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The Complexity of Food Sovereignty Policymaking: The Case of Nicaragua's Law 693

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Abstract

Increasingly scholars are examining factors that may serve to constrain or advance food sovereignty policy initiatives. This paper examines the case of Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security, which was passed in 2009. The purpose of this paper is twofold: First, it examines the origins and development of the proposal for a food sovereignty law, its introduction and initial deliberation by the National Assembly, and the breakdown in the approval process due to conflict over the law's content. Second, it identifies some key factors that both advanced the inclusion of food sovereignty in the law as well as those that posed challenges. It finds that complex interactions between actors, their discourses, and the context in which they take place are important factors in understanding the challenges and opportunities for the inclusion of food sovereignty in national policies.

Introduction

While the initial focus of the food sovereignty¹ movement in the mid-1990s was to pursue the development of international food sovereignty policies and institutions, including (but not limited to) an International Convention on Food Sovereignty and Nutritional Well-Being and a World Commission on the Sustainable Agriculture of Food Sovereignty (Windfuhr and Jonsén 2005), the impetus for the establishment of international-level policies has diminished due to debates within the broader movement as to whether such strategies were effective given a concern that such legal strategies would have a “demobilizing effect,” noting La Vía Campesina (LVC) as one of the organizations that has been wary of international level institutionalization (Claeys 2012, 853).² However, in the late 1990s, there was turn towards pursuing national policies for food sovereignty (Beauregard 2009; Claeys 2012), which have in recent years been supplemented with actions to adopt food sovereignty at the local level (Wittman, Desmarais, and Wiebe 2010; Wittman and Desmarais 2013). While the push for international policies declined, proposals for national level policies have been met with success, evidenced by the cases of Venezuela, Mali, Senegal, Nepal, Bolivia, Ecuador, and Nicaragua (see Araujo 2010; Araujo and Godek [forthcoming]; Beauregard 2009; Wittman, Desmarais, and Wiebe 2010), as well as current proposals in the Dominican Republic, Peru, and El Salvador. This successful inclusion of food sovereignty in these policies, however, has not come without struggle and/or compromise on the part of the social movement and civil society organizations that support

¹ For one of the most recent definitions of food sovereignty, see Nyéléni 2007 – Forum for Food Sovereignty, Final Declaration, <http://www.nyeleni.org/>.

² Claeys (2012) point out that LVC has been particularly active in developing and championing an international convention that would protect the rights of peasants, and she critically examines this development.

them, as evidenced in the cases of Ecuador, Mali, and Nicaragua (Araujo and Godek 2013; Beauregard 2009; Wittman, Desmarais, and Wiebe 2010), with Wittman, Desmarais, and Wiebe observing that “social movements face some very real obstacles in their attempts to implement food sovereignty” (p. 8).

This paper examines the case of Nicaragua’s Law 693, the Law of Food and Nutritional Sovereignty and Security.³ The Nicaraguan National Assembly approved the law in 2009, thus becoming one of a handful of nations worldwide to adopt food policy that explicitly recognizes food sovereignty. Initiatives for food security policy, specifically a law, had been made in the late 1990s and early 2000s; however these were not met with success. In the early 2000s, as the food sovereignty paradigm became more known, farmer and peasant organizations banded with civil society organizations (CSOs) to promote the development and adoption of food security policy that explicitly included principles of food sovereignty. Their draft proposal for a law of food and nutritional sovereignty and security was introduced to the Nicaraguan National Assembly in October of 2006, though as result of conflict over the law’s content, that resulted in a breakdown in the approval process in June of 2007. After intense negotiations, a significantly revised version of the law was passed in June of 2009.

The paper has two objectives. First, it tells the story of the law up to the June 2007 breakdown in the approval process, highlighting early initiatives to pass food security policy, the development of the Nicaraguan food sovereignty movement, and the development of the law and its introduction to the National Assembly. Second, based on this narrative, the paper goes on to identify some early key factors that served to advance and constrain food sovereignty in the law. Ultimately, it demonstrates that the process by which Law 693 was formulated and negotiated was a contentious one that had significant implications for the inclusion of the food sovereignty concept in the law and this can be seen in the discursive conflicts that arose between different actors. The paper begins by first visiting some of the latest contributions to the growing literature on the institutionalization of food sovereignty. It then turns to the case of Nicaragua’s Law 693.

Challenges and Opportunities for Food Sovereignty Institutionalization

Recent literature has begun to identify factors that serve to facilitate and obstruct the institutionalization of food sovereignty into policies. These can be grouped into more overarching, broad factors, as well as more specific, context-oriented factors. Both Windfuhr and Jonsén (2005) and Suppen (2008) make notable contributions to identifying broad

³ Author’s Note: This contribution is based on broader doctoral research that examines the origins and making of Law 693. This paper is very much a work in process intended to introduce this research and, hopefully, incite discussion and elicit critical response from the broader community of scholars working on food sovereignty. As such, the author welcomes thoughts, comments, and suggestions.

challenges faced by the food sovereignty paradigm. Their discussions largely – though not entirely – juxtapose the food sovereignty framework against features of the dominant corporate, productionist agriculture and food system (see, for example, Lang 2010; Lang and Heasman 2004; McMichael 2005, 2009). They have identified factors such as the dominant neoliberal development paradigm; the market-based, productionist approach to food security that privileges modern technological advancements (e.g., biotechnology) over traditional knowledge; the coherence and timeliness of proposed instruments to support food sovereignty; the privileging of international trade policies over policies to promote food security and rural livelihoods; and the narrowing of access to community resources through expropriation, patenting, and privatization.

Several other recent studies by Boyer (2010), Claeys (2012), and Wittman and Desmarais (2013) have also contributed to understanding factors that constrain the institutionalization of food sovereignty into public policies. While these studies do not specifically examine national policies, their findings have critical implications for the potential of (national) food sovereignty policies, their formulation, and/or their success. First, examining the local challenges for the food sovereignty movement in Honduras, Boyer’s (2010) study makes an important finding: Beyond food sovereignty movement leaders, the food sovereignty concept had not been meaningfully embraced by members of small farmer organizations, including those belonging to the food sovereignty movement. He suggests that the semantics of the word “sovereignty” can be confusing for because of its “successive ‘stacking’ of multiple meanings” and the “complexity” of the food sovereignty concept may be one of the factors that limits its appropriation (p. 334), echoing Windfuhr and Jonsén (2005) point above.

