social Equity and Inclusion whose president, Pedro de la Cruz, had led FENOCIN for 13 years and had also been a delegate of *Alianza Pais* (Rosero et al. 2010,

Becker 2010). Pedro de la Cruz was and has been an influential ally within the National Assembly that has pressed for food sovereignty and indigenous rights in Ecuador.

Seizing this political opening, social organizations and non-governmental organizations strategically formed their own *Mesas* or roundtables to work alongside legislators and the constituent working tables (*Mesas de Trabajo*). FENOCIN and the *Confederación Unitaria de Asociaciones del Seguro Social Campesino del Ecuador* (CONFESUNASS-CNC) participated in the Public Policy Roundtable, whereas the CNC-Eloy Alfaro participated in the Food Sovereignty Roundtable, and FENOCIN and FENACLE in the Agrarian Roundtable. These working tables were influential in shaping the final language of the food sovereignty constitutional provision. For instance, the Agrarian Roundtable with social organizations, NGO's and legislators drafted a 64-page report with five key recommendations for the new constitution. These recommendations urged the State to 1) guarantee food sovereignty; 2) promote an agrarian revolution/reform; 3) develop a model for territorial development in a sustainable and equitable manner; 4) guarantee rights to farmers; and 5) continue to develop a sovereign and intercultural nation. The key recommendations were incorporated into the food sovereignty provision of the constitution with the facilitation of Pedro de la Cruz. CONAIE provided policy recommendations for the constitution based on plurinationalism, territory, communities, water and mining and although CONAIE's recommendations were not on food sovereignty per se, they were also incorporated into the food sovereignty article of the constitution (Rosero et al. 2011).

Notwithstanding, several provisions of the 2008 Constitution were compromised, particularly the highly contested issue of introducing genetically modified organisms (GMOs). While State actors and agencies supported GMOs as a means for increasing food productivity and alleviating hunger - social organizations, environmental NGO's and political movements of the left lobbied strongly against any introduction or development of GMOs (Rosero et al. 2011). The outcome of the negotiation was a compromise between both social and state actors. Article 401 of the constitution declares Ecuador GMO free with the exception that the President can introduce GMOs with approval of the National Assembly. It should also be noted that despite the diversity of actors, the participation of food retailers such as PRONACA and Supermaxi and the large agro-export industries of Ecuador had minimal influence on the outcome of the food sovereignty article of the constitution, a direct result of the new political alignments within the constituent assembly of Ecuador (Rosero et al. 2012). Overall, the political parties of the right had lost significant electoral power with the election of Rafael Correa that resulted in minimal political power and pressure to influence the outcome of the new constitution (Muñoz 2010, 158).

## Why food sovereignty?

Democratizing food politics and targeting the various levels where food and agricultural governance issues should be deliberated are what Claeys (2012) observes makes the framing of food sovereignty a 'rights master frame.' In a study of *Via Campesina*, Claeys (2012) concludes food sovereignty as a 'rights master frame' and as an 'organizational frame,' has been successful in capturing other master frames, including the 'cultural pluralist,' 'environmental' master frames and the 'produce' and agrarian' master frames used by agrarian mobilizations. Collective action frames can be "exclusive, rigid, inelastic, and restricted" or they can be quite the opposite; it can encompass a range of themes to broaden the scope of the claim, allowing for the frame to be inclusive, flexible, generic or what Snow and Benford (2000) call a "master frame." The framing of food sovereignty as a 'rights master frame' and as an 'organizational frame' gives *Via Campesina* leverage to gain support from diverse social-cultural and political ideologies. Although social movement organizations develop an 'organizational frame,' it doesn't mean the frame will have a similar utility to other movements (Benford and Snow 2000). However, in the case of Ecuador, food sovereignty is utilized by social movements as a 'rights master frame' associated to the attainment of *Sumak Kawsay* - expanding peasant and indigenous claims for land and territory to a broader set of rights that aims to reshape the way politics govern society and nature.

Food sovereignty arises as a counter frame to the food security discourse as a reaction to the failings of the "nascent corporate food regime," which aims to remove social and political barriers for the free flow of capital in food and agriculture (Fairbairn 2010, 18). Food sovereignty rejects global control of the food system and the liberalization of agricultural markets that have impoverished and displaced small producer populations by allowing "dumping" from the north to the south (McMichael 2010, 168). As Fairbairn (2010) argues, food sovereignty rejects the individualism the food security frame shapes at the household level by advocating for collective rights, peasant solidarity and ownership over resources. In this sense, food sovereignty goes beyond food security by making "decisions about food production – as to what is produced and how" (McMichael 2010, 168). Moreover, the food sovereignty discourse also involves the value of what is not quantifiable in the food security paradigm: matters of culture, biodiversity and traditional knowledge. As an alternative to the existing model, "food sovereignty may be able to withstand the risk of co-optation," particularly because of its "intensely political language" (Fairbairn 2010, 30).

