

**(HOW) CAN THE UNITED NATIONS DECLARATION ON THE RIGHTS OF  
PEASANTS (UNDROP) EMPOWER THE (RADICAL) STRUGGLE FOR FOOD  
SOVEREIGNTY? STRATEGISING WITH SMALL-SCALE PEASANTS IN  
AUSTRIA**

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## **ABSTRACT**

This paper aims to produce emancipatory knowledge for the transnational movement of small-scale peasants in its resistance to the corporate food regime. It characterizes La Via Campesina's demand for food sovereignty as a radical claim and investigates whether the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) is a suitable, radical tool to empower this claim. It analyses the UNDROP from a critical legal studies perspective and argues for the need to bring it back to the grassroots level in a process of re-vernacularisation. The paper aims to contribute to the under-researched field of socioeconomic rights in the Global North and provides a case study of the role of the UNDROP in Austria. In the case study it investigates the peasant condition in Austria and presents insights drawn from a strategising workshop with small-scale peasants held in Vienna in May 2023 on the question how the UNDROP can empower the Austrian movement of small-scale peasants in practice.

## INTRODUCTION

On the 25<sup>th</sup> of March 2023, several thousands of peasants and climate activists protested in Sainte-Soline, in the Western French region of les Deux-Sèvres against the government-endorsed construction of mega-basins that serve to retain groundwater to respond to the irrigation needs of large agro-industry corporations.<sup>1</sup> The mega-basins, 18 hectares in size, will be filled with ground- not rainwater during the winter, preventing groundwater levels already at historical lows to replenish – with devastating effects on the health of the soil, the water cycle and biodiversity and therefore the resilience of local ecosystems as a whole.<sup>2</sup> It is an act of privatising and monopolising a vital and scarce common resource, water, for the profit of a few large corporations practising intensive agriculture. Small-scale farmers whose contribution to local and sustainable food systems is unparalleled<sup>3</sup> face the risk of not being able to irrigate their crops due to depleted aquifers. The peasants and climate activist struggling for a fair and sustainable use of water as “a vital commons”<sup>4</sup> experienced heavy criminalisation and repression measures by the police for their acts of civil disobedience.<sup>5</sup>

This is only one of the many sites where the capitalist enclosure of the commons takes place in Europe.<sup>6</sup> Water, land and biodiversity are “grabbed” by large corporations, reaped and degraded for profit and no longer subject to democratic decision-making by local

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<sup>1</sup> Radio France Inter, ‘À Sainte-Soline, de nombreux blessés dans les affrontements entre anti-bassines et forces de l’ordre’ (*RFI*, 25 March 2023) <<https://www.rfi.fr/fr/france/20230325-affrontements-entre-manifestants-anti-bassines-et-forces-de-l-ordre-%C3%A0-sainte-soline>> accessed 11 April 2023.

<sup>2</sup> Ndabezinhle, ‘France: Stop the Criminalization of Peasants Who Fight against Water Grabbing Mega-Basins : Via Campesina’ (*Via Campesina English*, 22 March 2023) <<https://viacampesina.org/en/france-stop-the-criminalization-of-peasants-who-fight-against-water-grabbing-mega-basins/>> accessed 11 April 2023.

<sup>3</sup> Eric Holt-Giménez and Miguel A Altieri, ‘Agroecology, Food Sovereignty, and the New Green Revolution’ (2013) 37 *Agroecology and sustainable Food systems* 90, 588–593; Olivier De Schutter, ‘Agroecology and the Right to Food’.

<sup>4</sup> Ndabezinhle (n 2).

<sup>5</sup> Confédération Paysanne, ‘Ce Qui s’est Vraiment Passé à Sainte-Soline’ (March 2023).

<sup>6</sup> Tomaso Ferrando and others, ‘Commons and Commoning for a Just Agroecological Transition: The Importance of de-Colonising and de-Commodifying Our Food System’ in C Tornaghi and M Dehaene (eds), *Resourcing an Agroecological Urbanism - Political, Transformational and Territorial Dimensions* (Routledge 2021) 6.

communities.<sup>7</sup> The recent struggle in Sainte-Soline is emblematic because it shows how small-scale agriculture is threatened by neoliberal, extractivist development projects, the enclosure of common resources directly affecting peasants livelihoods – their concerns – in turn marginalised and criminalised.<sup>8</sup> On the other hand, it marks small-scale peasants and their social movement(s) as crucial actors in the resistance against capitalist exploitation and corporate power struggling to “redefine ‘development’ and build an alternative model of agriculture”.<sup>9</sup>

La Via Campesina (LVC), the transnational movement of small-scale and peasant farmers fights for a radical transformation of global food systems and demands food sovereignty.<sup>10</sup> LVC defines food sovereignty as “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 system agriculture systems” and states that it “puts the aspirations and needs of those who produce, distribute and consume food at the heart of agricultural and food systems and public policies, rather than the demands of markets and corporations.”<sup>11</sup> Interestingly, LVC has chosen the language of human rights, their norms and their respective institutions – all subject to vigorous criticism by critical legal scholars for their

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<sup>7</sup> Jan Douwe van der Ploeg, Jennifer C Franco and Saturnino M Borras Jr, ‘Land Concentration and Land Grabbing in Europe: A Preliminary Analysis’ (2015) 36 *Canadian Journal of Development Studies/Revue canadienne d’études du développement* 147; Andreas Bieler and Jamie Jordan, ‘Commodification and “the Commons”: The Politics of Privatising Public Water in Greece and Portugal during the Eurozone Crisis’ (2018) 24 *European Journal of International Relations* 934; Elisa Da Via, ‘Seed Diversity, Farmers’ Rights, and the Politics of Re-Peasantization’ (2012) 19 *The International Journal of Sociology of Agriculture and Food* 229; Christophe Golay and Adriana Bessa, ‘The Right to Seeds in Europe: The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas and the Protection of the Right to Seeds in Europe’.

<sup>8</sup> Arturo Escobar, ‘Power and Visibility: Tales of Peasants, Women, and the Environment’, *Encountering Development* (Princeton University Press 2011).

<sup>9</sup> Annette-Aurélien Desmarais, ‘Peasants Speak-The Vía Campesina: Consolidating an International Peasant and Farm Movement’ (2002) 29 *The Journal of Peasant Studies* 91, 114.

<sup>10</sup> Priscilla Claeys, ‘The Rise of New Rights for Peasants. From Reliance on NGO Intermediaries to Direct Representation’ (2018) 9 *Transnational Legal Theory* 386, 393.

<sup>11</sup> ‘Our Vision’ (*European Coordination Via Campesina*) <<https://www.eurovia.org/our-vision/>> accessed 8 June 2023.

potential complicity with neoliberal globalisation<sup>12</sup> – as an international “terrain of struggle”<sup>13</sup> to fight for better protection of peasants’ rights.<sup>14</sup>

LVC’s engagement with human rights culminated in the adoption of the United Nations Declarations on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)<sup>15</sup> by the General Assembly (GA) in 2018 which “recognises the dignity of the world’s rural populations, their contributions to global food production, and the ‘special relationship’ they have to land, water and nature, as well as their vulnerabilities to eviction, hazardous working conditions and political repression.”<sup>16</sup> The process leading to the adoption of the UNDROP as well as its content have been celebrated as major success – even as “rights against capitalism”.<sup>17</sup> However, when I approached the Austrian branch of LVC, I learned that to them, it still remained opaque, how precisely the UNDROP can be mobilised effectively in a European context.<sup>18</sup> Firstly, since it is deeply rooted in the grassroots peasant struggles of the Global South<sup>19</sup> and secondly because it remains unclear how the legal gains of the UNDROP can be transformed into substantial gains in terms of food sovereignty in practice. Thus, this paper will ask the question: “How can the UNDROP empower the (radical) struggle for food sovereignty in practice?” and provides a case study of strategising with peasants in Austria.

<sup>12</sup> Samuel Moyn, ‘A Powerless Companion: Human Rights in the Age of Neoliberalism’, *The Politics of Legality in a Neoliberal Age* (Routledge 2017); Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (Verso Books 2019); Louiza Odysseos, ‘Human Rights, Liberal Ontogenesis and Freedom: Producing a Subject for Neoliberalism?’ (2010) 38 *Millennium* 747.

<sup>13</sup> Katie Sandwell and others, ‘A View from the Countryside: Contesting and Constructing Human Rights in an Age of Converging Crises’ 11 <<https://www.tni.org/en/publication/a-view-from-the-countryside>>.

<sup>14</sup> Priscilla Claey, ‘From Food Sovereignty to Peasants’ Rights: An Overview of La Via Campesina’s Rights-Based Claims over the Last 20 Years’ [2013] *Food Sovereignty: A Critical Dialogue* 1, 1.

<sup>15</sup> UNGA, ‘United Nations Declaration on the Rights of Peasants and Other People Working in Rural’ (2018) UN Doc A/73/165 (UNDROP).

<sup>16</sup> Synthesis of the preamble of the UNDROP by Priscilla Claey and Marc Edelman, ‘The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas’ (2020) 47 *The Journal of Peasant Studies* 1, 1.

<sup>17</sup> Sandwell and others (n 13) 19.

<sup>18</sup> Oral communication from Franziskus Forster to author (12.01.2023).

<sup>19</sup> Robin Dunford, ‘Peasant Activism and the Rise of Food Sovereignty: Decolonising and Democratising Norm Diffusion?’ (2017) 23 *European Journal of International Relations* 145, 146.

In a first section, I locate my work in the emerging field of “scholar activism”<sup>20</sup> in food sovereignty research<sup>21</sup> and present my research methods. Laying the basis for answering the research question this paper then characterises LVC’s struggle for food sovereignty as a radical struggle before turning towards LVC’s engagement with human rights. It will consider the UNDROP from a critical legal studies perspective that does not assume that as a human rights declaration it is per se empowering for small-scale peasants as its rights-holders. Instead, it endeavours to answer the question whether the UNDROP, in its genesis and content, can be viewed as a radical tool, as actual “rights against capitalism”<sup>22</sup>. In order to do so, it retraces arguments in favour and against before advancing Gradoni and Pasquet’s understanding of the UNDROP as a “voice under domination under international law”<sup>23</sup> – as the rephrasing of a radical claim in (subdued) standard human rights language. It puts forward that the UNDROP’s radical ambitions need to be locally reappropriated at a grassroots level in order to produce empowering effects, in a process that I call “re-vernacularisation”. Particularly, this paper argues that LVC branches in the Global North need to identify how the UNDROP can serve the radical goal of food sovereignty in their specific local context. Conducting a case study on the Austrian peasant movement, this paper contains insights on the role of the UNDROP in Austria from a strategising workshop with small-scale peasants that was organised in May 2023. Finally, I critically reflect on the limitations of my work before coming to a conclusion.

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<sup>20</sup> On scholar activism in general see for instance Laura Pulido, ‘13. FAQs: Frequently (Un) Asked Questions about Being a Scholar Activist’ in Charles R Hale (ed), *Engaging contradictions* (University of California Press 2008); Setha M Low and Sally Engle Merry, ‘Engaged Anthropology: Diversity and Dilemmas: An Introduction to Supplement 2’ (2010) 51 *Current anthropology* 203.