Claeys (2012) examined the challenge of institutionalizing LVC’s “new rights of discourse” discourse through the lens of the rights master frame, arguing that LVC adapted this frame to fit their particular conception of rights. Several key points emerge from her research. First, the basis for the idea of “new rights” emerges from the individualized concept of rights that is grounded in Western discourses on human rights, which underscores the obligations of states to guarantee rights to their constituents expressed through the master rights frame. This approach is at odds with LVC’s collective understanding of the right to food sovereignty, which spans beyond the individual, and does not see the state as the necessarily only guarantor or implementer of human rights. Second, with regard to national public policies that include food sovereignty, she finds that,

Public policies for food sovereignty generate much enthusiasm within Vía Campesina, although they usually fail to cover crucial dimensions such as trade, access to land, seeds, marketing or state support. Such policies also generate frustration because of the gap between the instruments that their implementation would require and their often

declaratory nature: ‘A few countries make legislative efforts but it looks more like a communication exercise. Is there really any change in agricultural policy?’[interview with LVC support staff] (p. 852)

Wittman and Desmarais (2013) also add to the discursive study of food sovereignty. They examined the dimensions of food sovereignty discourses in defined spatial contexts using the case of Canada where food sovereignty is conceptualized in several different ways and argue that this has important implications for the emergence of a strong national food sovereignty movement as well as food sovereignty policy making. Citing the discourses of farmers, “foodies,” and indigenous groups who have appropriated the term food sovereignty, Wittman and Desmarais point to the diversity with which the term food sovereignty is understood, thereby showing how the different aspects of the concept have resonated with different groups, each appropriating the term in clearly distinct ways. With regard to the potential for policy, they ask the question (p. 18): “Do current mobilizations for Food Sovereignty in Canada exhibit ‘unity in diversity’ to share an organizing frame for transformative food system change?” And then suggest that, in fact, they do not share this organizing frame as different actors within the broader movement, while sharing more overarching principles of “social justice, ethical foods, and cultural diversity” (p. 18-19), do not share common definitions of food sovereignty nor common visions of how to achieve it.

Recent case studies of national food sovereignty policies, many of which emerge from empirical research, have begun to identify more specific factors that have supported or challenged the adoption of national food sovereignty policies. Beauregard’s (2009) thesis made a very significant contribution as it was one of the first studies to examine national food sovereignty policies, detailing the case studies of Venezuela, Mali, Ecuador, and Bolivia, and it also included a discussion of the major organizations promoting food sovereignty in the United States and Canada. While limited empirical research was conducted for this study, it was very important for moving the focus of research to national policies. Montano’s (2009) graduate research paper looked at the political economy of food security in Nicaragua and included a discussion of food sovereignty in Nicaragua, including a brief discussion of Law 693 and several government programs supporting the law. A graduate thesis by Moncayo Márquez (2009) examined the transition in diets in city of El Alto, Bolivia, different factors that supported food sovereignty at the local level, especially policies to enhance nutrition, in the broader context of expanded national food sovereignty policies. A contribution by Araujo (2010) discussed the region of Latin America and included brief case studies of Brazil, Nicaragua, and Bolivia, identifying factors that serve to deepen and obstruct food sovereignty. Two additional studies of the Nicaragua case followed. The first was by a team of graduate students who, with the support of the FAO, analyzed the policy process of formulating and implementing Law 693 by testing a FAO policy analysis framework in order to identify additional actions and recommendations to strengthen

the FAO's work in Nicaragua on food security (Drolet et al. 2011). This study, based on empirical research conducted in Nicaragua, was heavily oriented towards food security policy with very limited emphasis on the food sovereignty dimension of the law.⁴ Araujo and Godek (2013) also examined Nicaragua's Law 693, the origins of the law and the policymaking process, the law's institutional framework, and internal and external factors that advance and hinder food sovereignty in Nicaragua, paying particular attention to the implications for deepening democracy. A summary of the factors identified in these sources that were specifically related to the process of formulating and adopting sovereignty policies (as opposed to their implementation, which is also discussed by most of these authors) are summarized in Table 1 and 2 below.

Table 1. Factors that Support the Adoption of National Food Sovereignty Policies

Factor	Source
Historical tradition of participatory policy-making involving peasant/farmer organizations as well as broader civil society organizations (CSOs)	Araujo and Godek (forthcoming)
Participation food sovereignty advocates in the drafting of food sovereignty policy proposals through deliberative and consultation processes at multiple scales	Araujo 2010; Araujo and Godek (forthcoming); Beaugard 2009; Wittman, Desmarais, and Wiebe 2010, Wittman and Desmarais 2013
Workshops, meetings, and forums that teach the broader community (including government officials and representatives) about proposed food sovereignty policies and their rights	Beaugard 2009
Alliances between advocates of food sovereignty policies and local/national government officials and legislators	Beaugard 2009; Araujo and Godek (forthcoming)
Strong national presence of and solidarity between pro-food sovereignty farmer/peasant organizations	Araujo and Godek (forthcoming); Beaugard 2009
Coalitions between peasant/farmer organizations and the	Araujo 2010; Araujo and

⁴ This study was obtained from its authors with the permission of the FAO, but, according to the study's authors, the study was never shared publically (email communication, 13 June 2012).

broader range of local/national CSOs (i.e., strong food sovereignty coalitions)	Godek (forthcoming)
Local/national government support for farmer and peasant organizations	Araujo 2010; Araujo and Godek (forthcoming); Beauregard 2009
Existing local/national government support for both policies that protect and programs that support small producers, agroecology, local food systems, local food security, food sovereignty, and/or peasant/farmer rights	Araujo and Godek (forthcoming)
Alliances between local/national food sovereignty policy advocates and broader regional, international organizations (government or civil society) (e.g., ALBA, Vía Campesina)	Araujo 2010; Araujo and Godek (forthcoming)
Evidence of strong “political will” at national level	Beauregard 2009

Table 2. Factors that Challenge the Adoption of National Food Sovereignty Policies

Factor	Source
Confusion about the concept of food sovereignty (especially vis-à-vis food security), different interpretations of food sovereignty, and/or lack of appropriation of the concept	Boyer (2010); Wittman and Desmarais (2013); see also Drolet et al. 2010
Failure to consult food sovereignty advocacy organizations or attempts to exclude them from participating the full policy-making process	Beauregard 2009; Montano 2009
Changes to proposed food sovereignty legislation once it enter the formal legislative process	Beauregard 2009
Failure to build a strong food sovereignty movement at the national level or encourage the appropriation of the concept	Boyer 2010
Lack of support by government leaders, officials, or elected	Beauregard 2009; Wittman,

representatives at any point in the policy process	Desmarais, and Wiebe 2010
Strong presence of national political interests that support pro-market policies and principles antithetical to the food sovereignty paradigm (e.g., agrochemicals, biotechnology)	Beauregard 2009
Simultaneous development of policies antithetical to food sovereignty while food sovereignty proposals are in the policy process	Wittman, Desmarais, and Wiebe 2010
Pre-existence of free trade agreements or free market policies	Araujo 2010; Araujo and Godek (forthcoming)
Strong presence of or intervention in policy debates by international actors (e.g., transnational agribusiness, international financial institutions)	Araujo 2010; Beauregard 2009