Food sovereignty is a contentious conceptual framework for a variety of reasons. As Boyer (2010) suggests, "food sovereignty is not a term that expresses the concerns of everyday rural life in the same manner that security does." By invoking 'sovereignty,' we allude to 'nations,

peoples, regions and states to craft their own agrarian policy,' creating 'spaces of sovereignty' and the 'arrangements to govern territory and space' (Patel 2010, 191). Food sovereignty is an ontological shift that "rejects the grand narrative of modernity, industrialism and proletarianization" by reformulating the agrarian question to a question of food (McMichael 2010). Food sovereignty also addresses the ecological stresses that have been a result of the intensification of agricultural production, chemical inputs, soil and water degradation and deforestation, the patenting of seeds and genetic engineering of seeds (Wittman 2010). Therefore the demands of the food sovereignty movement are broad in scope that include decentralizing and localizing food production, creating new trade regimes, agrarian reforms, a shift to agroecological production practices for the conservation of biodiversity, attention to gender relations and equity, and the protection of intellectual and indigenous property rights.

As a rights master frame in Ecuador, food sovereignty directly acknowledges the right to water and land, gender equality and the respect for nature and the use of traditional knowledge and practices, linking how the "beliefs, values and ideas associated with movement frames are to the lives of the targets of mobilization" (Benford and Snow 2000). Nearly one third of the Ecuadorian population lives in rural areas with about seventy percent of the rural population employed in either agriculture, livestock or hunting. Malnutrition is disproportionately higher in rural areas, particularly for indigenous children living in the highlands. Access to land or the redistribution of land in Ecuador is an issue that has been a consistent claim for the indigenous and peasant organizations since the mid-twentieth century. Food sovereignty as conceptual frame encompasses these grievances but also in its broader sense, addresses issues that resonate beyond land and territory in Ecuador, particularly issues addressing the protection of mangrove fisheries and livelihoods, gender equality and the recognition of cultural diversity. Food sovereignty as a cross cutting organizational frame is also associated to *Sumak Kawsay*, a broader set of rights that aim to reshape the way politics govern the relationship between society and nature. Relating food sovereignty to *Sumak Kawsay* has enabled the food sovereignty movement of Ecuador to garner support of diverse social groups and social sectors, bridging decentralized struggles and claims to a collectivity of identities that are mobilizing to reshape the politics that govern food, society and the environment.

### The food sovereignty movement and the state

Social movement organizations of the food sovereignty movement are engaging with the state to influence and shape policy that differs from previous attempt. The social organizations FENOCIN, *Federacion Ecuatoriana de Indigenas* (FEI), FENACLE, FEINE, Ecuarunari, *Coordinadora Nacional Campesina - Eloy Alfaro* (CNC- Eloy Alfaro) and the *Corporación Regional de Montubios del Litoral* (CORMONLIT) formed the coalition *Red Agraria* to represent the food

sovereignty movement and press the state to move forward on the food sovereignty legal framework. In 2012, the *Red Agraria* mobilized their multi-scalar networks of community-based organizations and provincial-level organizations<sup>4</sup> to collect over 44,000 thousands signatures for a petition in support of the Law on Land and Territories, the first law drafted by COPISA.<sup>5</sup> The *Red Agraria* strategically used the constitutional provision known as *iniciativa popular* or Direct Democracy (Article 103), a petition that enables individuals, community base organizations and local governments the opportunity to propose, create, amend or repeal laws by collecting a petition with signatures of point twenty-five percent of the population registered to vote. The constitutional provision *iniciativa popular* enables the petitioners of the law (in this case the *Red Agraria*) to work within the National Assembly to negotiate directly the provisions of the law.

The established space the *Red Agraria* has within the National Assembly differs from the traditional way of engaging with the state and gaining access to the National Assembly. The *Red Agraria* works with the Committee for Food Sovereignty and the Development of Agriculture and Fisheries within the National Assembly. In parallel to this new position, social movement organizations work *with* and *within* political parties to gain access to the National Assembly. For example, the national social organization FENOCIN and CNC-Eloy Alfaro support the Ecuadorian Socialist Party and *Alianza Pais* by providing electoral votes whereas CONAIE works *within* electoral politics through the political party *Pachakutik*. Gaining access to the National Assembly as an entity detached from a political party is shifting the way social movements organizations are negotiating and shaping policy in Ecuador. As Romelo Guaman, President of CNC-Eloy Alfaro reflects on the matter, “We finished [drafting] the Law [on Land and Territories]. Now what was our ‘new’ *rumbo* as social organizations?” The ‘new’ *rumbo* or strategy Romelio refers to is the formation of the *Red Agraria* and the use of the 2008