<sup>21</sup> On scholar activism related to food sovereignty see for instance Jessica Duncan and others, ‘Scholar-Activists in an Expanding European Food Sovereignty Movement’ (2021) 48 *The Journal of Peasant Studies* 875; Rebecca Sandover, ‘Participatory Food Cities: Scholar Activism and the Co-Production of Food Knowledge’ (2020) 12 *Sustainability* 3548.

<sup>22</sup> Sandwell and others (n 13) 19.

<sup>23</sup> Lorenzo Gradoni and Luca Pasquet, ‘Voice under Domination: Notes on the Making and Significance of the United Nations Declaration on the Rights of Peasants’ (2022) 33 *European Journal of International Law* 39, 39.



## METHODOLOGY: SCHOLAR ACTIVISM IN FOOD SOVEREIGNTY RESEARCH

Due to the role that ‘modern’ Western science has had and continues to exercise in neoliberal development policies in the domination and suppression of local traditional knowledge which often paved the way for exploitation and dispossession,<sup>24</sup> it is not surprising that the food sovereignty movement has reflected on the interaction of scholars and activists on a meta-level resulting in an emerging scholarship on scholar activism.<sup>25</sup> Duncan et al., conducting a review of food sovereignty scholar activism identify four elements of scholar activism namely "(a) a desire to address public issues [...] and/or contribute to social change; (b) a link, relationship, identification or political alignment with a marginalized group or emancipatory struggle [...] (c) a commitment to produce emancipatory knowledge – defined as knowledge that is useful to the movement or struggle [...] and (d) research methods that enable the research process and outcome to be shaped by horizontal dialogue with research participants [...], leading to the co-production of knowledge".<sup>26</sup>

In my case this means that I will position myself to be more transparent about and aware of power relationships connected to my research. I am a white young cis-woman from Germany and a MA student of human rights in Austria. Even though I am not a farmer myself, I have a desire to contribute to food sovereignty and – as volunteer in agriculture – I identify greatly with the transnational peasant movement as well as currently having a formal link to the Austrian branch of LVC, the “Österreichische Berg- und Kleinbäuer\_innen Vereinigung” (ÖBV) as their intern. The overarching aim of my research is to produce emancipatory knowledge useful to this movement. Therefore, in winter 2022/2023 I approached the political

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<sup>24</sup> Arturo Escobar, ‘Introduction: Development and the Anthropology of Modernity’, *Encountering Development* (Princeton University Press 2011).

<sup>25</sup> Duncan and others (n 21); Sandover (n 21).

<sup>26</sup> Duncan and others (n 21) 878.

referent of the ÖBV, Franziskus Forster, who invited me to research the current state of knowledge regarding the UNDROP and to develop strategies on how to mobilise it in the Austrian context during an internship with the ÖBV. The ÖBV was founded in 1974 as a grassroots movement of small-scale farmers who use ecological or conventional agriculture and of other people engaged to preserve small-scale farming.<sup>27</sup>

The ambition to create useful knowledge for this social movement led me to look beyond academic scholarship in my research, consulting a broad spectrum of sources on the UNDROP starting with reports, documents, (recorded) presentations and panel discussions by LVC, the ÖBV and by its human rights NGO allies, for instance the Food First International Action Network (FIAN) and Defending Peasants Rights. Further, I gathered insights from events, podcasts and movies more broadly linked to food sovereignty, agroecology and rural struggles as well as from personal conversations with farmers and activists. Particularly, the four ideal-type strategies are based heavily on “success stories” of peasant struggles and of legal mobilisation by social movements in the Global North. It is important to stress that even though the workshop was held on the theoretic backdrop of my research, the main part of knowledge exchange and creation took place during the workshop.

Guided by the intention to create a space for fruitful “co-production of knowledge”<sup>28</sup> with the small-scale peasants organised in the ÖBV, we decided to host a participatory workshop that was designed in close cooperation with the ÖBV over the course of six months. This three-hour workshop titled “Towards food sovereignty with human rights? – strategy workshop on the role of the UNDROP in Austria”<sup>29</sup> took place in Mid-May 2023 in hybrid format. The

<sup>27</sup> ‘Wer wir sind’ (*Österreichische Klein- und Bergbäuer\_innen Vereinigung*) <<https://www.viacampesina.at/die-oebv/wer-wir-sind/>> accessed 20 December 2022.

<sup>28</sup> Duncan and others (n 21) 878.

<sup>29</sup> ‘UNDROP-Workshop: Mit Menschenrechten zu Ernährungssouveränität?’ (*Österreichische Klein- und Bergbäuer\_innen Vereinigung*, 6 April 2023) <<https://www.viacampesina.at/Veranstaltung/undrop-workshop-mit-menschenrechten-zu-ernaehrungssouveraenitaet/>> accessed 14 June 2023 translated to English by the author.

invitation was shared with ÖBV members and allies as well as promoted in an article in ÖBV's magazine "Wege für eine bäuerliche Zukunft". In total, during the workshop eleven of the registered 25 participants took part in the impulse presentation and eight remained for the strategising exercise. Of those eight external participants, five were small-scale peasants, one ecological volunteer, one human rights expert from FIAN international and another colleague from the ÖBV.

I was tasked to present the current state of knowledge regarding the UNDROP in an impulse presentation in an accessible way. The impulse presentation also advanced four ideal-type strategies of mobilising the UNDROP in Austria, namely 1. advocacy with institutions, 2. organising and education, 3. practices of every-day resistance, and 4. direct action. This input was followed by a participatory strategising exercise with the aim to explore the potential of these strategies in the Austrian context and to connect the UNDROP to the lived realities of Austrian small-scale farmers.

During the strategising exercise, the participants chose to work exemplarily on Art. 17 of the UNDROP, the right to land. In a first step, they conducted a problem analysis, inventorying challenges to the realisation of the right to land in Austria. In a second step, they identified policy measures that it would need to implement the right to land and mapped institutions and actors holding power to implement these measures. In a third step, they engaged with the four ideal-type strategies to collaborate on potential actions, alliances, and the role of the UNDROP related to each strategy. Even though participation turned out relatively low, which I critically reflect on later, some important first insights on the role of the UNDROP in Austria and the empowerment potential of different mobilisation strategies will be presented in a case study. Before, however, I will elaborate on the broader context of global peasant struggles, peasant resistance and human rights this workshop is embedded in.

## LA VIA CAMPESINA: THE POWER OF THE PEASANTS

### Empowerment

In order to answer the question if and how the UNDROP can empower the (radical) struggle for food sovereignty, it is first necessary to define empowerment. According to Chehata and Jagusch, empowerment can be “understood as self-enabling and self-authorization of civil society groups in order to make their goals and interests visible, to represent them and to enforce them against other interest groups.”<sup>30</sup> They further highlight its aims “to counteract hegemonic rules and power conditions”.<sup>31</sup> In this work, empowering the radical struggle for food sovereignty thus relates to increasing the peasant movement(s) ability to build power and challenge hegemonic corporate over-power. The remaining subsections aim to give an insight into power imbalances of the current food system, investigating on the one hand, the peasant condition in a “corporate food regime”<sup>32</sup> and on the other hand, the ways in which small-scale peasants are organising to resist, reject and challenge the current food system and demand food sovereignty.

### The peasant condition

Following a food regime approach,<sup>33</sup> the current food system has been characterised by McMichael as the “corporate food regime”.<sup>34</sup> Summarised by Holt-Giménez and Shattuck McMichael’s concept is defined by the following elements: “the unprecedented market power

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<sup>30</sup> Yasmine Chehata and Birgit Jagusch, ‘Empowerment Und Powersharing’ [2020] Ankerpunkte–Positionierungen–Arenen. Beltz Juventa 214 translated to English by the author.

<sup>31</sup> *ibid.*

<sup>32</sup> Philip McMichael, ‘Global Development and The Corporate Food Regime’ (2005) 11 *Research in Rural Sociology and Development* 265; Philip McMichael, ‘A Food Regime Genealogy’ (2009) 36 *The journal of peasant studies* 139.

<sup>33</sup> Philip McMichael, ‘Food Regimes’ in AH Akram-Lodhi and others (eds), *Handbook of Critical Agrarian Studies* (Edward Elgar Publishing 2021) <<https://www.elgaronline.com/display/edcoll/9781788972451/9781788972451.00033.xml>> accessed 16 June 2023.

<sup>34</sup> McMichael (n 32).

and profits of monopoly agrifood corporations, globalized animal protein chains, growing links between food and fuel economies, a ‘supermarket revolution’, liberalized global trade in food, increasingly concentrated land ownership, a shrinking natural resource base, and growing opposition from food movements worldwide”.<sup>35</sup>

The role of small-scale peasants in the corporate food regime is paradoxical: On the one hand small-scale farms’ contribution to the realisation of the human right to food is crucial as farms consisting of less than 2 hectares produce at least 35 percent of the world’s food even though they operate less than 12 percent of all agricultural land.<sup>36</sup> Through the promotion of agroecology and other resource-conserving farming methods, many small-scale peasants achieve heightened productivity per unit compared to industrial agriculture,<sup>37</sup> create biodiverse and resilient local ecosystems and contribute to rural development and social relations while feeding humanity.<sup>38</sup> On the other hand, many of them face marginalisation, poverty and discrimination through “green revolution”<sup>39</sup> agriculture policies and neoliberal trade policies aimed at rentability in global markets which privilege agribusiness actors that can produce food at dumping prices “at the expense of the environment and of sustainable and diversified local food systems”.<sup>40</sup> Further, as the mega-basins of Sainte-Soline demonstrate, peasants increasingly suffer from seizure of their access to land, water and seeds by corporate actors in a process of capitalist “accumulation by dispossession”.<sup>41</sup> Their political activism is often

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<sup>35</sup> Eric Holt Giménez and Annie Shattuck, ‘Food Crises, Food Regimes and Food Movements: Rumbblings of Reform or Tides of Transformation?’ (2011) 38 *The Journal of peasant studies* 109, 111.

<sup>36</sup> ‘Small Family Farmers Produce a Third of the World’s Food’ (*FAO*, 23 April 2021) <<https://www.fao.org/news/story/en/item/1395127/icode/>> accessed 19 December 2022; Jessie MacInnis, ‘The Potential of UN Declaration on the Rights of Peasants and Other People Working in Rural Areas: Moving towards Rights-Based Agriculture Policy in Canada’ (Master’s Thesis, 2021) 6.

<sup>37</sup> MacInnis (n 36).

<sup>38</sup> Miguel A Altieri and Victor Manuel Toledo, ‘The Agroecological Revolution in Latin America: Rescuing Nature, Ensuring Food Sovereignty and Empowering Peasants’ (2011) 38 *Journal of peasant studies* 587, 587.

<sup>39</sup> Holt-Giménez and Altieri (n 3).