Initial Attempts in Nicaragua to Pass a Food Security Law: 1998–2001

The events of 1995 and 1996 made them critical years for food and agriculture policy worldwide. The conclusion of the Uruguay Round in 1994 created the World Trade Organization (WTO), the Agreement on Agriculture (AoA), and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs), all of which went into effect on January 1, 1995, and contributed to firmly shifting the food security discourse to one that espoused a trade-based approach, effectively removing the policy autonomy of states over their national agricultural and food policies, permitting the expansion of corporate power over the increasingly globalized food system, and essentially privatizing food security (McMichael 2005). This market-based approach to food security was reiterated in the Final Declaration of the 1996 World Food Summit and its Action Plan (FAO 1996), in which states also committed to adopting policies to guarantee the right to food and strengthen food security in their respective territories.⁵

As a result of the outcomes of the 1996 World Food Summit (WSF), there was a national concerted effort to pursue a food security law, which occurred mainly in the 1997-2001 period. The international commitments made at the 1996 WFS were only part of the impetus for a law; another critical consideration was the deteriorating food security situation faced by rural areas,

⁵ Some scholars have pointed out the contradictions between trade liberalization and the realization of the right to food and food security, namely in terms of how market-led approaches to food security undermine the right to food (see, for example, Echols 2007, Kaufman and Hart 2007, and Smaller and Murphy 2008).

primarily in the dry zones of Nicaragua and mainly affecting children (Zeledón n/d, 1), which was only complicated in the years after by the effects of Hurricane Mitch in 1998 and the Coffee Crisis in the early 2000s. The initiative to pass a food security law was undertaken by Sandinista deputies to the National Assembly, particularly then-Deputy Dora Zeledón, in coordination with the Food and Agriculture Organization (FAO), the nationally-based Grupo Propositivo de Calbideo (Proactive Lobbying Group, or GPC), and the multi-stakeholder Grupo Temático de Desarrollo Rural y de Seguridad Alimentaria (Thematic Group for Rural Development and Food Security, or DRYSA) following its formation in 1999, which was composed of UN agencies, international institutions, international cooperation agencies, and, to a lesser extent, national governmental bodies, NGOs, and universities, was formed and chaired by a FAO-Nicaragua representative. After the first draft of the law failed to advance through the legislative process, a second, strengthened proposal was drafted, called the Ley de Seguridad Alimentaria y Nutricional (Food Security Law, or SAN).

The drafting of the revised food and nutritional security bill was also influenced by another, simultaneous development. In 2000, the Arnold Alemán government⁶ introduced the formation of two food security institutions, the Comisión Nacional de Seguridad Alimentaria y Nutricional (National Committee of Food and Nutritional Sovereignty and Security, or CONASAN) and the Comisión Técnica de Seguridad Alimentaria y Nutricional (Technical Committee of Food and Nutritional Security, or COTESAN), by presidential decree as well as the Política Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutritional Security Policy, or PNSAN) (see Alemán 2000). The Secretariat of Social Action was initially assigned the responsibility for the formulation of the policy and the process was undertaken with the participation of various government institutions, international agencies such as the FAO and the World Food Program, and CSOs working on food and nutritional security (FAO 2006; Lorio 2011, 8). The PNSAN's accompanying Plan of Action was released in 2001.

Despite the efforts of promoters of the Ley de SAN and the good intentions of the PNSAN, both failed in their own ways to effect change. First, with regard to the Ley de SAN, incorporating aspects of the PNSAN that were considered relevant (Zeledón n/d, 1), the updated proposal for the Ley de SAN was introduced to the National Assembly in January of 2001 by Deputy Zeledón where it was placed on the agenda, sent to the plenary, and referred to a special committee for review.⁷ In 2002 Zeledón reported that the main obstacle the bill faced was a “lack of political

⁶ Important to note here is that the government of Arnoldo Alemán, as well as the governments that both preceded and followed his government, those of Violeta Chamorro and Enrique Bolaños, respectively, were neoliberal in their orientation.

⁷ See National Assembly of Nicaragua for a chronology of the bill once it was introduced, <http://www.asamblea.gob.ni/trabajo-legislativo/agenda-legislativa/ultimas-iniciativas-dictaminadas/>.

will,” as the food security issue was not prioritized by lawmakers.⁸ Despite support from CSOs and key lawmakers, the bill stayed dormant in the National Assembly for years.

While the PNSAN and its Plan of Action were both developed and introduced, they failed to be effectively implemented (Lorio 2011; Sahley et al. 2005). Of the two national institutions that were created CONASAN ceased to function after preparing the Plan of Action (Lorio 2011) and its relevance and coordinative abilities in the broader food security and development policy field were found to be quite limited (Sahley et al. 2005). Only COTESAN, comprised of delegates from the ministries belonging to CONASAN as well as several CSOs, remained active for some time (Lorio 2011; see also Caceres and Lacayo 2010). In discussing the limitations of the PNSAN, a FAO official elaborated very candidly:

Once the policy was constructed, we started to work with it, to see how to make the policy more sectoral from the point of view of food production. The policy was seen at that time as something that was done, was published and all, but it was more the face of propaganda – it became like ‘we have a policy – the presidency.’ Then came the Rome Summit +5. All the political discourse was said there, but the president of National Food Security Committee [CONASAN] was the wife of the president of the republic at that time, it was Aléman, never called a meeting with the committee – never... It never met – the whole bunch of ministers who say they were there never came. There was an executive secretary who handled all the ties with the presidency of the republic, but the committee, as a committee, never convened. So then, this [first] lady - she liked taking a photo giving a meal to a child... There was a person who [represented] the presidency, which was at that time the Minister of Social Action, but the policy was not achieved as such. It stayed as it was and never managed to achieve its purpose. It was like this [and] it [work on a food security law] began to work again, but it emerged – more with Vía Campesina than Dora Zeledón... it was Vía Campesina that raised this issue of sovereignty and a law of food sovereignty and security.⁹

Development and Consolidation of the Nicaraguan Food Sovereignty Movement

The introduction of the concept of food sovereignty by LVC in the position paper they presented at the 1996 WFS effectively put forward an alternative paradigm for achieving food security explicitly opposed to neoliberalism and based on the principles of democratic and local

⁸ See “Interview with Dora Zeledón – April 2002.” Available at: http://www.rdfs.net/news/interviews/zeledon-apr2002_en.htm. It was also explained that one of the reasons for this was the bill “took a productive bias to ensure food security in the poorest sectors” that was at odds with the overarching paradigm of market-led approaches to ensuring food security that privileged efficiency and trade over national food production, the latter of which at this time was not seen as sufficiently profitable (interview with FAO representative, 6 July 2012).