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<sup>4</sup> Social organizations of Ecuador have a nest hierarchal structure. The base of the hierarchal structure is formed by community-based organizations (*organizaciones de base*), followed by their affiliation to provincial level federations (*organizaciones de segunda base*), which are then affiliated to national and regional confederations. The indigenous movement in Ecuador is represented by CONAIE, which represents three regional confederations, each with their own nested hierarchical structure encompassing provincial-level federations and community based organizations. Ecuarrunari, for example, has *organizaciones de segunda base* in 12 provinces of Ecuador spatially located in all three regions of Ecuador, whereas the Confederación de las Nacionalidades Indígenas de la Amazonia Ecuatoriana (CONFENIAE) represents organizations in the Amazon and the Confederación de Nacionalidades Indígenas de la Costa Ecuatoriana (CONAICE) in the Coast. Peasant and sector based organizations have similar hierarchical-nested structures. FENOCIN has *organizaciones de segunda base* spatially located in 14 provinces while CNC-Eloy Alfaro has member organizations in 18 provinces of Ecuador.

<sup>5</sup> The LORSA requires the food sovereignty supplementary laws drafted by COPISA be channeled to the Ministry of Agriculture and Fisheries (MAGAP) (and other ministries) before the National Assembly can review and pass into law. Rather than submit the law to MAGAP as required by the LORSA, social organizations used the 2008 Constitution to channel the law directly to the National Assembly. The *Red Agraria* identified MAGAP as an obstacle for channeling the law on Land and Territories. The supplementary laws drafted by COPISA can be reviewed by a ministry and never be passed on to the National Assembly.

constitutional provision. Guaman admits, “Tenemos voz - no tenemos voto” (we have a voice, but no vote), yet despite this limitation he acknowledges it is a significant advancement for social movements to work within the National Assembly to monitor the development of the food sovereignty legal framework.

The *Red Agraria* among other social organizations have collaborated with COPISA for the making of the nine-food sovereignty supplementary laws of the LORSA. The *Red Agraria* member organizations have often co-sponsored the COPISA workshops by providing human resources (participants, representatives of community-based organizations) and material resources (a space for the workshops, informational brochures, pamphlets). The COPISA *Conferencistas* (the workshop facilitators) are members of the social movement organizations of the *Red Agraria*. This relationship has been instrumental as social movement organizations participate in the formation of the nine-food sovereignty supplementary laws with COPISA through the policy-making workshops and then, work within the National Assembly negotiating with legislators the provisions of the draft policies. What remains ambiguous is whether the supplementary laws will be approved and how they will be implemented. In particular it is not clear how the diversity of ideas and goals will be represented in the final approved text.

### **COPISA and the development of a food sovereignty legal framework**

The concept of food sovereignty has developed into a legal framework that is pushing the state to rethink the politics that govern food. From 2010 to 2012, the food sovereignty policy-making workshops sponsored by COPISA have covered an array of new areas of public policy that range from subsidizing farmers who want to transition to agroecological practices to providing women preferential access to land (see table 2). As a result of the range and breadth of food sovereignty, the workshops had a diversity of social groups participate and deliberate the legal framework that would govern the politics of food. The social organizations ranged from associations that represented *artisanos*, *armadores*, *regantes*, credit unions, and labor unions to national level organizations that represent farmers, Afro-Ecuadorians, women and fisherman. Representatives of local governments and State agencies, national and international non-governmental organizations and social organizations collaborated with COPISA for several of the workshops by providing material and human resources. As a participatory organization, COPISA was able to cultivate a synergistic relationship between civil society and the state. The outcome of the participatory processes of the COPISA workshops were multifold; the workshops sponsored participatory and deliberative instances of democracy that strengthen the social capital of social organizations while lending legitimacy to the state.

The COPISA workshops sponsored instances of participatory democracy by expanding the opportunities for common citizens to take part of government decision-making processes and policy formation. The majority of the workshops were held in *parroquias* and rural areas, allowing disadvantaged and marginalized groups of people to participate in policy formation for the first time. For example, in the Amazonian province of Sucumbíos two representatives of the *Organización Indígena Secoya del Ecuador* (member organizations of CONIAE) walked several hours to attend the workshop for the policy on Credits, Subsidies and Insurance in Lago Agrio. It was the first time they had heard of food sovereignty and the first time they participated in a policy-making workshop - a story that resonates in several of the COPISA workshops. The workshops were deliberative in the sense that they are open to the public, allowing different sectors of society to discuss and debate policy issues. Participants build consensus within the roundtables of the workshops and within the plenary of the workshop. Deliberation also took place after the laws were drafted by COPISA. In one instance there were over 200 individuals invited to participate an event hosted by *Ecuador Sin Hambre*, COPISA and the FAO. Every person invited had a copy of the law and the opportunity to stand and raise questions about the provisions of the law. Whether these deliberations will articulate in the final approved law remains uncertain as the laws drafted by COPISA have yet to be approved.