<sup>40</sup> Smita Narula, ‘Peasants’ Rights and Food Systems Governance’ in Mariagrazia Alabrese and others (eds), *The United Nations’ Declaration on Peasants’ Rights* (Routledge 2022) 153; Noha Shawki, ‘New Rights Advocacy and the Human Rights of Peasants: La Via Campesina and the Evolution of New Human Rights Norms’ (2014) 6 *Journal of Human Rights Practice* 306, 313.

<sup>41</sup> David Harvey, ‘Accumulation by Dispossession’, *The new imperialism* (Oxford University Press 2003).

criminalised risking their right to life and personal integrity – with particular risks for women farmers.<sup>42</sup> Often peasant farmers and rural workers do not receive social security, are impoverished and affected by hunger as “agribusinesses along the food chain capture the profits of their labour” and “as the vast majority of them [are] net food buyers.”<sup>43</sup> According to the Geneva Academy, 80% of individuals affected by hunger are peasants.<sup>44</sup> This vulnerable situation is highlighted by the increased suicide rate of small-scale peasants across the globe.<sup>45</sup>

### **La Via Campesina: Organising peasant resistance**

However, it would be wrong to think of small-scale peasants as victims that passively acquiesced to the economic restructuring of the corporate food regime.<sup>46</sup> Rural spaces have traditionally been spaces of resistance and for 30 years, LVC has been the umbrella organisation for rural resistance. Today, representing over 200 million members in 81 countries, it may be the “world largest social movement”.<sup>47</sup> It organises different groups of people with rural livelihoods, small-scale farmers, fisherfolks, nomads and rural workers. UNDROP states: “a peasant is a man or woman of the land, who has a direct and special relationship with the land and nature through the production of food and/or other agricultural products. Peasants work the land themselves, rely above all on family labour and other small-scale forms of organizing labour. Peasants are traditionally embedded in their local communities, and they take care of local landscapes and of agro-ecological systems”.<sup>48</sup> This broad definition of the peasantry makes LVC an alliance of inter alia small-scale peasants,

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<sup>42</sup> Narula (n 40) 153.

<sup>43</sup> *ibid* 152.

<sup>44</sup> ‘The Rights of Peasants - The Geneva Academy of International Humanitarian Law and Human Rights’ <<https://www.geneva-academy.ch/research/our-clusters/sustainable-development/detail/13-the-rights-of-peasants/detail/7-christophe-golay>> accessed 9 June 2023.

<sup>45</sup> Narula (n 40) 153.

<sup>46</sup> Desmarais (n 9) 114.

<sup>47</sup> Sandwell and others (n 13) 19.

<sup>48</sup> UNDROP, art. 1 para. 1.

nomads, rural workers, fishermen and indigenous peoples. I would argue that this diversity as well as the size of the movement hold a significant potential for building power.

However, scholars have rightly cautioned against essentialising small-scale peasants as unitary group: It is indeed important to point out that that they differ significantly in land use, the chosen production method and in access to material and immaterial resources.<sup>49</sup> However, the peasants organised in LVC are united in their criticism of the corporate food regime and its extractivist and neoliberal production methods as well as in their demand for food sovereignty.<sup>50</sup>

### **The radical claim for food sovereignty**

In the following I will zoom in on why LVC's claim for food sovereignty can be framed as a radical one. In their typology of food movements Holt-Giménez and Shattuck distinguish the “radical food sovereignty movement” from the “neoliberal food enterprise”, the “reformist food security” and the “progressive food justice movements”.<sup>51</sup> They come to this distinction as LVC's claims for food sovereignty “are frequently antiimperialist, anti-corporatish and/or anticapitalist”<sup>52</sup> since they require revolutionising the agriculture and food system and therefore deep changes in society.<sup>53</sup> Indeed, steps on the pathway to food sovereignty identified by LVC include breaking up of corporate agro-foods monopolies, conducting redistributive land reforms and protecting common access to and ownership of natural resources.<sup>54</sup> Further, they demand the prohibition of trade policies that allow for and encourage dumping and overproduction in order to build “regionally-based and democratised food systems” and “revive

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<sup>49</sup> Rachel Soper, ‘From Protecting Peasant Livelihoods to Essentializing Peasant Agriculture: Problematic Trends in Food Sovereignty Discourse’ (2020) 47 *The Journal of Peasant Studies* 265.

<sup>50</sup> MacInnis (n 36); Marc Edelman, ‘Linking the Rights of Peasants to the Right to Food in the United Nations’ (2014) 10 *Law, Culture and the Humanities* 196.

<sup>51</sup> Holt Giménez and Shattuck (n 35) 117.

<sup>52</sup> *ibid* 115.

<sup>53</sup> *ibid* 128.

<sup>54</sup> *ibid* 117.

agroecologically-managed peasant agriculture”.<sup>55</sup> I agree with Holt-Gimenez and Shattuck’s characterisation of food sovereignty as radical claim since the measures put forward, indeed, demand a complete restructuring of the current food system and radically challenge current conceptions of trade, ownership and wealth.

This conclusion is further backed by other food sovereignty scholars. For instance, Edelman and James assert that its rejection of the productivist and extractivist paradigm of capitalist and neo-colonial exploitation makes food sovereignty a radical ambition.<sup>56</sup> Claeys even goes as far as directly opposing the “food sovereignty project” to the “project of globalisation”, “the repeasantisation project” to the “capitalist project”.<sup>57</sup>

This paper argues that the abovementioned radical ambitions to shift power are matched with a significant potential as well, not only because of the size and diversity of the social movement but also since people living in rural spaces often have retained practices and relationships that by themselves challenge capitalist ideals. Indeed, this resonates well with Sandwell’s analysis of “the radical potential of the countryside”<sup>58</sup> which emphasises that rural practices of “own provisioning, reliance on traditional and bottom-up resource governance and engagement with local and traditional markets”<sup>59</sup> hold the promise of anti-capitalist contestation.<sup>60</sup>

In the following section, this paper will analyse whether the UNDROP, outcome of LVC’s decision to mobilise human rights to advance its goal of food sovereignty is reflective of this

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<sup>55</sup> *ibid.*

<sup>56</sup> Marc Edelman and Carwil James, ‘Peasants’ Rights and the UN System: Quixotic Struggle? Or Emancipatory Idea Whose Time Has Come?’ (2011) 38 *The Journal of Peasant Studies* 81, 91.

<sup>57</sup> Priscilla Claeys, ‘Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina’s Rights Claims over the Last 20 Years’ (2015) 12 *Globalizations* 452.

<sup>58</sup> Sandwell and others (n 13) 13.

<sup>59</sup> *ibid* 14.

<sup>60</sup> *ibid.*



anti-capitalist, anti-corporate and anti-colonial ambitions and can thus be seen as a radical human rights instrument.

## UNDROP: A RADICAL HUMAN RIGHTS INSTRUMENT?

This section will first introduce the UNDROP as culmination of LVC's engagement with human rights. It proceeds to retrace critical legal scholarship regarding the transformative potential of human rights which raises concerns as to whether human rights might actually have emancipatory effects. Finally, it examines the UNDROP in its genesis and its content in order to come to a judgement regarding its radical, transformative potential.

### Engaging with human rights

As Claeys and Edelman put it: "Seventeen years of struggle. That's what it took for the United Nations to adopt – on 17 December 2018 – the [UNDROP]".<sup>61</sup>

The idea for a global peasant rights declaration evolved in Indonesia in 2001 when the national peasant movement pushed for a national peasant rights instrument after the fall of the Suharto dictatorship in 1998.<sup>62</sup> This first inspired the Asian branch of LVC to work on an international peasant rights document whose efforts were later joint by other branches and led to the adoption of a LVC declaration on peasants' rights in 2009.<sup>63</sup> At that time, LVC also built a continuous presence within the United Nations.<sup>64</sup>

In 2012 LVC's advocacy work reached a major milestone when Bolivia brought a resolution to the Human Rights Council which opened the way for the subsequent creation of an open-ended working group (OEWG) "tasked with 'negotiating, finalising and submitting to the Human Rights Council a draft declaration'".<sup>65</sup> This negotiation of the draft declaration from

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<sup>61</sup> Claeys and Edelman (n 16) 1.

<sup>62</sup> Edelman (n 50) 198.

<sup>63</sup> Pierrick, 'Declaration of Rights of Peasants - Women and Men : Via Campesina' (*Via Campesina English*, 3 March 2011) <<https://viacampesina.org/en/declaration-of-rights-of-peasants-women-and-men/>> accessed 9 June 2023.

<sup>64</sup> Claeys and Edelman (n 16) 198.

<sup>65</sup> Claeys, 'The Rise of New Rights for Peasants. From Reliance on NGO Intermediaries to Direct Representation' (n 10) 392.

2012-2018 was characterised by important civil society contributions:<sup>66</sup> Notably LVC pushed for a strong reflection of its 2009 declaration in the final UNDROP and “seized this opportunity to ‘build’ their own human rights”.<sup>67</sup> The adoption of the final declaration including a preamble and 28 articles on the rights of peasants by the GA was perceived by many as a successful culmination of LVC’s engagement with human rights law.<sup>68</sup>

### **Radical human rights – an oxymoron?**

However, critical legal scholars have formulated rich criticisms of human rights as neocolonial and neoliberal instruments that despite their proclaimed progressive agenda inherently are a product of and reinforce hegemonic power relations instead of dismantling them.<sup>69</sup> It is therefore necessary to adopt a power-sensitive lens of analysis to assess the radical potential of the UNDROP and carefully consider its role in the context of a broader human rights critique.

The alleged “counter-transformative tendencies” of human rights discourse can be summed up as follows<sup>70</sup>: While human rights can give legitimacy to right-holder’s claims for justice, “the transformative potential of rights is significantly thwarted by the fact that they are typically formulated, interpreted and enforced by institutions that are embedded in the political, social, and economic status quo.”<sup>71</sup> Accordingly, human rights norms are being criticised for their liberal and individual nature and have been accused of complicity with “global capitalist exploitation”.<sup>72</sup> In her book “morals of the market”, Jessica Whyte documents the parallelism

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<sup>66</sup> *ibid* 397.

<sup>67</sup> *ibid*.

<sup>68</sup> Claey's, ‘The Rise of New Rights for Peasants. From Reliance on NGO Intermediaries to Direct Representation’ (n 10); Claey's and Edelman (n 16); MacInnis (n 36); Narula (n 40).

<sup>69</sup> Moyn (n 12); Samuel Moyn, *The Last Utopia: Human Rights in History* (Harvard University Press 2012); Whyte (n 12); Odyseos (n 12); Makau Mutua, ‘Savages, Victims, and Saviors: The Metaphor of Human Rights’ (2001) 42 Harv. Int’l LJ 201.

<sup>70</sup> Marius Pieterse, ‘Eating Socioeconomic Rights: The Usefulness of Rights Talk in Alleviating Social Hardship Revisited’ [2007] Human Rights Quarterly 796, 797.

<sup>71</sup> *ibid*.

<sup>72</sup> Sandwell and others (n 13) 5.

of the development neoliberalism and human rights in terms of the history of ideas and argues that human rights constitute an important accomplice to neoliberalism.<sup>73</sup> While human rights proclaim ideals of universal justice, their role in advancing Global North agendas by oppressing communities (mostly in the Global South) and their complicity in allowing dispossessions and legitimising corporate profits should be acknowledged.

