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Re-presenting Rights

Food Sovereignty and the Struggle for Postliberal Democratic Governance

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In July 2021, activists gathered to voice their opposition to the UN Food Systems Summit. At a time when the global pandemic kept people from leaving their homes, activists from around the world nonetheless virtually convened for a four-day virtual "counter-mobilization" to elaborate their criticisms of the summit, share their grievances, and imagine alternative people-centered food systems. During the opening plenary of the "People's Counter-Mobilization to Transform Food Systems" one activist – a peasant farmer living in Germany and member of the European Coordination of the international peasant movement, *La Vía Campesina* (LVC) – offered an elegant summary of activists' critique of the summit:

> Although the Summit propagates itself as inclusive – that anyone can participate – from the beginning, the process of organizing the Summit was opaque ... sidelining the existing human rights-based United Nations institutions as well the legitimate platforms of organized civil society and indigenous peoples. The "multistakeholderism" propagated by the Summit is a very dangerous threat for democratic food systems. On one hand, it ignores the enormous asymmetries of power, resources, and evident conflict of interests. On the other hand, it bypasses responsibilities of governments.

For many of the activists engaged in the counter-mobilization, the UN Food Systems Summit brought into view a fundamental shift in the organization and exercise of global power. Although multistakeholder forms of governance have been proliferating across international institutions for decades (Bäckstrand 2006; Gleckman 2018), this form of governance had never before been adopted so expressly as the format of a UN global summit. Activists saw the multistakeholder organization of the summit as a reflection of the influence of the World Economic Forum (WEF), which had for years been promoting a global redesign of

international institutions to conform to its vision of "stakeholder capitalism" (World Economic Forum 2010a). Just prior to the summit, it had signed a memorandum of understanding with the UN secretary-general (Canfield, Anderson & McMichael 2021). At the counter-mobilization, the German activist described multistakeholderism as a supreme threat to small-scale food producers and workers. She explained that it not only enabled corporations to exercise significant influence, but also that it fundamentally undermined the ability of social movements to challenge this influence by representing all food system actors as "stakeholders."

For the movements engaged in the counter-mobilization, the expansion of multistakeholder forms of governance raised a difficult strategic dilemma. For decades, movements such as LVC had demanded to be included in global policymaking, arguing that nation-states alone did not adequately represent their interests. In the 1990s, they articulated the claim of "food sovereignty" to oppose the liberalization of food systems and demand that those most marginalized by industrialized food systems – peasants, small-scale food producers, food-chain workers, and indigenous peoples – be directly involved in decision-making about food and agriculture (Desmarais 2007; Desmarais, Wiebe & Wittman 2011). At a time when human rights were ascending as the dominant claim and vision of social justice, these movements purposefully sought to frame their claims in terms of *sovereignty* because they saw human rights as too individualistic, state-centered, and technocratic (Claeys 2015). Indeed, they sought to challenge the liberal political and legal systems that had consistently failed to address food insecurity and construct a new democratic vision for social, economic, and ecological ordering (Trauger 2014). But now that they were actively being invited to participate in the summit's multistakeholder process – a form of post-liberal network governance – they had to confront new questions about the forms of participation and governance that they were demanding.

In distinguishing their vision of governance from the multistakeholder framework promoted by the WEF, activists returned to using the language of human rights. During one of the lead-up meetings to the counter-mobilization, an indigenous peasant leader from Mexico told civil society organizations that the main problem was that "the Summit is not focusing on human rights and the right to food." He explained, "We are not necessarily asking for us to be included, we do not want to legitimize a process that we don't agree with. We are asking for it not to be a corporate food summit." In the ensuing weeks and months, movements took up this activists' approach arguing that they were not

stakeholders, but *rights*-holders. In mobilizing rights, movements sought to remind states of their role as duty-bearers under international law.