COPISA *Conferencistas* (facilitators of the workshops) are members of the national peasant and indigenous social movement organizations of Ecuador. By leveraging their social capital and affiliation to these organizations (FENOCIN, FEINE, CONAIE and CNC Eloy Alfaro –to name a few), COPISA *Conferencistas* secured participants for the workshops and often secured a location for the workshop. Valentin Vargas, for example, is a delegate of *Frente de Organizaciones Comunes Populares Peninsulares*, a provincial level organization of FENOCIN that coordinated and invited participants to the COPISA workshop on Credits, Subsidies and Insurance in the city of Santa Elena, province of Manabí. Social movement organizations of the *Red Agraria* were similarly supportive of the COPISA policy-making workshops. This relationship between social organizations and COPISA legitimized the state in that social organizations promoted and co-sponsored several of the policy-making workshops. For many participants, it was the first time they were involved in policy formation. Indeed, participants were skeptical of the workshops and whether the policy proposals they helped draft would pass into law. Despite these uncertainties, many believed it was a shift in the way of doing politics in Ecuador - a shift that aimed to be inclusionary and participatory.

## COPISA

COPISA is administered by eight *Conferencistas* (facilitators) each responsible for the drafting of one of the food sovereignty supplementary laws. The *Consejo de Participación Ciudadana y*

*Control Social* (Council for Public Participation and Social Control) is the State agency that appointed the *Conferencistas* to COPISA. As mandated by the LORSA, each *Conferencista* should represent one of the following social groups or sectors: 1) universities and research institutions; 2) consumers; 3) small and medium-sized producers; 4) small and medium-sized farmers; 5) small and medium-sized cattle ranchers; 6) artisanal fishing and gathers of mangrove fisheries; 7) aquacultures; 8) *campesinos* and irrigators; and 9) indigenous communities, the Afro-Ecuadorians and *montubios*. COPISA was created in 2009 but did not begin sponsoring the food sovereignty policy-making workshops until 2010. This was because the LORSA had not established how COPISA was going to financially administer the workshops. FENOCIN sponsored several COPISA events and workshops during this time. The LORSA was eventually reformed in 2010 to include a provision that would allocate funds from MAGAP. The amendment also extended the deadline for submitting the laws to the National Assembly from the original timeframe of 180 days to two years. A ninth member was included in the amendment but never incorporated into COPISA.

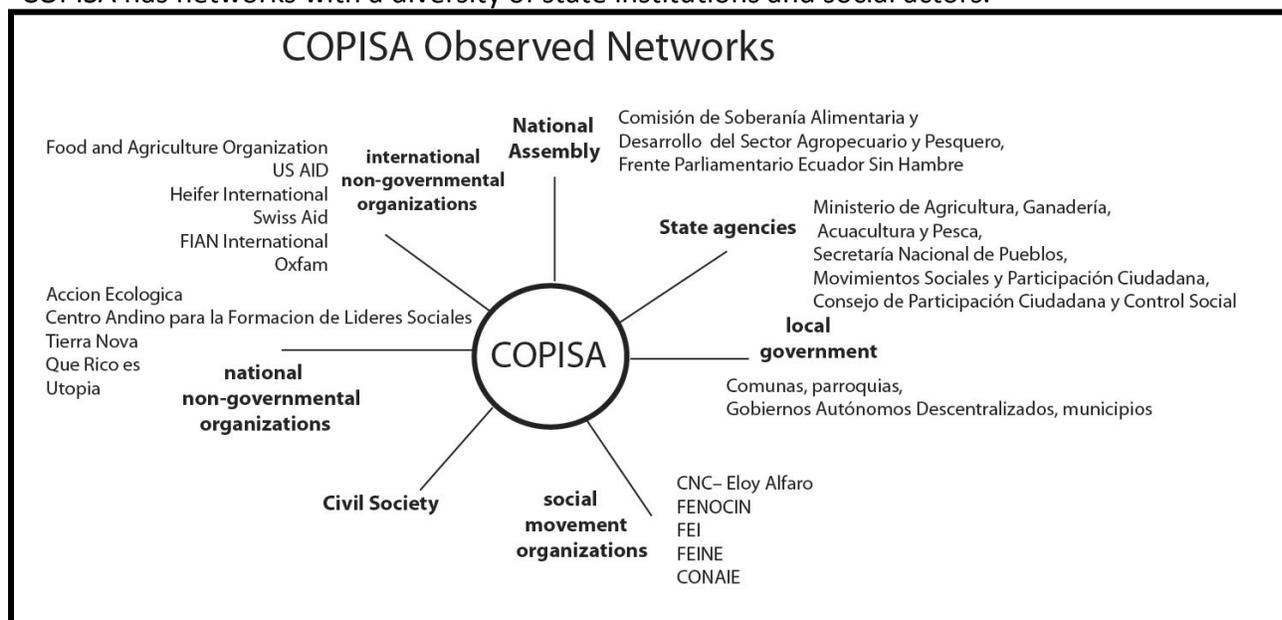
Once drafted, the LORSA mandates COPISA to submit the law to a corresponding ministry, the President or the National Assembly. The Committee for Food Sovereignty and the Development of Agriculture and Fisheries within the National Assembly is responsible for reviewing the laws and preparing reports before the floor can approve the laws. Only the President and the National Assembly have the authority to approve the laws drafted by COPISA. Between 2010 and 2012, COPISA drafted the nine laws with the consensus and deliberation of at least 15,000 individual participants and 5,000 organizations and State institutions. To date, neither the National Assembly nor the President have approved any of the laws.