Since food sovereignty is explicitly anti-capitalist, I will also lead a Marxist human rights critique formulated by Nash into the field according to which: “[Human rights] contribute to the structural conditions that are necessary for capitalism (especially through the law of private property); [they] legitimate capitalism by continually validating ideals of equality as only ever formal, never substantive; and they obscure alternative possibilities (‘human emancipation’) by representing formal equality (‘political emancipation’) as the progressive goal of politics”.<sup>74</sup> Following this line of thought, pursuing a human rights strategy might even be a dangerous distraction for a radical social movement since it may demand a movement’s time and energy to achieve a legal status which proclaimed benefits may never materialise because of structural violence.<sup>75</sup>

This paper argues that therefore it cannot be taken for granted that human rights are a suitable tool to build counter-hegemonic power. Considering Audrey Lorde’s argument that “the masters’ tools will never dismantle the masters house”,<sup>76</sup> it remains at least questionable whether human rights, and specifically a non-binding soft law declaration like the UNDROP can empower the claim for food sovereignty.

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<sup>73</sup> Whyte (n 12).

<sup>74</sup> Kate Nash, ‘The Cultural Politics of Human Rights and Neoliberalism’ (2019) 18 *Journal of human rights* 490, 491.

<sup>75</sup> Sandwell and others (n 13) 7.

<sup>76</sup> Audre Lorde, ‘The Master’s Tools Will Never Dismantle the Master’s House’ (2003) 25 *Feminist postcolonial theory: A reader* 27.

## UNDROP: Rights against capitalism?

In the context of the human rights critique outlined above, LVC's espousal of human rights is not an obvious choice. However, it was a deliberate one to use human rights as a "terrain for struggle"<sup>77</sup> stating that "human rights embody the vision of oppressed people".<sup>78</sup> Explicitly, LVC argued that this approach will "dismantle capitalism".<sup>79</sup> Indeed, the UNDROP, in its content as well as in its genesis shows deviation from classic human rights instruments which makes it particularly interesting to engage with. In the following subsection I will analyse to which degree the UNDROP achieves LVC's goal to create a transformative, empowering human rights document and where it falls short of these ambitions.

Many scholars already see the process of UNDROP's genesis as a radical element.<sup>80</sup> Taking into account the criticism that human rights are made by status quo institutions and driven by Global North and corporate interests, it is true that the process leading up to the UNDROP differed strikingly from traditional international law-making.<sup>81</sup> During the negotiations of the UNDROP a rare degree of grassroots participation could be witnessed.<sup>82</sup> Most importantly, the textual basis for negotiations in the OEWG taking place between 2012 and 2018 was directly provided by LVC in its peasants' rights declaration of 2009.<sup>83</sup> Further, the way it was pushed for by a coalition of Global South States and sub-state actors with a decolonial agenda against the will of many European States and the North-American States marks the UNDROP not as the formulation of neo-colonial agendas of Western States but as third world approach to

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<sup>77</sup> Sandwell and others (n 13) 11.

<sup>78</sup> Gradoni and Pasquet (n 23) 45.

<sup>79</sup> *ibid* 47.

<sup>80</sup> Felipe Bley Folly, 'Rethinking Law from below: Experiences from the Kuna People and Rojava' (2020) 17 *Globalizations* 1291, 1294; Claeys and Edelman (n 16) 11; Claeys, 'The Rise of New Rights for Peasants. From Reliance on NGO Intermediaries to Direct Representation' (n 10); Gradoni and Pasquet (n 23) 41; MacInnis (n 36) 4.

<sup>81</sup> Claeys, 'The Rise of New Rights for Peasants. From Reliance on NGO Intermediaries to Direct Representation' (n 10) 386.

<sup>82</sup> *ibid* 388.

<sup>83</sup> Edelman (n 50) 207.

international law (TWAIL).<sup>84</sup> Gradoni and Pasquet’s argument that due to the “extraordinary amount of dissent” and contention within the GA, the UNDROP should not be “[dismissed] as the culmination of a harmless ritual” is convincing.<sup>85</sup>

Regarding the content of the UNDROP, the radical potential of “new rights advocacy”<sup>86</sup> was highlighted by Claeys, Edelman and Shawki.<sup>87</sup> Broadly defining a new group of rural rights-holders,<sup>88</sup> adopting LVC’s own definition of peasantry, has been received as a “historic landmark”.<sup>89</sup> Further, UNDROP’s inclusion of new rights to land<sup>90</sup> and natural resources<sup>91</sup> such as seeds,<sup>92</sup> biodiversity<sup>93</sup> and water<sup>94</sup> has been deemed a success and was strongly opposed by Global North States.<sup>95</sup> Narula argues that the UNDROP “fills critical rights gaps”<sup>96</sup> and responds to the “interconnectedness of human rights and environmental concerns”.<sup>97</sup>

For instance, the “the right to land, individually and/or collectively including the right to have access to, sustainably use and manage land” included in Art. 17 of the UNDROP (and which participants in the workshop chose to work on) goes far beyond what existed before in international human rights law.<sup>98</sup> Most importantly, the creation of a collective right to land as well as the reference to the State duty in Art. 17 para. 3 to “protect the natural commons” in

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<sup>84</sup> Gradoni and Pasquet (n 23) 42.

<sup>85</sup> *ibid* 41.

<sup>86</sup> Shawki (n 40) 311.

<sup>87</sup> *ibid*; Edelman (n 50) 209; Claeys, ‘The Rise of New Rights for Peasants. From Reliance on NGO Intermediaries to Direct Representation’ (n 10) 387; Claeys, ‘Food Sovereignty and the Recognition of New Rights for Peasants at the UN’ (n 57).

<sup>88</sup> UNDROP, art. 1

<sup>89</sup> Narula (n 40) 153.

<sup>90</sup> UNDROP, art. 17.

<sup>91</sup> UNDROP, art. 5.

<sup>92</sup> UNDROP, art. 19.

<sup>93</sup> UNDROP, art. 20.

<sup>94</sup> UNDROP, art. 21.

<sup>95</sup> Claeys and Edelman (n 16) 1.

<sup>96</sup> Narula (n 40) 156.

<sup>97</sup> *ibid*.

<sup>98</sup> See for instance Lorenzo Cotula, ‘The Right to Land’ in Mariagrazia Alabrese and others (eds), *The United Nations’ Declaration on Peasants’ Rights* (1. edition, Taylor & Francis 2022).

relation to the right to land challenges neoliberal notions of private property and commodification of land forming the base for its exploitation.<sup>99</sup>

Furthermore, the first-time recognition of food sovereignty in a United Nations document in Art. 15 para. 4 of the UNDROP has also been welcomed.<sup>100</sup> On the same lines, the repeated reference to the importance of agroecology<sup>101</sup> in a GA resolution has also been read as a counter-hegemonic success in LVC's struggle against prevalent "conventional" agro-industrial production.<sup>102</sup> This led scholars to exuberant assessments of the UNDROP. From a means of "reclaiming control",<sup>103</sup> over "a re-grounded, revitalised and re-radicalised version of human rights",<sup>104</sup> Sandwell et al. even go as far as to characterise the UNDROP as "rights against capitalism".<sup>105</sup> Monsalve states that it is "at the forefront of the struggle to re-shape financial capitalism and its destructive economic model"<sup>106</sup> and Gradoni and Pasquet argue that "the UNDROP intrudes deeply into the field of relations of production and market structures".<sup>107</sup>

However, this paper argues that while these progressive elements represent an important success of LVC's lobbying, it cannot mean that the human rights critique should be dismissed entirely. Indeed, the final version of the UNDROP must be perceived as the result of strategic bargaining and therefore as a "compromise".<sup>108</sup> The respective works of Dunford, Salomon and Gradoni and Pasquet show how new and radical claims were significantly softened during

<sup>99</sup> *ibid* 513; Corina Heri, 'The Human Right to Land, for Peasants and for All: Tracing the Social Function of Property to 1948' (2020) 20 Human Rights Law Review 1, 202; Sandwell and others (n 13) 18.

<sup>100</sup> Christophe Golay, 'The Rights to Food and Food Sovereignty in the UNDROP' in Mariagrazia Alabrese and others (eds), *The United Nations' Declaration on Peasants' Rights* (1. edition, Routledge 2022) 142.

<sup>101</sup> UNDROP, arts. 17 para. 7, 20 para. 2 and 25 para. 1.

<sup>102</sup> Leonardo Figueroa-Helland, Cassidy Thomas and Abigail Pérez Aguilera, 'Decolonizing Food Systems: Food Sovereignty, Indigenous Revitalization, and Agroecology as Counter-Hegemonic Movements' (2018) 17 Perspectives on Global Development and Technology 173.

<sup>103</sup> Priscilla Claeys, *Human Rights and the Food Sovereignty Movement: Reclaiming Control* (Routledge 2015); Narula (n 40) 153.

<sup>104</sup> Sandwell and others (n 13) 3.

<sup>105</sup> *ibid* 19.

<sup>106</sup> Sofía Monsalve Suárez, 'Re-Grounding Human Rights as Cornerstone of Emancipatory Democratic Governance' (2021) 64 Development 13, 14.

<sup>107</sup> Gradoni and Pasquet (n 23) 39.

<sup>108</sup> Sandwell and others (n 13) 21.

the six years of negotiation.<sup>109</sup> Dunford, for instance, argues that radical elements were “[marginalised] in favour of an affirmation of existing liberal and individual rights”<sup>110</sup> and invokes “a loss of peasant voices”<sup>111</sup> between the 2009 LVC draft declaration and the final UNDROP.

Taking a TWAIL approach, Gradoni and Pasquet examine these changes made to LVC’s 2009 militant declaration during the negotiation process under the power-sensitive analytical framework of a “voice under domination in international law”.<sup>112</sup> According to this framework, LVC – the counter-hegemonic voice – adopts the dominant human rights discourse as “the only plausible arena of struggle” where “multiple meanings including ‘subversive’ ones can co-exist”.<sup>113</sup> According to Gradoni and Pasquet, during the negotiation of the UNDROP LVC had to accept compromises but “create[d] [...] hidden transcripts, a critique of power spoken behind the back of the dominant” that represent their true interests.<sup>114</sup> Gradoni and Pasquet’s paper listing these elements that were too radical to find their way into the UNDROP is thus extremely relevant in assessing whether the UNDROP is a radical human rights instrument.

Firstly, they claim that the rephrasing of the initial 2009 declaration into standard human rights language by human rights experts “muffled [LVC’s] cry for justice”<sup>115</sup> softening State responsibilities, for instance the State duty to conduct agrarian reform or the duty to provide funding.<sup>116</sup> Further, extracts of the initial 2009 declaration radically denouncing harmful corporate activities and State complicity as the root causes for the violations of peasants’ rights

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<sup>109</sup> Dunford (n 19); Gradoni and Pasquet (n 23); Margot E Salomon, ‘Nihilists, Pragmatists and Peasants: A Dispatch on Contradiction in International Human Rights Law’ in Emiliós Christodoulidis, Ruth Dukes and Marco Goldoni (eds), *Research Handbook on Critical Legal Theory* (Edward Elgar Publishing 2019).