In this chapter I examine how food sovereignty movements are deploying the language of human rights to confront the contemporary mutations of neoliberalism. Numerous scholars have insisted that neoliberalism is not dying, but reinventing itself in new authoritarian forms (Callison & Manfredi 2019; Hendrikse 2021). This has led many legal scholars to understandably criticize human rights as a powerless discourse that may in fact serve to facilitate neoliberalism rather than offer a bulwark against it (Moyn 2018; Linarelli, Salomon & Sornarajah 2018; Whyte 2019). However, observers of food sovereignty movements argue that these movements have always mobilized human rights "transgressively" (Patel 2009), combining their visions of food sovereignty with the language with the right to food in strategic ways (Claeys 2015). In mobilizing human rights, food sovereignty activists do not seek to rebuild the liberal legal order. Rather, I argue that as they confront the institutionalization and legitimation of neoliberal inequalities through multistakeholderism, they mobilize rights to construct new forms of democratic postliberal governance.

My argument builds on anthropological and sociolegal scholarship that has emphasized the ways that movements often use human rights language creatively by investing rights claims with local meanings and different visions of social justice (Rajagopal 2003; Goodale & Merry 2007; Merry et al. 2010). However, such scholarship has focused less on economic rights claims in the context of neoliberal forms of governance. In this shifting set of political and legal arrangements, rights play a key role in shaping regulatory values and structures (Morgan 2007; Darian-Smith & Scott 2009). Drawing on my ethnographic observation of food sovereignty networks engaged in Rome-based UN processes, I argue that food sovereignty activists mobilize the right to food as what political theorist Michael Saward calls a "representative claim" – a performative and constitutive claim that challenges "who, and what, may count as representative politically" (Saward 2006: 299). Saward argues that representative claims are performative, aesthetic, and cultural practices through which new constituencies are constituted. Food sovereignty movements have been principally concerned with just that – constructing constituencies of peasants, food-chain workers, small-scale farmers, indigenous peoples, poor urban consumers, and others across borders to construct collective identities and shared demands for social and political change. By investing these practices into their rights claims, they

constitute new democratic constituencies that seek to hold powerful actors and institutions to account.

In elaborating this argument, I begin by describing the articulation and elaboration of food sovereignty as a postliberal social justice claim. I then consider how activists have mobilized food sovereignty with the human right to food in an effort to shape the structure and practice of governance in the UN Committee on World Food Security (CFS), which has served as a key arena of global governance that food sovereignty activists have been successful in significantly influencing. In the face of constant threats to transform the structure and practice of governance in the CFS or to shift decision-making out of the CFS altogether – culminating in the UN Food Systems Summit – food sovereignty movements have drawn on the language of human rights. In concluding, I consider how the food sovereignty movement's mobilization of rights as representative claims offers a radical vision for postliberal governance.

4.1 The Postliberal Politics of Food Sovereignty

The term "food sovereignty" has contested origins (Edelman 2014), but the most common narrative of food sovereignty traces its articulation to LVC in 1996. Activists framed food sovereignty as an alternative to the language of "food security," which then dominated global policy debates about hunger and malnutrition. Activists saw the language of food security as legitimating the liberalization of food and agricultural markets and, more broadly, the commodification of food. By contrast, food *sovereignty* emphasized the political dimensions of food as a common good and demanded greater democratic control over food systems. In its 1996 Tlaxcala Declaration, LVC first articulated the claim of food sovereignty, proclaiming "We are united in our rejection of the economic and political conditions which destroy our livelihoods, our communities, our cultures and our natural environment. We are determined to create a rural economy which is based on respect for ourselves and the earth, on food sovereignty, and on fair trade."[1]

When activists initially developed the claim of food sovereignty, they understood it as a demand for states to be able to determine their own food and agricultural policy. Yet they quickly refined the meaning of food

[1] "Tlaxaca Declaration of Vía Campesina." International Conference of the Via Campesina Tlaxcala, Mexico, April 18–21, 1996. Available at https://viacampesina.org/en/ii-international-conference-of-the-via-campesina-tlaxcala-mexico-april-18-21/.

sovereignty as different groups began to claim "food sovereignty" at local and regional levels. Indigenous peoples and peasant farmers claimed food sovereignty at sub- and supranational levels, while small-scale food producers in the global North began to claim food sovereignty to demand more local food systems. By 2007, when food sovereignty activists convened in Mali for the Nyèléni Conference, they articulated a broad and inclusive vision of food sovereignty as "the right of peoples, communities, and countries to define their own agricultural, labor, fishing, food and land policies which are ecologically, socially, economically and culturally appropriate to their unique circumstances."[2]