Each *Conferencista* is responsible for promoting the policy-making workshop. The *Conferencistas* send letters (via email) to local government officials, State institutions and representatives of social organizations. They also publicize the workshops in local newspapers, local news channels, radio shows and on the COPISA website. The *Conferencistas* also visit the *comuna*, *parroquia* or municipality to meet with local governmental officials and representatives of local State agencies to secure a location for the workshop. Meeting local representatives often assures their attendance in the workshops. COPISA also works with the State institution *Secretaria de Pueblos y Movimientos Sociales* (Secretary of Communities and Social Movements) to secure the attendance of community-based organizations and associations. In Puyu, Pastaza, for example, COPISA collaborated with the *Secretaria* in three different policy-making workshops. The *Secretaria* has a database of registered organizations for the province of Pastaza and are able to send invitations to organizations on behalf of COPISA. The *Conferencistas* are also members of FENOCIN and FEINE and often contact local

representatives of these organizations to secure attendance of community based organizations.<sup>6</sup> Aside from working with local governments, social organizations and participants of the workshops, COPISA also networks with an array of state agencies and national and international non-government organizations. (see Figure 1.)

**Figure 1. COPISA Observed Networks.**

COPISA has networks with a diversity of state institutions and social actors.



**Participation in the Food Sovereignty Policy-Making Workshops**

COPISA sponsors workshops and events in both urban and rural areas where the number of individuals, organizations and institutions participating in the workshop vary (see Table 1.). The workshops were sponsored in *comunas*, *parroquias*, municipalities and cities in all 24 provinces of Ecuador including the Galapagos Islands. The majority of workshop participants (individuals, organizations and institutions) were concentrated in the coastal region of Ecuador (Figure 2.) There were at least 188 workshops and events sponsored by COPISA for the making of the policies. The number of workshops per province varied depending on the topic. The policy on

<sup>6</sup> President of COPISA Wilma Suarez and Pedro Quimbiamba are members of FENOCIN. Patricio Santi is Vice-President of COPISA and a member of FEINE. Jorge Chiriboga is a lawyer, who works with artisanal fishing cooperatives in the Coast, while Miguel Riofrio is a professor of agricultural economics at the University of Guayaquil, and Flavio Lopez is a Ph.D in Sociology, specializing in rural development. Richard Intriago was President of the Federacion de Centros Agricolas y Organizaciones Campesinas del Litoral (FECAOL), a peasant based organization from the Coast of Ecuador, while Roberto Gortaire is founder and President of the NGO Fundacion Utopia Riobamba, an organization agroecological practices and community supported agriculture. More than half of the representatives of COPISA are affiliated with the political party *Alianza Pais*.

ancestral territories and communal property only had 12 workshops whereas the policy on agro-industrial development had over 25 workshops.

**Table 1.** Summarizes the number of individuals, organizations and state institutions that participated in drafting eight of the nine food sovereignty laws.<sup>7</sup>

| Policy Proposal   | Workshops | Civil Society | Organizations /State Institutions |
|---|-----------|---------------|-----------------------------------|
| Land and Territories  | 24        | 3,319         | 1,363                             |
| Artisanal fishing, aquaculture and the conservation of mangrove fisheries | 22        | 3,787         | 351                               |
| Seeds, agrobiodiversity and agroecology                                   | 21        | 2,296         | 518                               |
| Ancestral territories and communal property                               | 12        | 858           | 324                               |
| Food safety and quality control regulation                                | 31        | 1,898         | 1,232                             |
| Agricultural Development and Employment                                   | 28        | 1,246         | 450                               |
| Credits, subsidies and insurance  | 24        | 968           | 467                               |
| Consumer and Nutritional Health   | 26        | 1,500         | 350                               |
| Total   | 188       | 15,872        | 5,055                             |