<sup>110</sup> Dunford (n 19) 146.

<sup>111</sup> *ibid* 158.

<sup>112</sup> Gradoni and Pasquet (n 23).

<sup>113</sup> *ibid* 43.

<sup>114</sup> *ibid*.

<sup>115</sup> *ibid* 50.

<sup>116</sup> *ibid* 50–52.



were omitted.<sup>117</sup> The radical preamble was significantly weakened and one of the most radical rights, “the right to resist and reject”,<sup>118</sup> key to LVC’s radical opposition to the current food system, was deleted.<sup>119</sup> Most importantly, how LVC’s radical claim of food sovereignty found its way into the UNDROP has been deemed dissatisfactory by many scholars.<sup>120</sup> Dunford claims that “changes to the meaning of food sovereignty” were made “replacing collective rights to reject a globalised industrial food system with individual rights to choose”.<sup>121</sup> Claeys more generally criticises that peasant’s rights more compatible with the system of individual liberal human rights were accepted while radical concept of food sovereignty only marginally found its way into the UN system through UNDROP.<sup>122</sup>

This goes to show that even though the UNDROP is at least a progressive human rights instrument in terms of its creation and its content, many particularly radical elements were softened or even omitted in the negotiation process. As Gradoni and Pasquet put it: The UNDROP “displays a contrast between radical content, rejected by the powerful, and the conventional, euphemistic language grudgingly accepted by the oppressed.”<sup>123</sup>

Moreover, the legal status of the UNDROP which remains a non-binding soft law declaration, leads me to caution against glorifying it as an inherently radical human rights instrument or as “rights against capitalism”<sup>124</sup> since so far, the UNDROP offers little means to actually provide peasants with redress or materially improve their livelihoods in practice. This emphasises, once

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<sup>117</sup> *ibid* 51.

<sup>118</sup> *ibid* 52.

<sup>119</sup> *ibid* 50–52; Dunford (n 19) 146.

<sup>120</sup> Gradoni and Pasquet (n 23) 51; Dunford (n 19) 146; Shawki (n 40) 322; Claeys, ‘Food Sovereignty and the Recognition of New Rights for Peasants at the UN’ (n 57).

<sup>121</sup> Dunford (n 19) 146.

<sup>122</sup> Claeys, *Human Rights and the Food Sovereignty Movement* (n 103).

<sup>123</sup> Gradoni and Pasquet (n 23) 43.

<sup>124</sup> Sandwell and others (n 13) 22.

again, the urgency to find out how the UNDROP can be mobilised effectively to empower the small-scale peasant movement in practice.

### **Towards empowerment: The need for (re)-vernacularisation**

But how to use this abstract international soft law document in practice in a way that empowers peasants and challenges the current food system? How to ensure substantive gains to follow the legal ones? How can the UNDROP be mobilised effectively in a Global North context? The following section posits that (re-)vernacularising the UNDROP can provide answers to these pressing questions.

It chimes in with scholarly discourse arguing that in order to unfold empowering effects, the UNDROP needs to be brought back to the grassroots level.<sup>125</sup> This process of reappropriation; of examining “how ideas and practices from the universal sphere of international organisations [can translate] into ideas and practices that resonate with [local] values and understandings of social justice”<sup>126</sup> has been named “vernacularisation”.<sup>127</sup>

As Dunford rightly criticises, the literature on vernacularisation often reeks of “epistemic coloniality”<sup>128</sup> examining how human rights norms developed in the Global North can be made more acceptable to ‘backward’ Global South communities. However, the case of the UNDROP with its grassroots history in the Global South is atypical and TWAIL scholars Gradoni and Pasquet apply the concept of “vernacularisation” to the UNDROP in a way that it becomes useful. They argue that while the 2009 declaration of LVC was already deeply rooted in the grassroots experience of the peasant condition it became subject to a “reverse

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<sup>125</sup> *ibid* 19.

<sup>126</sup> See for instance Sally Engle Merry and Peggy Levitt, ‘The Vernacularization of Women’s Human Rights’ in Stephen Hopgood, Jack Snyder and Leslie Vinjamuri (eds), *Human Rights Futures* (Cambridge University Press 2017) 214.

<sup>127</sup> *ibid*.

<sup>128</sup> Dunford (n 19) 146.

vernacularisation” from 2012-2018 when its ideas were translated into abstract and universal standard human rights language.<sup>129</sup> Following this line of thought, I argue that the task now is to re-vernacularise the final UNDROP. This means to uncover the “hidden transcripts”,<sup>130</sup> the radical tenor of the 2009 declaration, and to examine how the UNDROP can be used in radical ways in a local context. The necessity to re-vernacularise in the Global South and the Global North alike, in other words to examine how Global South norms can be reappropriated by Global North grassroots movements, follows from a decolonial approach. In this vein, the aim of the next section, the case study on the role of the UNDROP in Austria, is to analyse how it can empower the Austrian peasant movement. It synthesises the results of the preparatory research and of the workshop in an integrated way.

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<sup>129</sup> Gradoni and Pasquet (n 23) 50–53.

<sup>130</sup> *ibid* 43.

## CASE STUDY: EMPOWERING PEASANTS IN AUSTRIA

This section analyses how the UNDROP can empower the Austrian peasant movement. It synthesises the results of the preparatory research and of the workshop in an integrated way. Firstly, it considers the peasant condition in Austria. Secondly, it illustrates the process of re-vernacularisation at the right to land. In a third part, it retraces the engagement of the workshop participants with different strategies to mobilise the UNDROP to build the movement's power and in a fourth part, presents some tentative insights from this strategising workshop on how the UNDROP might be used practically in order to push for food sovereignty.

### Problem analysis: The peasant condition in Austria

The following subsection will try to give a brief overview about the way the corporate food regime affects peasants' rights in Austria before examining the right to land in depth. ÖBV documents, scientific studies as well as newspaper articles capture the peasant condition in Austria. Broadly speaking, there is a lack of economic perspective which is reflected in the Europe-wide trend of “dying out” of small-scale farms.<sup>131</sup> Also in Austria, from 1950 to 2020 the number of small farms dropped by a startling 75%.<sup>132</sup> A study of the Bundesanstalt für Agrarwirtschaft und Bergbauernfragen points to State subsidies that privilege big agriculture corporations, lack of profitability, too low hourly wages, and rising land prices as drivers of this development.<sup>133</sup> The following section will elaborate on these factors.

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<sup>131</sup> Stanka Becheva and Véronique Rioufol, ‘Höfesterben: Wachsen oder Weichen’ (*Heinrich-Böll-Stiftung*, 9 January 2019) <<https://www.boell.de/de/2019/01/09/hofesterben-wachsen-oder-weichen>> accessed 12 April 2023.

<sup>132</sup> ‘Agrarstrukturhebung 2020’ (*Statistik Austria*, July 2022) <<https://www.statistik.at/atlas/as2020/#>> accessed 17 December 2022.

<sup>133</sup> Bundesanstalt für Agrarwirtschaft und Bergbauernfragen, ‘Landwirtschaftliche Kleinbetriebe Zwischen Nachhaltigkeit Und Globalisierung’ 181 <[https://bab.gv.at/index.php?option=com\\_content&view=article&id=1829:fb71-landwirtschaftliche-kleinbetriebe-zwischen-nachhaltigkeit-und-globalisierung&catid=135&lang=de&Itemid=550](https://bab.gv.at/index.php?option=com_content&view=article&id=1829:fb71-landwirtschaftliche-kleinbetriebe-zwischen-nachhaltigkeit-und-globalisierung&catid=135&lang=de&Itemid=550)> accessed 17 December 2022.

Firstly, the role of subsidies allocated to farmers under the European Union's (EU) Common Agricultural Policy (CAP)<sup>134</sup> in shaping agricultural markets to the disadvantage of small-scale peasants must be highlighted. Indeed, a significant share of the EU's budget, 38%, totalling more than 30 billion euro a year is dedicated to the CAP.<sup>135</sup> However since the subsidies are allocated per hectare, around 80% of CAP subsidies go to just 20% of EU farms, which encourages large-scale industrial production<sup>136</sup> and leads to increasing land and therefore power concentration with bigger agricultural holdings that are less likely to produce in an ecologically and socially sustainable way.<sup>137</sup> Small-scale peasants often cannot access these European subsidies which contributes to their already precarious socioeconomic situation.<sup>138</sup>

This socioeconomic situation is created by low income: Small-scale peasant income in Europe is 50% less than that of the average citizen.<sup>139</sup> Olcay Bingöl from the European Coordination of La Via Campesina (ECVC) points out that "it is very important to recognise that the current power relationships in food chains are dominated by powerful multilateral companies. The market is not open to us, we are suffering trying to find markets to offer our products. We producers are not represented, we citizens are not represented."<sup>140</sup> Indeed, supermarket chains, three of which dominate 87% of the Austrian food market,<sup>141</sup> and agro-food giants like the

<sup>134</sup> François Nègre, 'Fact Sheets on the European Union: The Common Agricultural Policy (CAP) and the Treaty' <<https://www.europarl.europa.eu/factsheets/en/sheet/103/the-common-agricultural-policy-cap-and-the-treaty>>.

<sup>135</sup> European Coordination La Via Campesina, 'Peasant Perspective on the Common Agricultural Policy: ECVC : Via Campesina' <<https://viacampesina.org/en/peasant-perspective-on-the-common-agricultural-policy-ecvc/>> accessed 25 May 2023.

<sup>136</sup> 'CAP - The Common Agricultural Policy' (*European Coordination Via Campesina*) <<https://www.eurovia.org/our-policy-positions/pos-3/>> accessed 25 May 2023.

<sup>137</sup> van der Ploeg, Franco and Borras Jr (n 7) 159.

<sup>138</sup> European Coordination La Via Campesina (n 135).

<sup>139</sup> 'Our Vision' (*European Coordination of Via Campesina*) <<https://www.eurovia.org/our-vision/>> accessed 20 December 2022.

<sup>140</sup> *Podiumsdiskussion: „Gutes Essen Für Alle! – Ernährungssouveränität Jetzt Statt Krisen Ohne Ende!* (Directed by ÖBV Via Campesina Austria, 2022) <<https://www.youtube.com/watch?v=VVMsqk3-HC0>> accessed 20 December 2022.

<sup>141</sup> Österreichische Berg- und Kleinbäuer:innen-Vereinigung, 'Die Zeit Ist Reif Für Ernährungssouveränität' 21 <<https://www.viacampesina.at/neues-erfahren/materialien/>>.