⁹ Interview with FAO official, 6 July 2012.

control over food systems and productive resources, agroecological production, respect for traditional cultures of food and agriculture, the right to food for all, and equitable trade practices that put communities – and not the international market – first.¹⁰ Following the 1996 WFS, LVC Central America began to discuss pursuing food sovereignty policy legislation at the national level. LVC organizations in Nicaragua cite the emergence of these discussions in the 1998–2000 period, thus occurring parallel to initiatives by Dora Zeledón and her colleagues as well as the Nicaraguan government to introduce a food security law and the development of the PNSAN, respectively.

Food sovereignty was a little known concept outside of LVC circles at this time. However, this began to change with the World Forum on Food Sovereignty in Habana, Cuba, in 2001, as was the first major international meeting focused specifically on food sovereignty since the introduction of the concept by LVC in 1996. At the forum, delegates, through deliberative processes, more deeply defined and developed the concept of food sovereignty and major objectives and demands of the globalizing food sovereignty movement, all of which were detailed in the final declaration of the forum. Both Nicaraguan organizations belonging to LVC¹¹ as well as those from other Nicaraguan CSOs participated in the event as delegates.

In the context of Nicaragua, the World Forum on Food Sovereignty was considered to be a turning point in terms of bolstering knowledge about food sovereignty. Nicaraguan delegates to the forum brought the more articulated concept of food sovereignty back with them to Nicaragua and shared it with others. The Declaration of the World Forum on Food Sovereignty and other documents about food sovereignty produced by LVA and other movements/organizations began to be circulated among different groups in Nicaragua (via the internet, photocopies, and pamphlets) and were influential in shaping opinions of members of other CSOs, some of which were directly involved in national-level initiatives to promote food security in Nicaragua.¹² While the concept of food sovereignty was at this time still certainly not

¹⁰ See, for example, Windfuhr and Jonsén (2005), Desmarais (2007), and Pimbert (2009). For one of the most recent definitions of food sovereignty, see Nyéléni 2007 – Forum for Food Sovereignty, Final Declaration, <http://www.nyeleni.org/>.

¹¹ Nicaraguan organizations belonging to LVC are: the Asociación de Trabajadores del Campo (Rural Workers Union, or ATC), Unión Nacional Agropecuaria de Productores Asociados (National Agriculture Union of Associated Producers, or UNAPA), and Mesa Agropecuaria y Forestal (Agriculture and Forestry Roundtable, or MAF). MAF is comprised of six national agriculture and forestry organizations, including the ATC and UNAPA. The ATC is a historic organization with strong roots in the Revolution and linkages with the FSLN.

¹² Interview with GISSAN leader, 24 August 2011; One research participant reported that, at the time of receiving the draft of the Declaration of the World Forum on Food Sovereignty, she was participating in the drafting of a five-year plan for food and nutritional security alongside representatives of, at times, 80 other organizations and that she wanted to raise the issue of incorporating the idea of food sovereignty into the plan but it was too late as the draft of the plan had already been sent to be printed.

widespread, it was gradually becoming more known among farmer organizations and CSOs working on food security issues.

In 2004, the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) was founded, with UNAPA and another CSO, SOYNICA, both playing very strong roles in the establishment of the interest group.¹³ While there were only a handful of core organizations that participated in the founding of GISSAN, it grew to include some 73 civil society groups in Nicaragua, including gremios, NGOs/CSOs, and universities. GISSAN's stated mission at this time emphasized a commitment to the promotion of "food sovereignty through the impact of public policies and people..." and visualized itself as a "permanent forum, recognized nationally and internationally as a supporter in the struggle for Food Sovereignty, in which proposals for SSAN [the Law of Food and Nutritional Sovereignty and Security] and indicators of advances, support, lobbying, and impact at the municipal, national, and international levels are discussed, formulated, and promoted."¹⁴

The creation of GISSAN can be seen as an important step in the consolidation of the food sovereignty movement in Nicaragua. However, it is important to note that the consolidation of this movement occurred within a broader context in which gremios and CSOs were tackling related issues, more specifically those of genetically-modified organisms (GMOs), water privatization, and the negotiation of what would become the Dominican Republic–Central American Free Trade Agreement (DR-CAFTA). A number of civil society networks were formed to address each of these issues, with much organizational overlap in terms of membership in these networks. This assisted in both strengthening the food sovereignty movement, as these issues were expressly part of the food sovereignty framework as envisioned by LVC, taken up at the World Forum on Food Sovereignty in 2001, and included in the platform of GISSAN.

A further significant point was the use of the term "food and nutritional sovereignty and security" as reflected in the name of GISSAN. This indicates a departure from the term "food sovereignty" as used by LVC. In accordance with the concept as articulated by LVC, food sovereignty is a framework approach to *achieving* food security.¹⁵ When GISSAN was initially established, there was a debate over whether or not to include the word "security" as a

¹³ It was explained by one representative from a LVC organization that the impetus behind the formation of GISSAN came from LVC to promote food sovereignty through the establishment of links between gremios and CSOs (personal communication, 7 February 2013).

¹⁴ The mission and vision statements quoted here were retrieved from GISSAN's former website (<http://gissannicaragua.org>) in April of 2010. This website is no longer active.

¹⁵ As per this conceptualization, food security is attained when certain goals have been met, while food sovereignty represents a policy framework that provides a route to achieving food security. Many supporters of food sovereignty, LVC included, argue that long-term food security cannot be achieved without the comprehensive and complete fulfillment of the principles of food sovereignty.

reference to food security in the name of the organization or to solely use the term food sovereignty. According to one prominent member of GISSAN, the organization opted to include the word “security,” “...because there was not a consensus among founding organizations about the word ‘sovereignty.’ Some organizations did not want ‘sovereignty’ to be part of this concept but it was voted on [by member organizations of GISSAN] and it came to be accepted that the organization would be called this. Thus you wrote GISSAN with a double S.”¹⁶

Mobilizing for a Food Sovereignty Law

Following the World Summit on Food Sovereignty, in the 2002–2004 period, the ATC and UNAPA decided to move forward with the formulation of a draft law for a food sovereignty law in Nicaragua. The law was drafted by leaders of gremio organizations belonging to MAF during 2004 and the content of the draft law reflected the ideological perspectives of the Nicaraguan LVC organizations. Once the draft was completed, at the suggestion of a colleague, the director of UNAPA met with Dora Zeledón¹⁷ to present her with a copy of the draft law and solicit her support for the initiative, which she reportedly gave at that time. The draft was also circulated among three organizational networks belonging to GISSAN: MAF, GPAE, and the Alianza de Protección de la Biodiversidad (APB).¹⁸