Source: COPISA, 2011 – 2012

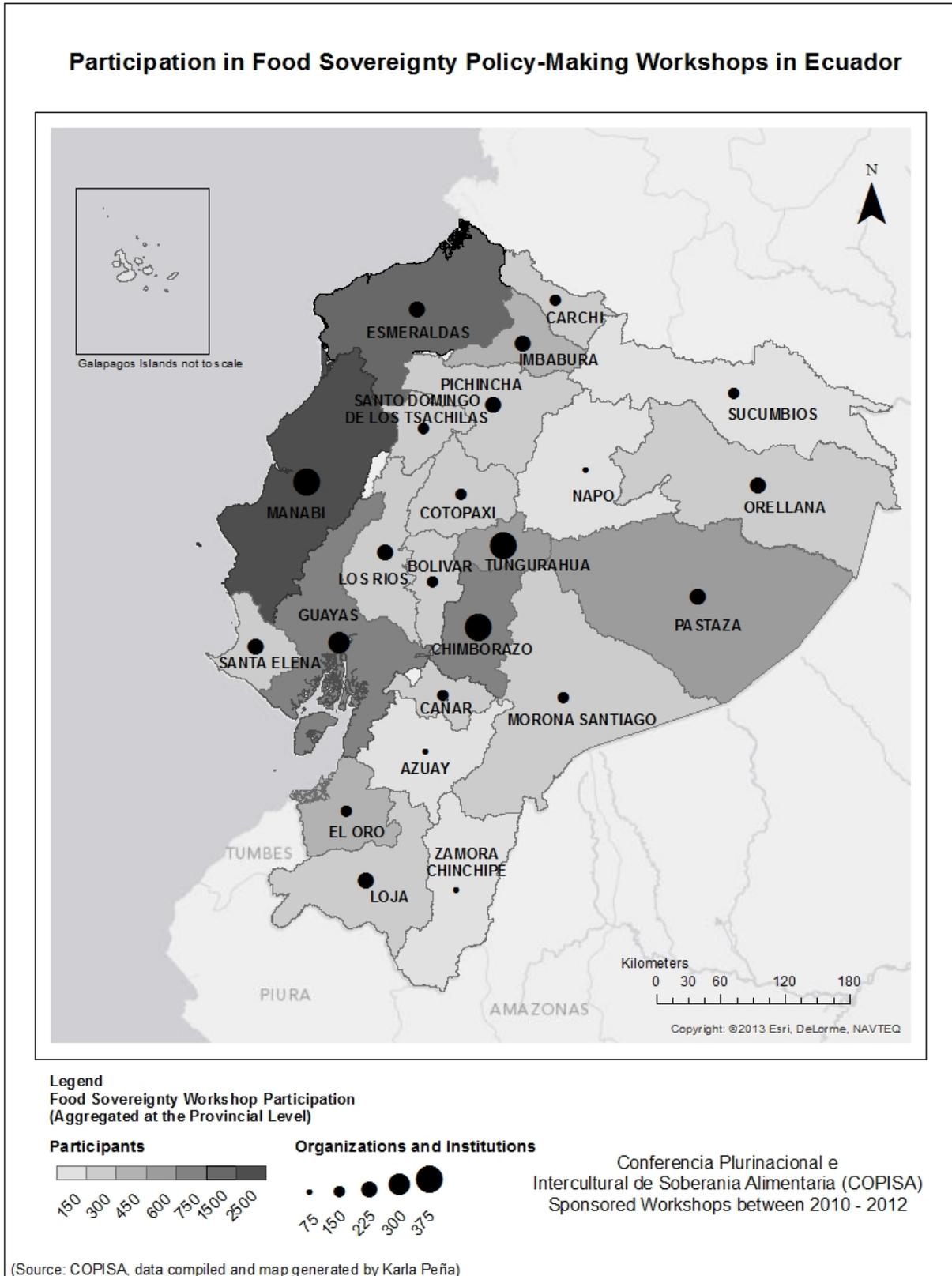
The number of participants in the workshops also varied. The workshop for the policy on Credits, Subsidies and Insurance held in the *Gobernación de Manabí* (Government of Manabí) in the coastal city of Puerto Viejo had 16 participants, the majority of which were small-scale farmers. There were no State representatives at this workshop. In contrast, another workshop for the policy on Credits, Subsidies and Insurance that was sponsored in the highly urbanized coastal city of Guayaquil had over 35 participants that included representatives of social organizations, the *Banco de Fomento* (National Bank for Development), the *Consejo de Participación Ciudadana y Control Social* and MAGAP. Another event sponsored by COPISA, the legislative coalition *Ecuador Sin Hambre* and the Food and Agriculture Organization (FAO) in the city of Ibarra (Province of Imbabura) had over 200 participants. This event was for participants to review the provisions of the Law on Land and Territories COPISA had drafted and submitted to the National Assembly earlier in 2012. The event included representatives of organizations

<sup>7</sup> The data presented in this table was compiled by the researcher with the technical reports provided during the time of fieldwork. These numbers may therefore be an under-estimation of the number of workshops and participants.

from the northern coast and highlands of Ecuador and legislators of *Ecuador Sin Hambre*. There were about 20 participants who had traveled eight hours on the bus from the province of Esmeraldas to participate in this event. They represented *comunas* and *parroquias* in Esmeraldas and were brought to the event by a bus rented by the FAO.