The transformation of the meaning of food sovereignty from a claim for state sovereignty to a more diffuse claim about peoples' rights to control their food systems reflected changing global understandings of the operation and exercise of sovereignty. Saskia Sassen (2008) describes how neoliberal globalization transformed the relationship between national territory, authority, and rights through changing global forces of power. To be clear, sovereignty has never been monopolized by the Westphalian nation-state, and even this vision of sovereignty was constructed in the shadow of colonialism and unequal integration into global law and politics (Anghie 2007; Getachew 2020). Nevertheless, national sovereignty was effectively diminished, both through human rights, which effectively recognized limits to national sovereignty as well as through the expansion of private international law, which vested power in private actors. Neoliberalism further empowered transnational private actors (Cutler 2020). By the 1990s and 2000s, political scientists began recognizing that sovereignty had become effectively embedded in relational, networked relations that included both state and nonstate actors (Slaughter 2005; Grewal 2009). This networking of sovereignty undermined the liberal "walls of separation" that were established to police the boundaries of the political and establish spheres of liberty (Walzer 1984). As private power pushed the boundaries of the private–public distinction, new technologies of "governance" emerged – including soft law, certifications, and other voluntary forms of regulation – that transformed the form, operation, and exercise of power (Davis, Kingsbury & Merry 2012).

In the face of what Sassen (2008) describes as changing "geographies of power," movements of peasants, small-scale food producers, and food chain-workers began to articulate new horizons of justice. In claiming food

[2] "Food Sovereignty: A Right for All." Political Statement of the NGO/CSO Forum for Food Sovereignty. 2002. Available at https://nyeleni.org/spip.php?article125.

sovereignty, they sought to transcend the state-centered focus of dominant social justice such as human rights. In doing so, food sovereignty activism became exemplary of what Nancy Fraser describes as the changing grammar of justice claims in the context of neoliberal globalization. Fraser argues that the dominance of the "Keynesian–Westphalian" frame of most social justice claims came to operate as "a powerful instrument of injustice" because it misrepresented political boundaries through which power operates and thereby excluded marginalized peoples from pursuing their justice claims. Building on her scholarship on recognition and redistribution – two axes of justice within the nation-state (Fraser & Honneth 2003) – Fraser adds the third axis of representation. "Representation is always already inherent in all claims for redistribution and recognition," she writes. "The political dimension is implicit in, indeed required by, the grammar of the concept of justice. Thus, no redistribution or recognition without representation" (Fraser 2009: 21).

Building on peasant struggles throughout the twentieth century (Wolf 1969), contemporary food sovereignty activists seek *redistribution* through the trade rules and public investment that support local and territorial markets over global markets as well as *recognition* of peasants and small-scale food producers to determine how they wish to produce food and earn their livelihoods. But food sovereignty movements also seek *representation* within local, regional, and transnational arenas of governance that regulate food systems in order to hold the transnational actors involved in food systems accountable. Indeed, this is what makes food sovereignty such a noveljustice claims.

As food sovereignty emerged as the dominant collective action frame of LVC and allied movements, it sometimes caused friction with human rights. Though human rights have emerged as the dominant grammar of international justice claims (Moyn 2012), food sovereignty sought to transcend what they saw as multiple limits of human rights – the individualist framing, their state-centered focus, and their technocratic legal framing (Claeys 2015). Food sovereignty activists seek to overcome these representational limits of human rights in two ways. First, in articulating food sovereignty as a collective claim that is focused at local, regional, and global levels, they challenge dominant liberal meanings of rights. As both a good on which people depend for their livelihoods and a public good, food does not easily fit into the liberal schemas of social and economic organization. Thus, as food sovereignty activists seek to build democratic, decentralized, and diverse food systems, they are reenvisioning justice around the relational networks through which food is produced and provisioned.