Not long after the draft was produced and circulated, GISSAN was approached by an aide to National Assembly Deputy Walmaro Gutiérrez of the FSLN to see if the group would be interested in drafting a food security law. As some of the groups belonging to GISSAN had been active in promoting Dora Zeledón’s proposed food security law in the 1998–2001 period, members of GISSAN consulted National Assembly deputies as to whether they should revive the 2001 proposed law or write a new law and it was decided that, rather than bring back the old law, that GISSAN would update the “famous law written by UNAPA.”¹⁹ Representatives of GISSAN met at the offices of one of the member organizations to work tirelessly on the draft of the law during 2006, drawing on the suggestions and comments that resulted from broad consultations that had been conducted by the various member organizations and networks belonging to GISSAN (e.g., MAF, GPAE, APB).

Several other important developments occurred during the 2005–2006 period parallel to the growth of the food sovereignty movement and the elaboration of the draft bill for a food and nutritional sovereignty and security law and further re-directed attention towards promoting

¹⁶ Interview with GISSAN leader, 24 August 2011.

¹⁷ At this time, Dora Zeledón was not a National Assembly Deputy as she was not re-elected for the 2002–2006 term.

¹⁸ Alliance for the Protection of Biodiversity. This was a network of gremio and civil society organizations created to oppose the introduction of GMOs/transgenics.

¹⁹ Interview with GISSAN leader, 24 August 2011.

food security and developing national legislation to support the right to food. At the national level, two FAO-supported initiatives were undertaken that focused on higher education and were strategic in terms of moving the food security dialogue forward: a partnership between the FAO and several universities was established in the 2005–2006 period to offer a graduate-level program in food and nutritional security specifically tailored to food security professionals and technicians²⁰ and the Consejo Inter-Universitaria de Seguridad Alimentaria y Nutricional (Inter-University Council for Food and Nutritional Security, or CIUSAN) was founded by four prominent national universities in 2004.

At the regional level, Guatemala passed its Ley de Sistema Nacional de Seguridad Alimentaria (National Food and Nutritional Security System Law) in April of 2005, thus becoming the first nation in Central America to pass national food security legislation.²¹ A second regional development was the FAO-supported creation of the Hunger Free Latin America and Caribbean Initiative at the Latin American Summit on Chronic Hunger, held in Guatemala in September of 2005, at which Latin American heads of state committed to eradicating hunger in the region by 2025, the primary means of which would be through the development of national legal frameworks to ensure the right to food.²² Last but not least, the debate over the Dominican Republic-Central American Free Trade Agreement characterized the early 2000s and intensified leading up to the adoption of the agreement, which entered into force in Nicaragua in 2006.

²⁰ According to one study participant, “[T]his was a very good experience because it gave a critical mass to the government so that it began to discuss the subject of why didn’t we return to the policy – why didn’t we have a law. And this subject was being discussed... so a muscle was created in another way with the people that were here” (Interview with food policy consultant, 27 June 2012); several study participants, including FAO consultants and representatives of civil society and peasant and farmers organizations, reported that they participated in this program.

²¹ Some observe that the approval of Guatemala’s law was significant as it provided Nicaraguan actors with a template that incorporated the new idea of food sovereignty (Drolet et al. 2011); however, the Guatemalan law expressed food sovereignty in a severely limited way with some owing this to contention over the issue of land reform. It is important to note here that Guatemalan social movement organizations, including peasant organizations belonging to LVC, lobbied extensively for the inclusion of the concept of food sovereignty in the Guatemalan law. In the end, they failed to meaningfully incorporate the concept into the law. The reported reason for this was their link between food sovereignty and land reform – and that other stakeholders did not want to accept the term “land reform” (interview with SIMAS representative, 12 March 2012). Another critical issue for Guatemalan gremios was that of penalties for noncompliance with the law and, ultimately, their demand to include the issue of penalties was not honored and this remains, as several FAO representatives remarked, a great weakness of the Guatemalan law. Finally, the FAO representative in Guatemala at that time, who provided assistance to the Guatemalan government on the law and incidentally went on to form part of the FAO team that worked on Nicaragua’s law, was reported to have a very negative relationship with Guatemalan gremios (interview with former FAO consultant, 7 March 2012).

²² See Hunger-Free Latin America and Caribbean website: <http://www.rlc.fao.org/en/initiative/the-initiative/>.

GISSAN's Draft Bill Enters the National Assembly

In August–September 2006, within this context of increasing national and regional focus on the issue of food security and the intensifying call for national policy to support the right to food, the GISSAN draft for a Ley de Soberanía y Seguridad Alimentaria y Nutricional (Law of Food and Nutritional Sovereignty and Security, or Ley de SSAN) was introduced by Deputy Gutiérrez to the National Assembly and sent to the a special committee for review. The committee gave proposed initiative for Ley de SSAN a favorable dictamen (opinion) and requested that it be included immediately on the National Assembly plenary agenda for debate.²³

The approved dictamen came as a surprise to many, including the FAO. One GISSAN leader reported: “When the law was accepted in October of 2006, no one knew that this document or the proposal of GISSAN and UNAPA had entered the Assembly.”²⁴ Furthermore, the special committee had made very few changes to GISSAN draft introduced by Deputy Gutiérrez. This, however, did not by any means signify that the approved dictamen was by any means strong. On the contrary, its weaknesses were cited by various actors, including National Assembly deputies and FAO officials, who remarked that there were many gaps in the proposed law²⁵ and that the dictamen was “very weak” and that “really it was a dictamen that did not leave you established mechanisms, it did not leave you established sanctions, it did not make clear a series of things.”²⁶ One GISSAN leader acknowledged weakness in the proposed law, stating that, “Maybe if we had taken [the FAO] as allies in our work, we could have improved the legal part of the law, as we had no lawyer or team. It was a weak point in the formulation of the law.”²⁷

From this point forward, several GISSAN members report that they heard very little about the initiative for the law once it was sent to the committee. As pointed out by numerous research participants, the liberal government, at that time under the direction of Enrique Bolaños, had little interest in a food security law, much less a food sovereignty law. Furthermore, it was a law that was being introduced via the Sandinista Bancada,²⁸ which did not yet have the political leverage that it would have in coming years, to a predominantly liberal National Assembly.