Certainly, there are limitations in the number of people and social groups that can or do participate in the food sovereignty workshops. The workshops are held during the week and are an all-day event. Participants of the workshops would often say their *compañeros* were unable to attend because they had to work in the field or were too tired to attend because they had been out fishing since four in the morning. State representatives I interviewed were obligated to attend the workshop and often were unsure of what the workshop was about. Another issue limiting participation was the location of the workshop. In the province of El Coca in the Amazon, one participant walked about four hours to access public transportation into town, while another participant had to commute the day before to arrive at the workshop on time. People who participated were more likely to belong to social organizations affiliated to regional organizations like FENOCIN, FEINE or CONAIE that were personally invited to the workshop, limiting the participation of people who are not members of any social organizations. Lastly, there were always more men than women in the workshops. However, the women who did participate in the workshops were active in voicing their opinion during the roundtables and larger discussion groups.

The COPISA workshops are dynamic but follow a general structure. They are usually held during the week from 9 a.m. to 3 p.m. The first part of the workshop consists of an introduction by either COPISA, a sponsoring organization or State institution. The facilitator of COPISA begins the workshop by describing the constitutional right to food sovereignty, the food sovereignty law and the roles and responsibilities of COPISA. The facilitator also provides a general background on the policy the workshop addresses. Depending on the number of participants, the workshop was divided into two to four roundtables. The roundtables are often given a specific topic to discuss. Individuals can also choose a roundtable to participate in or be assigned to a roundtable randomly. The roundtables discuss and deliberate the topic and provide recommendations on a large poster board. The final part of the workshop consists of the roundtables sharing their recommendations to the rest of the workshop. As each group presents their propositions, the participants of the workshops have the opportunity to comment or ask questions. Each facilitator manages the workshops differently, but they all follow the general structure.



**Figure 2.** Participation in the food sovereignty policy-making workshops sponsored by COPISA.

## Food Sovereignty Supplementary Laws

**Table 2.** Food sovereignty supplementary laws and selected policy issues.

| Food sovereignty supplementary laws                                       | Selected Policy Issues  |
|---|---|
| Credits, subsidies and insurance  | Financial support for the conservation of ecosystems, financial credits at low interest rates, subsidies for 'Food Sovereignty,' credits for reforestation, subsidies to support agroecological practices, subsidies and credits dependent on size of land.   |
| Consumer and Nutritional Health   | Promote <i>Economia Popular y Solidaria</i> , consumer Right to Know labeling (GMO Labeling), consumer rights to food security and food sovereignty, promote local markets and community supported agriculture, agroecological products and State funded programs, nutritional health   |
| Food safety and quality control regulation                                | Animal health and welfare, pest and disease control using organic/ecological practices, certification of good practices in food safety and quality, create a system of incentives and sanctions for new regulatory framework, quality control measures for livestock and poultry, protection of consumers from contaminated food products, regulation of biotechnology  |
| Artisanal fishing, aquaculture and the conservation of mangrove fisheries | Gender equality in the sector, safety regulations and health insurance, permits for mangrove fisheries, conservation of artisanal practices, extending marine zone for artisanal fisherman.   |
| Land and Territories  | Land property rights, prohibit <i>latifundios</i> or the reconcentration of land, environmental and social functionality of land, redistribution of land, expropriation of land, creating a Ministry of Food Sovereignty, preferential access of land for women   |
| Seeds, agrobiodiversity and agroecology                                   | Regulatory framework for conventional seeds (certification, export/import), prohibit GMO seeds, promote agroecology, preserve seeds in situ, conservation of agro-biodiversity, free exchange of seeds  |
| Ancestral territory and communal property                                 | Collective rights and property rights, financial support for <i>comunas</i> , cultural identity and preservation of traditional practices, <i>Consulta y Consentimiento</i> before projects are implemented in a comuna or community, recognition of women's rights within the <i>comunas</i> and communities, ability to use <i>justicia indigena</i> (traditional punishment practices), state support for agricultural |

|   |  |
|---|--|
|   | development in comunas, autonomous governance within the comuna.   |
| Agricultural Development and Employment | Sustainable development of agroindustrial production, technical assistance for the development of value-added production, farmer training programs, infrastructure for value-added production, establish product exchange systems regionally,  |
| Commercialization and Food Supply       | Fair price for both producers and consumers, consumer rights, local governments and the regulation of local and regional commercialization processes, markets for agroecological products, regulation of prices for food imports, protection of national production, food quality certification, Institute for Commercialization of Food Products. |

Source: COPISA, technical reports 2011- 2012

The issues addressed in the supplementary laws are new concepts that signify a change in the legal framework that governs the politics of food (see Table 2.). For instance, one of the policies aims to strengthen agricultural development by providing farmers with subsidies, credits and technical assistance to help them transition to agroecological practices. The law on artisanal fisheries and mangroves aims to protect mangrove fisheries, provides worker rights and gender equality while the law for agro-industrial development has the primary objective of creating local and regional markets where small and medium-sized producers can supply their produce. The law on land and territories aims to redistribute land, expropriate land not serving its environmental or social function while setting limits to the amount a single person can own. The policies also give local governments the responsibility of developing regional market by providing the infrastructure for producers to store and commercialize their products.