Raiffeisen Genossenschaft put pressure on farmers to sell their produce at dumping prices.<sup>142</sup> These dumping prices can only be achieved by, on the one hand, a strong reliance on migrant seasonal workers who are employed under extremely precarious conditions and without means to access their labour rights.<sup>143</sup> On the other hand, production output is increased by a strong reliance on monocultures, mechanisation, chemical fertilisers and pesticides by conventional farmers.<sup>144</sup> Small-scale farms produce under more socially and ecologically sustainable conditions: Diversified farms contribute to ecological and food system stability and they are more often managed by women and contribute more to a sustainable development of rural spaces.<sup>145</sup> Since diversified agroecological farming is more labour-intensive, small-scale peasants have higher production costs and cannot compete on current globalised food markets with agro-industrial production and cheap food imports from the Global South.<sup>146</sup> Therefore, many peasants, especially women farmers, struggle with social security.<sup>147</sup> Further, climate crisis and extreme weather events pose an increasing risk not only to peasants' economic livelihoods but also to peasant and rural workers health and life.<sup>148</sup>

Lastly, according to Forster, peasant's economic livelihoods in Austria are also characterised by unequal access to land, seeds and water compared to agri-food monopolies that commodify

<sup>142</sup> Kontrast Redaktion, '„Wennst die Goschen aufmachst, wirst ruiniert!“ – das System Raiffeisen & die Landwirtschaft' (*Kontrast.at*, 6 April 2021) <<https://kontrast.at/landwirtschaft-in-oesterreich/>> accessed 9 June 2023; Jana Pasching, '„Das geht sich für uns nicht mehr aus“' (*Kronen Zeitung*, 2 June 2023) <<https://www.krone.at/3022748>> accessed 10 June 2023; aiz, 'Österreich: «Aktionitis» macht Bauern Druck' (*Schweizer Bauer*, 9 November 2019) <<https://www.schweizerbauer.ch/politik-wirtschaft/international/aktionitis-macht-bauern-druck/>> accessed 10 June 2023.

<sup>143</sup> Cordula Fötsch and others, 'Sezonieri – Für Faire Arbeitsbedingungen in Der Landwirtschaft!' <<https://www.sezonieri.at/publikationen/>>.

<sup>144</sup> Miriam Hintz, 'Bedrohungen Für Das Ziel Der Ernährungssouveränität Österreichs' (PhD Thesis, Karl-Franzens-Universität Graz 2017); Österreichische Berg- und Kleinbäuer:innen-Vereinigung (n 141).

<sup>145</sup> *Podiumsdiskussion: „Gutes Essen Für Alle! – Ernährungssouveränität Jetzt Statt Krisen Ohne Ende!* (n 140).

<sup>146</sup> *ibid.*

<sup>147</sup> Bundesanstalt für Agrarwirtschaft und Bergbauernfragen (n 133); Franziskus Forster, 'Das war das Nyéléni Herbsttreffen 2022!' (*Österreichische Klein- und Bergbäuer\_innen Vereinigung*, 12 December 2022) <<https://www.viacampesina.at/das-war-das-nyeleni-herbsttreffen-2022/>> accessed 20 December 2022.

<sup>148</sup> Franziskus Forster, 'Manifest für einen Wandel in der Landwirtschaft, um die systemischen Klimakrisen zu adressieren' (*Österreichische Klein- und Bergbäuer\_innen Vereinigung*, 14 December 2022) <<https://www.viacampesina.at/manifest-fuer-einen-wandel-klimakrisen/>> accessed 20 December 2022; Fötsch and others (n 143).

and digitalise agriculture.<sup>149</sup> The question of access to land was a particularly burning one for the workshop participants. In their agricultural practices, they experience a heightened pressure on land and increasing land concentration. Participants reported on the hardships of buying a few hectares of farmland while bigger farms are expanding into the hundreds of hectares.<sup>150</sup> Indeed, in the past fifty years, only farms between 50 and 200 ha were able to grow significantly.<sup>151</sup> Participants further shared their observation that small farms are dying out because young people cannot afford buying land to start a farm. On the other hand, existing small farms are not profitable enough to be handed over to the next generations since they often already belong to banks that pawned them. Further, participants raised the concern that pressure on the land will only increase in the future, taking into account Austria's pace of soil sealing and potential land use conflicts with renewable energy production. Currently, Austria seals the size of 18 soccer fields per day.<sup>152</sup> The workshop participants feared that this loss of agricultural land will further complicate small-scale peasants' access to land.

Under these precarious conditions, the takeover of existing farms or the foundation of new small-scale farms is not attractive and/or feasible, particularly for young people, which leads to the symptomatic of dying out of farms.<sup>153</sup> This shows that even in Austria, small-scale peasants suffer under and struggle against the conditions of the corporate food regime. The following section shows, exemplarily at the right to land, how these struggles can be connected to the UNDROP in a process of re-vernacularisation.

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<sup>149</sup> Forster (n 148).

<sup>150</sup> Workshop, Minute 00:53:49

<sup>151</sup> Bundesanstalt für Agrarwirtschaft und Bergbauernfragen (n 133) 65.

<sup>152</sup> 'Bodenversiegelung in Österreich | Greenpeace' (*Greenpeace*) <<https://greenpeace.at/hintergrund/bodenversiegelung-in-oesterreich-5-zahlen-und-fakten-zum-flaechenfrass/>> accessed 9 June 2023.

<sup>153</sup> Bundesanstalt für Agrarwirtschaft und Bergbauernfragen (n 133) 181.

## Re-vernacularising the UNDROP

In line with their problem analysis of unequal access to land and land concentration, participants identified paragraph six of Art. 17 as most relevant to their context which obliges States to „where appropriate [...] carry out agrarian reforms in order to facilitate broad and equitable access to land [...] and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small-scale fishers, and other rural workers should be given priority in the allocation of public lands, fisheries, and forests. [...]”.<sup>154</sup> The workshop voiced their opinion that Austrian agriculture and trade policies as well as the EU’s CAP act in violation of the obligations under Art. 17, para. 6. However, they also identified it as a lever to push for agricultural reform that truly benefits the interests of small-scale peasants.

As policy measures required to realise their rights contained in Art. 17, workshop participants pointed to ECVC’s proposal for an EU Directive on agricultural land<sup>155</sup> which was made in March 2023. This instrument intends to require Member States, in this case Austria, to limit the ownership and use of land by capping ownership at 500 hectares.<sup>156</sup> It further envisions the establishment of a European land observatory to track data on land ownership and aims at establishing instruments to guide and control land markets according to the social function of land.<sup>157</sup> Most importantly in relation to Art. 17, para. 6 it requires redistributive land reforms through the establishment of public land banks that redistribute land use rights and obliges Member States to safeguard public, municipal and community land for agricultural use.<sup>158</sup>

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<sup>154</sup> UNDROP, art. 17 para. 6.

<sup>155</sup> European Coordination Via Campesina, ‘Proposal for an EU Directive on Agricultural Land’ <<https://www.eurovia.org/publications/proposal-for-an-eu-land-directive/>> accessed 6 June 2023.

<sup>156</sup> *ibid.*

<sup>157</sup> *ibid.*

<sup>158</sup> *ibid.*



Moreover, on a more local level participants pointed to the need for small-scale spatial planning on the level of municipalities. Municipal land use decisions should be made by grassroots democratic process, for instance by citizen councils. Participants pointed to Art. 17, para. 3 which contains the State duty to “protect the natural commons and their related systems of collective use and management”,<sup>159</sup> to argue their claim that land should be allocated and managed as a commons according to public welfare criteria and in grassroots democratic processes and not via the principle of the highest bid.

In summary, throughout the strategising exercise, participants were able to apply Art. 17 easily to their context and used it naturally in order to substantiate radical claims for redistributive land reform, grassroots democratic processes and the management of land as a commons and not a commodity. Even though they engaged with abstract legal norms and recognised that particularly the first paragraphs of Art. 17 on the right to land might be more relevant to a Global South context, they judged paragraphs three and six as relevant to their struggles. This exemplary application on the right to land illustrates what re-vernacularisation is about, namely identifying the provisions that resonate with the local context. Participants also reflected on this and argued that in order to make the UNDROP more accessible and useful in practice, they would need to examine the relevance of the remaining articles of the UNDROP with a view to the Austrian context as well.

### **Mobilising the UNDROP in Austria: Actions and alliances**

Having identified the relevance of the UNDROP for the Austrian small-scale peasants’ struggle against land concentration, workshop participants were invited to reflect on how the right to land may be mobilised practically in order to empower the ÖBV. Participants brainstormed on actions and alliances guided by four ideal-type strategies for mobilising the UNDROP namely

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<sup>159</sup> UNDROP, art. 17 para 3.

1. advocacy with institutions, 2. organising and education, 3. practices of everyday resistance, and 4. direct action which I developed in preparation for the workshop from consulting diverse sources related to peasant struggles and legal mobilisation in the Global North. As they engaged with these strategies, the conversation meandered between mobilisation of UNDROP more broadly and the right to land specifically which also reflects in the following sections.

### 1. Advocacy with institutions

Firstly, the ÖBV could mobilise the UNDROP's right to land through advocacy with institutions. Potential actions that fall under this ideal-type strategy and which were presented during the workshop are strategic litigation on peasants' rights, engaging with UN special procedures, advocacy campaigns and cooperation in political fora. Only the first two were discussed during the workshop, however, the latter two also constitute activities in which the ÖBV already regularly engages in.<sup>160</sup>

First efforts relating to strategically litigate on peasants' rights in the EU are starting to be envisioned by LVC's human rights NGO allies FIAN, the Geneva Academy and Uniterre.<sup>161</sup> In other jurisdiction, however, strategic litigation was already mobilised to protect peasant and notably migrant rural workers' rights. For instance, the Inter-American Court of Human Rights interpreted the prohibition of slavery contained in the American Convention on Human Rights<sup>162</sup> in accordance with the UNDROP's right to safe and healthy working conditions<sup>163</sup> in its *Hacienda Verde v. Brazil* ruling.<sup>164</sup> In this case, the Court clarified the State duty to prevent

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<sup>160</sup> 'Wer wir sind' (n 27).

<sup>161</sup> Personal communication to author, 15 May 2023.

<sup>162</sup> Organisation of American States, 'American Convention on Human Rights "Pact of San Jose, Costa Rica"', art. 6.

<sup>163</sup> UNDROP, art. 14.

<sup>164</sup> Naiara Posenato, 'The UNDROP and the Case Law of the Inter-American Human Rights System: Potential Impacts and Insights from Hacienda Brasil Verde Case' in Mariagrazia Alabrese and others (eds), *The United Nations' Declaration on Peasants' Rights* (1. edition, Routledge 2022); 'Trabajadores de La Hacienda Brasil Verde v. Brazil | IACHR' <<https://iachr.ils.edu/cases/trabajadores-de-la-hacienda-brasil-verde-v-brazil>> accessed 26 May 2023.

the inhumane working conditions prevalent in the Brazilian agricultural sector. With regards to national Courts, Honduras' Supreme Court declared the "Monsanto law" as unconstitutional arguing that its prohibition of traditional seed saving "violated constitutional principles for life, human dignity and the right to an adequate standard of living and represented an attack on the human rights to nutrition and health".<sup>165</sup> In these cases, that base their claims on peasants' life and health and not on the right to land, the UNDROP was already used as guidance for interpretation. In the Austrian context, a challenge for strategic litigation on peasants' rights lies in identifying a suitable legal basis since the Austrian constitution is the only one in Europe that does not include a reference to social rights or human dignity.<sup>166</sup> Still, the European Convention on Human Rights has constitutional status and opens the door for strategic litigation at the European Court of Human Rights if peasants were able to demonstrate a violation of one of the Convention rights.