Meanwhile, GISSAN focused its attention on campaigns to raise awareness about the concept of food sovereignty in meetings, workshops, and through literature distributed through its

²³ See <http://www.asamblea.gob.ni/trabajo-legislativo/agenda-legislativa/ultimas-leyes-aprobadas/> for a copy of the letter sent by the president of the committee, Deputy Walmaro Gutiérrez, to the First Secretary of the National Assembly, dated October 5, 2005.

²⁴ Interview with GISSAN leader, 24 August 2011.

²⁵ Interview with GISSAN leader, 24 August 2011.

²⁶ Interview with Deputy Alba Palacios, 21 August 2011.

²⁷ Interview with GISSAN leader, 24 August 2011.

²⁸ Bancadas are akin to political party caucuses in the National Assembly.

network of member organizations. The reason for this, one GISSAN leader explained, was “because the more people who knew the word, the more people who would understand it, and more people are going to use the word rather than security...”²⁹ However, as she further explained, this proved to be a challenge both within and outside of GISSAN:

There was much opposition against the word, technical people in ministries, field technicians of civil organizations barely come to understand food security and nutrition and you are giving us another concept and we were completely confused. Also in GISSAN, in our strategic plan, and we only used ‘food sovereignty,’ saying that if there is food sovereignty, food security there. They did not want to accept us; just as simply put men and women instead of men and women, it took well as three hours of discussion.

Just a month after the draft law received a favorable dictamen, a major event took place that had profound influence on the political environment: Daniel Ortega’s presidential election victory in the November 2006 general election brought the FSLN back to control the executive branch of government after 16 years of liberal leadership.³⁰ The incoming Sandinista government was very interested in pursuing the issue of food security both in policy and through government-sponsored social programs. One of its first acts was to introduce the “Hambre Cero” (“Zero Hunger”) program in early 2007.³¹ A law, from the perspective of the government, would only serve to strengthen the legitimacy of such programs.

With the new government’s keen interest in getting a food security law passed, the head of the FSLN Bancada in the National Assembly asked recently re-elected Deputy Dora Zelédón to review, revise, and strengthen the approved dictamen for the Law of Food and Nutritional Sovereignty and Security in early January 2007.³² She reported undertaking this process with the technical support of the FAO and through consultation with government and CSO actors over the months that followed (Zeledon n/d, 2). At an important workshop in early June 2007 that brought different stakeholders in the area of food security together, including representatives of the FAO, World Food Program (WFP), Dora Zeledón, GISSAN (including the gremios), representatives from the Consejo Superior de Empresas Privadas (High Council of Private Enterprise, or COSEP),³³ the bill for the Ley de SSAN was presented and technical critiques/issues were raised about the draft, namely by FAO consultants and/or officials. An

²⁹ Interview with GISSAN leader, 24 August 2011.

³⁰ The National Assembly, however, was still controlled by the liberal party, the Partido Liberal Constitucional (Liberal Constitutional Party, or PLC).

³¹ This program provides rural women with seeds, small livestock, and technical assistance to encourage food production and greater family and community food security.

³² Interview with Dora Zelédón, 27 August 2011.

³³ COSEP is the principle advocacy organization for the private sector in Nicaragua. It has played a strong role in policy formation with its representatives working on not only national policies but also international policies, like the DR-CAFTA.

agreement was reached between GISSAN, COSEP, and Dora Zeledón in terms of how the law would be revised. Furthermore, FAO-PESA committed to providing technical support for the final negotiations of the law and funding to facilitate the process of its approval.

June 2007: The Breakdown in the Approval of the Law by the National Assembly

Before revisions could be made to the dictamen based on the agreement forged between stakeholders at the World Vision meeting, the proposed Ley de SSAN was added to the National Assembly plenary agenda and introduced onto the floor for debate by the Assembly on June 12, 2007, at which time it was approved in general by 80 votes.³⁴ The debate on the law and the approval in the particular³⁵ continued the next day with the first four articles of the law being approved before the debate turned to Article 5 of the proposed law, “Fomento de Soberanía y Seguridad Alimentaria y Nutricional,”³⁶ which led to intense debate among legislators. Subsections of Article 5 represented key issues for food sovereignty advocates, including protection for small and medium-sized production and producers (1–5) and another subsection concerning controls on foods deemed “harmful” and those containing genetically-modified material, and these were among the most controversial. After it became clear that there were significant factors that needed to be resolved and negotiated, and that the only way to do this was through motions (as the law had already been approved in general and could not legally be sent back to a committee for revision), the debate over the law was suspended until the 20th of June with the expectation that the different bancadas (political party caucuses) within the National Assembly would reach agreements through the introduction of motions to improve the law so that it could be approved in the next round of scheduled debates.³⁷

One of the major forces behind the suspension of the debate was COSEP and they acted immediately to delay the approval process due to their objections to a number of the law’s provisions. When COSEP realized that the law was being debated in the plenary and was approved both in general and through Article 4, they contacted the PLC Bancada and urged the process to be halted – basically to stop the passage of the law. This was confirmed by a COSEP representative,³⁸ who explained that the law “did not represent the foundations of food security” and, furthermore, the law was “far from contributing to food sovereignty and food

³⁴ There are 92 deputies in the National Assembly, thus the proposed law received strong support from the legislature.

³⁵ Following the approval of the law in general, the deputies then approve each article of a potential law, and this stage of the process is when the law is “approve in the particular,” meaning that each article of the law is reviewed, debated, and voted on. Once a law is approved in general, no changes can be made to its content except through motions.

³⁶ “Promotion of Food and Nutritional Sovereignty and Security”

³⁷ For the transcripts of the National Assembly debates on the law, see <http://www.asamblea.gob.ni/trabajo-legislativo/diario-de-debates/>.