## Conclusion

The political opening for institutionalizing food sovereignty in Ecuador was the making of the 2008 Constitution where the process was decentralized and participatory. This process opened the opportunity for social movements to incorporate the indigenous tradition and notion of *Sumak Kawsay*. In associating food sovereignty to the broader set of rights of *Sumak Kawsay*, the food sovereignty movement of Ecuador has been able to garner support of diverse social groups and social sectors, bridging heterogeneous struggles to a collectivity of identities.

As this research shows, social movements are negotiating with the state in ways that differ from previous attempts. By forming the *Red Agraria*, the food sovereignty movement has diverged from traditional ways of engaging with the state in Ecuador such as working with

political parties (by providing electoral votes) and creating their own political parties (as the case of the indigenous political party *Pachakutik*). As a result, social movement organizations have gained access and an established space with the Committee for Food Sovereignty and the Development of Agriculture and Fisheries within the National Assembly where they negotiate and shape policy in a different way.

In another instance, social movement organizations have collaborated with COPISA in developing a food sovereignty legal framework that is pushing the state to rethink and reshape the politics that govern food. From 2010 to 2012, the COPISA food sovereignty policy-making workshops have covered an array of new areas of public policy that range from subsidizing farmers who want to transition to agroecological practices to providing women preferential access to land. With the range and breadth of food sovereignty, the workshops had a diversity of social groups participate and deliberate the legal framework that would govern the politics of food. During this process, COPISA cultivated a synergistic relationship between civil society and the state where the outcome of the participatory processes of the policy-making workshops were multifold; the workshops sponsored participatory and deliberative instances of democracy that strengthen the social capital of civil society organizations while lending legitimacy to the state.

The food sovereignty movement of Ecuador has opened the door for an alternative way of thinking about food politics. Yet, the litmus test for social movements in Ecuador and engaging with the state will be how this relationship evolves beyond the process of policy design and into implementation. Part of this challenge is unfolding right now as the *Red Agraria* negotiates the LORSA's supplementary laws within the National Assembly. For the case of Ecuador it is certain that food sovereignty is not merely a strategic frame utilized by social movements, but more so, a framework that is pushing us to think about the way we interact with each other, the environment and food. The food sovereignty legal framework is creating structures and mechanisms that put food sovereignty into practice where people are at the heart of the decision making processes of how land should be used, how food should be grown and how to relate local livelihoods and traditions to national and global political-economic forces.

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# FOOD SOVEREIGNTY: A CRITICAL DIALOGUE INTERNATIONAL CONFERENCE PAPER SERIES

## Food Sovereignty: A Critical Dialogue

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A fundamentally contested concept, food sovereignty has — as a political project and campaign, an alternative, a social movement, and an analytical framework — barged into global agrarian discourse over the last two decades. Since then, it has inspired and mobilized diverse publics: workers, scholars and public intellectuals, farmers and peasant movements, NGOs and human rights activists in the North and global South. The term has become a challenging subject for social science research, and has been interpreted and reinterpreted in a variety of ways by various groups and individuals. Indeed, it is a concept that is broadly defined as the right of peoples to democratically control or determine the shape of their food system, and to produce sufficient and healthy food in culturally appropriate and ecologically sustainable ways in and near their territory. As such it spans issues such as food politics, agroecology, land reform, biofuels, genetically modified organisms (GMOs), urban gardening, the patenting of life forms, labor migration, the feeding of volatile cities, ecological sustainability, and subsistence rights.

Sponsored by the [Program in Agrarian Studies at Yale University](#) and the [Journal of Peasant Studies](#), and co-organized by [Food First](#), [Initiatives in Critical Agrarian Studies \(ICAS\)](#) and the [International Institute of Social Studies \(ISS\)](#) in The Hague, as well as the Amsterdam-based [Transnational Institute \(TNI\)](#), the conference “Food Sovereignty: A Critical Dialogue” will be held at Yale University on September 14–15, 2013. The event will bring together leading scholars and political activists who are advocates of and sympathetic to the idea of food sovereignty, as well as those who are skeptical to the concept of food sovereignty to foster a critical and productive dialogue on the issue. The purpose of the meeting is to examine what food sovereignty might mean, how it might be variously construed, and what policies (e.g. of land use, commodity policy, and food subsidies) it implies. Moreover, such a dialogue aims at exploring whether the subject of food sovereignty has an “intellectual future” in critical agrarian studies and, if so, on what terms.

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