In the workshop, strategic litigation was generally perceived as an important activity that LVC's human rights NGO allies engage in. For instance, the idea to pursue strategic litigation against soil-sealing with a view to intergenerational equity was considered an interesting path, since children enjoy relatively comprehensive constitutional protection of their rights in Austria.<sup>167</sup> However, participants agreed that strategic litigation is not a task that feels directly empowering to peasants since legal procedures and language are complex and time-consuming

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<sup>165</sup> 'Honduras: Supreme Court Uses UNDROP Article 19 on the Right to Seeds to Declare Unconstitutional the Monsanto Law' (*Defending Peasants' Rights*, 7 February 2023) <<https://defendingpeasantsrights.org/en/honduras-supreme-court-uses-undrop-article-19-on-the-right-to-seeds-to-declare-unconstitutional-the-monsanto-law/>> accessed 26 May 2023.

<sup>166</sup> 'Rechte Statt Almosen - Soziale Rechte in Österreich Verankern Und Durchsetzen - Artikel | FIAN Österreich' (*FIAN Österreich*, 2 November 2017) <<https://fian.at/de/artikel/rechte-statt-almosen-soziale-rechte-osterreich-ver/>> accessed 10 June 2023; 'Karin Lukas fordert den Verfassungsrang für Soziale Rechte' (*Ludwig-Boltzmann-Institut für Grund- und Menschenrechte*, 23 January 2023) <<https://gmr.lbg.ac.at/news/karin-lukas-fordert-den-verfassungsrang-fuer-soziale-rechte/>> accessed 15 June 2023.

<sup>167</sup> 'Kinderrechte in Österreich: Rechtlich stark verankert, aber Umsetzung noch nicht in allen Bereichen gegeben' (*OTS.at*, 6 June 2023) <[https://www.ots.at/presseaussendung/OTS\\_20230606\\_OTS0167/kinderrechte-in-oesterreich-rechtlich-stark-verankert-aber-umsetzung-noch-nicht-in-allen-bereichen-gegeben](https://www.ots.at/presseaussendung/OTS_20230606_OTS0167/kinderrechte-in-oesterreich-rechtlich-stark-verankert-aber-umsetzung-noch-nicht-in-allen-bereichen-gegeben)> accessed 15 June 2023.

to engage with. Rather, the role of the ÖBV lies in identifying potential cases and making the liaison to the human rights NGOs. Further, the need to make the climate-relevance of agriculture more visible was highlighted since it would allow the ÖBV to jump on a growing trend of climate change strategic litigation.<sup>168</sup> There was a general consensus that the small-scale peasant movement can only benefit from and should actively forge an alliance with the climate justice movement in order to make use of the potential of connecting the UNDROP to climate issues.

With a view to UN special procedures, the presentation introduced engaging with LVC's claim for a Special Rapporteur on peasants' rights,<sup>169</sup> with NGO shadow reports in the Universal Periodic Review<sup>170</sup> procedure of the Human Rights Council, and/or with the UN treaty bodies of the binding human rights conventions to which Austria is party as potential actions. In 2019, in *Portillo Cáceres and Others v. Paraguay* the Committee on Civil and Political Rights (CCPR), the treaty body of the Convention on Civil and Political Rights (ICCPR) used the UNDROP for the first time to interpret the rights to life, to privacy, family and home and to an effective remedy in order to protect a farmers' land from pesticide drifts of neighbouring agro-industrial farms.<sup>171</sup>

Considering these potential activities, the participants found it necessary to engage with the UN human rights instruments more broadly and argued in favour of lobbying for a Special

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<sup>168</sup> Marie Desaulles, 'Strategic Climate Change Litigation: Potential for Legal Adaptation' (2022) 2 McGill GLSA Research Series 19, 19.

<sup>169</sup> Ndabezinhle, 'UN Special Procedure on the UNDROP Urgently Needed to Achieve Social Justice and Equity and Equality: Via Campesina' (*Via Campesina English*, 16 December 2022) <<https://viacampesina.org/en/un-special-procedure-on-the-undrop-urgently-needed-to-achieve-social-justice-and-equity-and-equality/>> accessed 10 June 2023.

<sup>170</sup> 'Universal Periodic Review' (*OHCHR*) <<https://www.ohchr.org/en/hr-bodies/upr/upr-main>> accessed 10 June 2023.

<sup>171</sup> 'UN Human Rights Committee Protects the Right to Land in Paraguay Using the UNDROP' (*Defending Peasants' Rights*, 11 December 2022) <<https://defendingpeasantsrights.org/en/portillo-caceres-and-others-v-paraguay/>> accessed 10 June 2023.

Rapporteur on the rights of peasants.<sup>172</sup> Moreover, the idea emerged to draft a shadow report on Austria and its fulfilment of the UNDROP. Participants considered to create this document even outside of the formal UPR procedure, as a symbolic act to draw public attention to the issue and name and blame national policy makers. This concluded the consideration of advocacy with institutions.

## 2. Organising and education

Secondly, the UNDROP was presented as a potential tool for organising and rights education that can be mobilised to create a sense of legitimacy for peasants' claims, combat a feeling of isolation and allow for peasants to organise and take sustained political action together.<sup>173</sup> Examples of such practices of collective action centred on human rights can be found in localised grassroots struggles, for example in the struggles of the *Coalition of Immokalee Farm Workers*<sup>174</sup> in Florida and the *Jornaleras de Huelva en lucha*<sup>175</sup> in Spain. In both cases, migrant farm workers self-organised around human rights and social justice claims.<sup>176</sup> They chose to cooperate with existing or create their own unions in order to fight for better working conditions and achieved considerable successes.<sup>177</sup>

In the workshop, the participants found this strategy promising since they problematised that too little Austrian small-scale peasants actually know their rights under the UNDROP. They argued that engaging in community organising around the UNDROP can be used to counteract

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<sup>172</sup> Ndabezinhle (n 169).

<sup>173</sup> 'Episode 4: Jornaleras en lucha. Antiracist & feminist social syndicalism (2/2)' <<https://soundcloud.com/earthcarefieldcast/jornaleras-en-lucha-antiracist-feminist-social-syndicalism>> accessed 10 June 2023.

<sup>174</sup> Joanne Bauer, 'The Coalition of Immokalee Workers and the Campaign for Fair Food: The Evolution of a Business and Human Rights Campaign' in Dorothee Baumann-Pauly and Justine Nolan (eds), *Business and Human Rights: From Principles to Practice* (1. edition, Routledge 2016); 'Coalition of Immokalee Workers - Home' (*Coalition of Immokalee Workers*) <<https://ciw-online.org/>> accessed 10 June 2023.

<sup>175</sup> 'Jornaleras en Lucha' (*Jornaleras en Lucha*) <<https://jornalerasenlucha.org/>> accessed 10 June 2023.

<sup>176</sup> Melissa C Gouge, 'Human Rights in Play, Transnational Solidarity at Work: Creative Playfulness and Subversive Storytelling among the Coalition of Immokalee Workers' (2016) 42 *Critical Sociology* 861; 'Episode 4' (n 173).

<sup>177</sup> Bauer (n 174); 'Episode 4' (n 173).

the prevalent feeling of isolation that they experience. They brainstormed how the ÖBV can sensitise and organise more small-scale peasants to the UNDROP. Inspired by the creative ways of community organising used by the *Coalition of Immokalee Farm Workers* that include street theatre, community museums and community radio stations,<sup>178</sup> several ideas were discussed: In a comparison of Luther's posting of his theses on a church door, the idea emerged to publicly post the UNDROP in food-related spaces for instance in markets or supermarkets. Further, the role of peasant media, for instance the ÖBV magazine in reaching small-scale peasants and sensitising them to the UNDROP was highlighted. Lastly, participants envisioned a door-knocking organising (bike) tour across farms and farmers markets at the occasion of the ÖBV's 50-year-anniversary in 2024. Taking into account the limited capacities of the ÖBV to carry out such large-scale events, the idea emerged to single out one core region where the ÖBV can experiment with different organising methods. Bad Ischl, the Austrian culture capital region for 2024<sup>179</sup> was considered as a suitable region for this. To carry out organising activities, participants pointed out that it would be useful to already have a more accessible, Austria-specific version of the UNDROP prepared.

These rich discussions around community organisation and education were followed by a brief consideration of the third strategy, practices of everyday resistance.

### **3. Practices of everyday resistance**

As a third strategy, I presented practices of every-day resistance against the corporate food regime. This strategy is based on the argument that an important part of peasant resistance lies in engaging with the ecological resources as well as with each other differently by preserving peasant agroecology, exchanging, preserving and producing traditional knowledge horizontally

<sup>178</sup> Gouge (n 176); 'Episode 4' (n 173).

<sup>179</sup> 'Salzkammergut 2024 European Capital of Culture Bad Ischl' (*Salzkammergut 2024*) <<https://www.salzkammergut-2024.at/>> accessed 10 June 2023.

(“campesino a campesino learning”),<sup>180</sup> and by practicing solidarity and common resource management outside of globalised capitalist markets.<sup>181</sup> Actions of everyday resistance for instance can be the creation of spaces where horizontal agroecological learning can take place, like the *Schola Campesina*<sup>182</sup> in Italy or the establishment of networks of mutual aid, engagement with alternative economies, direct selling, and local currencies.<sup>183</sup>

In their brief engagement with this strategy, participants affirmed that many of these everyday acts of resistance are already practiced by Austrian small-scale peasants. For instance, many of the small-scale peasants organised in the ÖBV have adopted “Solidarische Landwirtschaft”, community-supported agriculture, as their business model.<sup>184</sup> This form of agricultural production shares the risks and the fruits of agricultural production equally between the peasant and the consumers who buy a harvest share of the community-supported agriculture.<sup>185</sup> This allows to produce food in an ecologically and socially sound way without having to accept the volatility and dumping conditions of food markets.<sup>186</sup> Participants pointed to the necessity to remind peasants of the radicality of their practices of everyday resistance. It is further crucial to make them visible to broader society since they hold concrete alternatives for society. Participants found that UNDROP can be a reminder to build on, consolidate and politicise these actions.

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<sup>180</sup> ‘The Campesino a Campesino Movement: Farmer-Led Sustainable Agriculture’ (*Food First*) <<https://archive.foodfirst.org/publication/the-campesino-a-campesino-movement/>> accessed 10 June 2023.

<sup>181</sup> ‘Episode 10 - Rural politics Part 1 - Everyday forms of resistance’ <<https://open.spotify.com/episode/09oKbGQARAprnqyxZwN5dq>> accessed 16 June 2023.

<sup>182</sup> ‘Schola Campesina’ (*Schola Campesina*) <<https://www.scholacampesina.org/>> accessed 10 June 2023.