³⁸ Interview with former FAO official, 7 March 2012; interview with COSEP representative 26 June 2012.

independence” because of the risks it presented to the private sector. He also stated that, in order to halt the process of discussion, COSEP presented the risks to the deputies in the National Assembly and they suspended the approval process. Four major problems with the law were cited by the private sector, all pertaining to provisions stated in Article 5:

1. A lack of public consultation on the law, a step typically carried out by the National Assembly prior to the passing of a law in which different societal actors are consulted as to their position on proposed legislation;
2. The creation of what the private sector saw as excessive state structures evidenced by the state’s ability to give discriminatory preferential treatment to small and medium producers at the expense of large scale producers and the potential of the state to intervene in matters pertaining to trade;
3. Related to the previous point on trade, the ambiguity of the language concerning the regulation of genetically-modified organisms (GMOs), which called for the “strict control that permits the entry of harmless foods into the country for consumption, not permitting the receiving of food aid that contains genetically-modified material”;³⁹ and
4. The risk of state intervention in national marketing and distribution chains.⁴⁰

From the point of view of other stakeholders in the law, the opposition of the private sector to the basis of the law and various provisions that they objected to had to do with protecting the sector’s interests. Pointing out that COSEP is an organization comprised of members with large-scale businesses, it was suggested that not all – but some – of the members of COSEP were opposed to the law because of their economic interests in the trade of agrochemicals, basic grains, and genetically-modified seeds and foods. These sentiments were echoed by others, citing not only the private sector’s support for free trade and the importation of transgenic products, but also the government’s defense of the sector.⁴¹

At a broader level, the opposition to law on the part of the private sector can be attributed to a different understanding of how to achieve food security. As the representative of COSEP explained from his own perspective: “...the true basis of food sovereignty has always existed. It is the right of peoples to determine their own policies and states always have institutions that are responsible for that. So for me it's not new.”⁴² From his perspective, it is not food

³⁹ From the viewpoint of the private sector, it was unclear as to what “strict control” referred to and, secondly, it was also unclear as to how the safety of food would be assessed without having clear means by which to measure or analyze the risk posed by products containing genetically-modified material.

⁴⁰ The COSEP representative explained further: “The distribution and marketing channels are the result of market relations, and not what the state determines, [and] therefore they cannot be limited by the law” (interview 26 June 2012)

⁴¹ Interview with CaC representative, 6 June 2012.

⁴² Interview with COSEP representative, 26 June 2012.

sovereignty that is needed to achieve food security but rather that of “food independence,” which he described in the following and related to the view of and means by which to attain food security:

[Food independence] is the ability of a people or a state to be self-sufficient in its own food production so that imports are not necessary and instead if production is surplus may have export opportunities. That concept does not limit imports, i.e., if the country is self-sufficient, it does not require imports. But this concept does not mean a ban on imports, rather imports with domestic production come to create an over-availability, but the basis of food security should be self-sufficiency of the state in food production. Obviously, if this self-sufficiency is not achieved, one turns to imports, but when you effectively produce enough, imports come to give additional security because in addition to your own production that produces food for the country, imports come to create an additional source that has many advantages, additional offers on the one hand, also for efficient distribution channels result from more competitiveness. Competition and competitiveness also make price formation that result in economic accessibility, so when you have food independence and also a market open to imports, you create conditions so that citizens have complete food in terms of quantities and economic access. That is our goal, but part is of food independence...⁴³

While COSEP’s notion of food independence shared some compatibility with food sovereignty in terms of a focus on working towards food self-sufficiency, it still clearly privileged open markets and was opposed to forms of state regulation and market protections, such as the regulation of products containing GMOs. Furthermore, the COSEP representatives interpretation of food sovereignty as a responsibility of a state

While the reasons for the suspension of debate and approval of the law were fairly straightforward, what remained unclear was what prompted the dictamen to be placed on the National Assembly agenda for debate, especially because the law was being revised and strengthened by then-Deputy Dora Zeledón and her team and the recent agreement made at the workshop in early June. One key former FAO official summed it up by stating, “How, why, and by who? I have never known or understood but this had various political consequences,”⁴⁴ and further explained later that, in light of the agreement made at the World Vision workshop to revise the dictamen, one of the immediate consequences of the approval of the unrevised dictamen was to incite “profound distrust among negotiating parties” and greatly intensify the conflict between them: “Deputy Dora Zeledón broke her relations with GISSAN, COSEP blamed

⁴³ Interview with COSEP representative, 26 June 2012.

⁴⁴ Interview with former FAO official, 7 March 2012.

the Sandinista Bancada and Dora Zeledón, and GISSAN blamed the FAO.”⁴⁵ While this first consequence had to do with the relationships between stakeholders, the second immediate consequence had more to do with the legislative process. Now that the law had been approved in general and the first four articles approved, the negotiation of the law rested between the bancadas of the National Assembly and their ability to reach a consensus through changes to the law through motions.

Key Factors that Supported and Constrained Food Sovereignty

While the story of Nicaragua’s Law certainly did not end with the breakdown of the approval process in June of 2007, it is evident from this first part of the story of Nicaragua’s law that this case is indeed rich and has much to offer in terms of understanding different factors and forces that advance and obstruct food sovereignty. The early phase of food sovereignty movement mobilization, the formulation of the law and its introduction to the National Assembly, and the subsequent breakdown in its approval all reveal several areas of promise and challenge for food sovereignty’s overall meaningful inclusion in the laws, which are described below. As per the content of Tables 1 and 2, while previous studies of Nicaragua’s Law 693 focused on factors that facilitated food sovereignty’s inclusion in the law, this study contributes to identifying the early challenges that the policy faced, many of which echo factors identified in other studies of food sovereignty policymaking.

Supportive Factors

At the movement level, the initiative taken on behalf of the LVC and CSOs to create a broad interest group to support food sovereignty and specifically address the formulation of food sovereignty policies was a very important step for advancing the concept and the movement’s objectives. Members of GISSAN were diverse – from the peasant and farmer gremio organizations to CSOs that worked on nutrition and seed saving projects to universities and political advocacy organizations – and based in different parts of the country. Thus, the GISSAN and the food sovereignty movement, more broadly, had scope and reach, as well as access to the organizational talents and resources of its members.

Furthermore, the fact that both the concerns and the objectives of the food sovereignty movement overlapped with those of other social movements (as mentioned above, specifically those that fought against water privatization, CAFTA, and GMOs) and also strengthened food sovereignty, especially because the food sovereignty policy approach provided solutions to concerns expressed in the discourses of these other movements.⁴⁶ The direct participation of

⁴⁵ Email communication with former FAO official dated 12 March 2012.

⁴⁶ See, for example, Pimbert (2009) and Windfuhr and Jonsén (2005) for discussions of food sovereignty’s policy framework.

the movement's membership in revising the first draft through a consultation process undertaken by organizations and networks belonging to GISSAN was very important for building a sense of collective ownership of the proposed law.

The relationships between members of the movement and government officials and representatives were critical to advancing the draft bill for the Ley de SSAN. The fact that GISSAN was asked by legislators to submit a draft bill was significant, and the commitment of deputies to supporting the GISSAN version of the law was key. This is further linked to the shift in the political will of the government towards passing food security policy as a result of the FSLN electoral victory over the executive branch in 2006. The new government under Ortega's leadership had a strong, expressed desire to strengthen national food security and pursue a law.

Moreover, there were alliances between officials and legislators in the FSLN government and members of the food sovereignty movement. Some of those who assumed positions in the Ortega government had once been leaders of organizations belonging to GISSAN, including, for example, the ATC, Centro para la Promoción, la Investigación, y Desarrollo Rural y Social (Center for Rural and Social Promotion, Research, and Development, or CIPRES), and Unión Nacional de Agricultores y Ganaderos (National Union of Farmers and Ranchers, UNAG⁴⁷). This enabled the food sovereignty discourse to expand into the government realm and also provided pathways through which members of the food sovereignty movement could influence policymakers.

Challenging Factors

Food sovereignty faced some very important challenges. The confusion that the term was reported to generate, even among members of GISSAN, indicated that there was a lack of understanding about the concept among even supposed supporters, and this builds on Boyer's (2010) findings in the Honduran case. As it was pointed out in a statement by one GISSAN leader, the food security concept had not be introduced too long before and it was the central concept in prior initiatives to adopt policies to support the constitutional right to food in Nicaragua. The confusion between the terms is perhaps best captured in the term "food sovereignty and security," which for many food sovereignty supporters is somewhat perplexing because of the fact that, according to the established discourse, food sovereignty is a means to achieving genuine food security. The term "food sovereignty and security" runs the considerable risk of not making this distinction clear, which could undermine the conceptual force of food sovereignty. It also further suggests the development of new interpretations of

⁴⁷ UNAG has a very important history in transnational peasant organizing (see Edelman 1998, 2008) and was also one of the founding organizations of LVC. However, in the mid-1990s, UNAG left LVC and joined the International of Farmers and Producers (IFAP), which was much more mainstream international farmer organization with ties to the World Bank and other international institutions.

food sovereignty by actors in the Nicaraguan context, which have the potential to undermine the unity behind policy initiatives to support food sovereignty.

Apart from the confusion generated over the food sovereignty concept, a lack of appropriating the term and outright opposition to it both on the part of some founding organizations of GISSAN as well as food security technicians and government ministries evidences a certain lack of legitimacy faced by the concept that is extremely important in terms of policymaking. This was further reflected in the comments made by the COSEP representative about his understanding of food sovereignty as something that had “always existed,” thus dismissing the need for food sovereignty to be included in the law. The private sector’s alternative vision of “food independence” for achieving food security, a perspective that clearly emphasized the importance of agricultural trade markets and the need for economic openness, demonstrates one competing discourse that food sovereignty was up against, and a very powerful one at that. The discursive conflict that is reflected by the different approaches of food sovereignty and food independence should be noted as being of particular significance.

The fact that the initial consultations undertaken by GISSAN to revise the first draft of the law did not include a more broad range of sectors, including the private sector, further challenged the legitimacy of Ley de SSAN and this was complicated by the sudden addition of the law to the National Assembly plenary schedule before revisions to the dictamen (as per the agreement made at the workshop in early June 2007) could be made. The private sector, in particular, saw the lack of public consultation to be a factor that justified suspending the approval process. The remarkable speed with which they were able to stop the approval process of the law in order to gain more time to review and respond to the law’s various provisions attested to the power of this sector and their influence in policymaking.

Finally, foreshadowing on what would come to pass, the FAO’s critique of the lack of legal technique in the draft law reflects another broad development that was unfolding in the early-mid-2000s, which was the promotion of national framework laws to support the right to food (see, for example, De Schutter 2010). The FAO was very invested in supporting these laws (evidenced by their key support of the Hunger-Free Latin American and Caribbean initiative that seeks to pass national policies to support the right to food throughout the region) and developed sets of materials and documents to assist nations in writing these policies depending on the type of government tradition the country followed. As the FAO had been a key player in the passing of Guatemala’s framework law, they had learned about the process and Nicaraguan FAO officials and consultants brought this knowledge to the Nicaraguan process and their presence in the policy process was facilitated by Dora Zelédon’s previous alliances and positive working relationship with the organization.

While in a sense the support for framework laws was positive in terms of raising awareness about policy initiatives to support the right to food, the approach of the FAO to constructing these laws was based on models to be adopted for the local context, so in a sense the approach of the FAO was very top-down rather than bottom-up. Furthermore, the FAO had very limited experience with food sovereignty, at least in Nicaragua, as the key concept they used was food security. Through its work in Nicaragua, the FAO had successfully embedded the food security concept in the broader food and agriculture field, which, building on the points made above, presented a challenge for food sovereigntists in terms of shifting the discourse away from the more technical set of goals represented by food security to the food sovereignty policy framework designed to achieve those goals. Furthermore, food security discourses had often been largely dominated at the global level by trade-based, technology-oriented approaches to achieving food security, thus the term also had implied meanings that contradicted the principles of food sovereignty.

Concluding Thoughts

While this paper only examined the initial steps of the process by which Law 693 was passed, important factors could already be identified that would come to influence the extent to which food sovereignty was included in the law. There were a number of factors that helped to advance the concept and support its inclusion in Ley de SSAN as well as a number of factors that already suggested that the struggle for a law that explicitly incorporates food sovereignty principles was going to be an uphill battle. The conflict over the law that led to the suspension of the approval process in June 2007 clearly demonstrated that the concept of food sovereignty faced some important ideological competition from actors who were committed to defending approaches that were antithetical to the food sovereignty framework.

The question that emerged at this point in the story is whether food sovereignty would be able to successfully compete against these other approaches and retain its prominence in the law. Discrimination against big producers, the increased size of the state, and their objection to the regulation of GMOs were all problems that the private sector cited with the law, but these problems for the private sector were solutions for food sovereignty advocates. Thus, the revision of the provisions of Article 5 of the law, or their removal, would have broad impacts for the extent to which the law truly incorporated food sovereignty principles, and would undermine the effectiveness of the law to really supporting agrarian policy change, thus potentially echoing the findings by Claeys (2012).

All in all, the case of Nicaragua points to the complexity of food sovereignty policy making and, in particular, it underscores the interactions between various actors involved in the policymaking process, their distinct interests, and the ways in which they seek to achieve these

interests. Building off the work of Boyer (2010) and Wittman and Desmarais (2013), it further suggests that the strength and force of the national food sovereignty discourse is a decisive factor for successful food sovereignty policy making. Finally, it underscores the utility of empirical cases in terms of their richness for examining the role of both actors and discourse, and the dynamic context in which they are embedded, in the development and negotiation of food sovereignty policies at the national scale.

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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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[Wendy Godek](#) is a PhD Candidate at the Division of Global Affairs, Rutgers University, Newark, NJ. Her dissertation research examines Nicaragua’s Law of Food and Nutritional Sovereignty and Security with emphasis on the policy-making process. Her research interests include food politics, alternative agrifood systems, sustainable rural development, and discourse in policy making. She provides research assistance to several organizations with food sovereignty and food security projects in Nicaraguan communities.