<sup>183</sup> ‘Episode 10 - Rural politics Part 1 - Everyday forms of resistance’ (n 181); ‘Episode 5: Genuine and clandestine - food, peasants, and social centers in Italy’ <<https://soundcloud.com/earthcarefieldcast/jornaleras-en-lucha-antiracist-feminist-social-syndicalism>> accessed 15 June 2023.

<sup>184</sup> Österreichische Berg- und Kleinbäuer:innen-Vereinigung (n 141) 26.

<sup>185</sup> *ibid.*

<sup>186</sup> *ibid.*

#### 4. Direct Action

As a fourth strategy, to mobilise the UNDROP in Austria direct action was presented. Direct action includes diverse forms of protest such as engaging in civil disobedience, strikes, land occupations, demonstrations, public interventions etc. that put pressure on powerful interests and create awareness for small-scale peasant struggles with the general citizenry.<sup>187</sup> Direct action related to small-scale peasant agriculture has for instance been organised by *reclaim the fields*, a transnational land occupation movement.<sup>188</sup> *Occupy the farm*<sup>189</sup> was a successful occupation of the Gill Tract in California, agricultural lands belonging to the University of California Berkeley, that the university board intended to sell for ‘economic development’ of the site.<sup>190</sup> Young peasants and agriculture students occupied the Tract in order to highlight the significance of protecting urban agriculture to achieve sustainable and just urban food systems.<sup>191</sup> They seeded and tended to the plants in the occupied space, garnering community support until they were brutally evicted by the police after two months.<sup>192</sup> However, the politicisation of the Gill Tract led to a city council meeting in which at least the partial retention of the area for agricultural use was decided upon.<sup>193</sup> Another example of a land occupation related to agriculture can be found in Germany, where during the 2021-2023 occupation of the North-Rhine-Westphalian village Lützerath, that since then has been evicted and destroyed by energy giant RWE in order to extend its Garzweiler coal mine activists founded a collectively

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<sup>187</sup> ‘13. Between Squatting and Civic Land Use - Mondeggi Commons’ <<https://open.spotify.com/episode/0Fr8gyDEBUD7Ar0AjShz8H>> accessed 16 June 2023.

<sup>188</sup> ‘Reclaim the Fields – Resistance Is Fertile’ <<https://reclaimthefields.org/>> accessed 10 June 2023.

<sup>189</sup> Antonio Roman-Alcalá, ‘Occupy the Farm: A Study of Civil Society Tactics to Cultivate Commons and Construct Food Sovereignty in the United States’ [2013] *Food Sovereignty: A Critical Dialogue*; Yale University: New Haven, CT, USA 1; *Occupy The Farm* (Directed by Todd Darling, 2014) <<https://occupythefarmfilm.com/>> accessed 10 June 2023.

<sup>190</sup> Roman-Alcalá (n 189); *Occupy The Farm* (n 189).

<sup>191</sup> Roman-Alcalá (n 189); *Occupy The Farm* (n 189).

<sup>192</sup> Roman-Alcalá (n 189); *Occupy The Farm* (n 189).

<sup>193</sup> Roman-Alcalá (n 189); *Occupy The Farm* (n 189).



owned and managed farm (*Kolawi*).<sup>194</sup> They intended to show that the land that RWE wants to mine under has traditionally been used as agricultural lands and continues to fulfil a desperately needed social function in the establishment of local, sustainable food systems.<sup>195</sup>

During the workshop, participants expressed a significant interest in this strategy and emphasised its relevance for realising the right to land. It was positively highlighted that this strategy creates visibility of peasants' issues in and even illegally appropriates public space in order to create powerful visions of positive alternative scenarios and to implement them without permission. The workshop identified a need for the ÖBV to construct powerful and moving utopias since the peasant condition is often accompanied by a feeling of isolation, helplessness and capitulation to the circumstances. Within the group, the idea emerged to dedicate the upcoming ÖBV anniversary to the creation of and the strategising around such utopias. Here again, the necessity to forge an alliance with the climate justice movement in terms of occupations and civil disobedience was highlighted. The role of the UNDROP in this strategy can be to legitimise the illegality of the actions and to sensitise the public of the peasant condition in Austria and globally that justifies protest.

### **Results: How the UNDROP can empower the ÖBV**

Keeping in mind the limitations of this research in terms of duration of the workshop, participant numbers and its exemplary focus on the right to land, I will cautiously tie together the results of the workshop into some tentative insights on the empowering potential of the UNDROP in Austria in the following section.

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<sup>194</sup> 'Conversations with Activists from Lützerath about Agriculture and Farming next to the Open Cast Coal Mine Garzweiler. – ASEED' (*ASEED*, 30 January 2023) <<https://aseed.net/conversations-with-activists-from-lutzerath-about-agriculture-and-farming-next-to-the-open-cast-coal-mine-garzweiler/>> accessed 10 June 2023.

<sup>195</sup> *ibid.*

Participants' engagement with the right to land and the UNDROP more broadly shows that (at least some provisions of) the UNDROP can easily be reappropriated by and resonate with small-scale peasants in Austria. Indeed, they can be used to substantiate radical, in this case anti-capitalist and anti-corporate claims. The engagement with the four ideal-type strategies illustrated that those Austrian small-scale peasants present endorsed a wide range of strategies, actions and alliances, that build on the UNDROP in one way or the other in order to empower the ÖBV's struggle:

They encouraged advocacy with institutions and legal mobilisation of the UNDROP such as strategic litigation even though they see their role more as supporting the efforts of other actors since they do not find strategic litigation directly empowering. More broadly, the UNDROP can therefore be seen as a tool to build alliances with other social movements, particularly the climate justice movement, through a shared agenda. Participants' consideration of community organising and education further points to the UNDROP as a potential tool to combat prevalent isolation, to sensitise small-scale peasants to their rights and to mobilise small-scale peasants to join the ÖBV's resistance to the corporate food regime. One could argue that using the UNDROP to build alliances and to organise more small-scale farmers can be considered a way to build the movement's power.

Further, with regards to everyday practices of resistance, the UNDROP has the potential to politicise and embed these actions that are already commonly happening in a broader radical agenda in case the UNDROP is accessible, well-known and has already been re-vernacularised. Lastly, participants positive engagement with the fourth strategy leads me to argue that the UNDROP can provide a basis for constructing powerful alternative scenarios to neoliberal 'development' projects by legitimising (illegal) direct actions, for instance land occupations

and civil disobedience, and encourage small-scale peasants to take the realisation of their rights in their own hands.

All in all, extrapolating from the workshop experience, I consider the UNDROP a valuable starting point for strategising on small-scale peasant resistance in Austria; one that allows to reflect on the peasant condition in Austria (and its position in a globalised struggle) in a structured way. However, I do think a critical engagement with the UNDROP is necessary in order to understand its limitations and identify where the local radical ambitions of food sovereignty go beyond what the UNDROP establishes. Most importantly, the value of the UNDROP for empowering the small-scale peasant movement in Austria lies in how they chose to engage with it (or not) in order to empower themselves, in other words how they re-vernacularise it. In that sense, the workshop has been a first step. However, as the participants pointed out, there is a need to go through the remaining articles of the UNDROP and apply them to the Austrian context in a structured way. Having started with Art. 17, this might be the task of many more strategising workshops to follow.

### **Critical reflection**

In the following I critically reflect on the workshop with regards to the scholar activist aims to “produce emancipatory knowledge that is useful for the social movement”<sup>196</sup> and to achieve “horizontality”.<sup>197</sup>

Firstly, regarding the production of emancipatory knowledge, the participants’ feedback was very positive. The way the impulse presentation summarised the current state of knowledge relating to the UNDROP was considered accessible and welcomed as something the movement urgently needed. Further, the practical examples, cases and success stories were deemed useful

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<sup>196</sup> Duncan and others (n 21) 878.

<sup>197</sup> *ibid.*

and led to the conclusion that it is necessary to research, find, keep track of and spread such stories of peasant resistance.

The preparation of the workshop in cooperation with the ÖBV and the format of a participative strategising workshop were chosen with a view to “research methods that enable the research process and outcome to be shaped by horizontal dialogue”.<sup>198</sup> However, due to time constraints the ÖBV asked me to deliver an impulse presentation. It would have been more desirable to use less frontal workshop methods and particularly to have enough time to develop potential mobilisation strategies together instead of proposing the four ideal-type strategies. This might have led to a certain bias since the strategies reflect at least to some degree my own understanding of societal transformation.

Lastly, the low participant numbers lead to the conclusion that the workshop was not accessible enough in terms of time, format, location, and/or advertisement. Drawing on ÖBV experience, time seems to be the most relevant factor, since May 2023 was as particularly busy month for Austrian peasants. However, making the workshop more accessible as well as more horizontal will be the priority of more workshops to come.

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<sup>198</sup> *ibid.*

## CONCLUSION

This paper aimed to provide emancipatory knowledge for the movement of small-scale peasants. It introduced LVC and characterised LVC's struggle for food sovereignty as a radical one. Examining LVC's engagement with human rights, it analysed the radical potential of the UNDROP and concluded that even though its content and genesis contain some new and progressive elements, it cannot per se be perceived as a radical instrument that is directly empowering to its right-holders. In fact, it represents a compromise between radical claims translated into a standard human rights instrument acceptable to powerful States. Therefore, its value needs to be measured by its capacity to empower the peasant movement in practice. In this vein, the paper called for re-vernacularisation, a reappropriation of the UNDROP at the grassroots level. The necessity to re-vernacularise in the Global South and the Global North alike follows from a decolonial approach. Contributing to the under-researched field of socioeconomic rights in the Global North, this paper provided a case study on the role of the UNDROP in Austria. It investigated the peasant condition in Austria and presented insights from a participatory strategising workshop with small-scale peasants held in Vienna in May 2023.

Participants' exemplary engagement with the right to land and the UNDROP more broadly showed that (at least some provisions of) the UNDROP can easily be reappropriated by and resonate with small-scale peasants in Austria to substantiate radical, in this case anti-capitalist and anti-corporate claims. The engagement with four ideal-type strategies namely advocacy with institutions, organising and education, practices of everyday resistance and direct action, illustrated that those Austrian small-scale peasants present endorsed a wide range of strategies, actions and alliances, that build on the UNDROP in one way or the other in order to empower their struggle.

Furthermore, the UNDROP proved to be a valuable starting point for strategising on small-scale peasant resistance in Austria. However, it requires a critical approach in order to understand the UNDROP's limitations and identify where the local radical ambitions of food sovereignty may go beyond what the UNDROP establishes. Most importantly, the value of the UNDROP for empowering local peasant movements, lies in how they chose to engage with it or not in order to empower themselves, in other words how they re-vernacularise it. For the Austrian small-scale peasant movement, the ÖBV, the workshop has been a first step in this direction. However, as the workshop participants evoked there is a need to pursue this for the remaining articles of the UNDROP and with more members of the ÖBV in order to comprehensively answer the question how the UNDROP can empower the radical struggle for food sovereignty in Austria.

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