Second, food sovereignty activists seek to democratize these networks through new forms and practices of representation that empower grassroots movements and hold powerful actors accountable. Indeed, a key principle of food sovereignty movements is their commitment to the autonomy of movements that mobilize food sovereignty and the self-representation of marginalized peoples. These practices have been critical in enabling them to develop solidarity among a diverse set of constituencies (small and mid-size farmers, peasants, pastoralists, food-chain workers, the urban poor, fisherfolk, etc.) across uneven relations of global power. They also offer a sharp contrast to what had operated undemocratically in human rights institutions as an implicit delegation of representation to international NGOs that often claim to represent victims of human rights violations. This caused tensions between international NGOs and food sovereignty movements in the 1990s. For example, in 1996, LVC refused to be part of a statement of the NGO Forum to the World Food Summit even though NGOs had inserted language on food sovereignty into the statement for fear of cooptation (Desmarais 2002).

In seeking to overcome the representational limits of human rights, food sovereignty activists have effectively assembled a postliberal justice claim. Yet what distinguishes food sovereignty movements from reactionary right-wing calls for popular sovereignty is their ongoing assertion and engagement with human rights. Indeed, although food sovereignty activists have sought to transcend what they see as the representational limits of human rights, they have not abandoned claims for the right to food altogether; activists continually emphasize the right to food as a cornerstone of food sovereignty. Their strategic mobilization of these two claims thus reveals critical dynamics between emerging postliberal legal formations and their relationship to existing discourses and grammars of social entitlement and justice.

4.2 Claiming Food Sovereignty and Mobilizing Rights in Global Governance

Since the very first articulation of food sovereignty in the 1990s, activists have fixed their eyes on transforming global legal structures to promote decentralized and democratic governance over food systems. Yet their vision of democratic global governance has consistently been threatened by alternative participatory structures proposed by hegemonic actors. In the mid-1990s, LVC's demands were focused largely on an institution that was intransigent to civil society participation: the World Trade

Organization. LVC therefore sought out other institutions they could influence to oppose trade liberalization. Early after activists had first articulated the concept of food sovereignty, LVC convened in Rome outside of the World Food Summit. There they further elaborated a series of principles – including human rights, agrarian reform, protecting natural resources, reorganizing the food trade, social peace, and democratic control – and became increasingly focused on the Food and Agriculture Organization (FAO) as a potential site of strategic influence. After all, FAO's mission to end hunger and promote rural livelihoods not only fit more closely with LVC's goals, it was also more welcoming to civil society.

A few years after the summit, when the FAO began preparing for the "World Food Summit: five years later" (WFS:fyl), LVC intensified their efforts to influence the process. LVC joined together with like-minded social movements and NGOs to form the International Planning Committee for Food Sovereignty (IPC) to help build a new framework for engaging food sovereignty movements and other civil society organizations in the process. As the IPC began developing new mechanisms to facilitate civil society engagement in the WFS:fyl process, a new participatory ethos was emerging across the United Nations. The 1992 Earth Summit in Rio de Janeiro is generally cited as the "beginning of the participatory turn of global environmental governance" (Bäckstrand 2006). In the period between the 1992 Earth Summit and the follow up, ten years later in Johannesburg, the UN Commission on Sustainable Development became a locus for developing what was termed a "multistakeholder" approach to governance that identified "major groups" and sought to integrate them into global governance. At the same time, however, global justice or "anti-corporate globalization" movements were experimenting with new organizational forms and repertoires of contention in which participatory democracy was key (Juris 2008; Maeckelbergh 2009). The 2001 World Social Forum, held in Porto Alegre, Brazil, centered participatory and deliberative democracy as the key practice of movement building and demand for global transformation (Smith 2004). In contrast to the top-down framework of assembling "stakeholders" to participate in global processes – a process that effectively sought to institutionalize the practice in liberal democracy of providing equal opportunities to all affected persons and groups to influence political decisions – food sovereignty activists pursued a more substantive vision of democracy in which those *most* marginalized and most affected would be at the center of decision-making processes.

The tensions between these two formulations of democracy were faced directly by the IPC in their preparation for the WFS:fyl. The IPC was preparing for what would become the NGO/CSO Forum for Food Sovereignty in 2001 just as the World Summit for Sustainable Development in Johannesburg was also being organized. The IPC's approach to participation was drawn from the practices of the food sovereignty movement and rooted in activists' commitment to autonomy and self-representation. The IPC defined its role as providing a platform for organizations to represent themselves, not to facilitate consensus or represent peoples' movements. This approach "contrasted sharply" with the approach of the multistakeholder dialogues of the Commission on Sustainable Development (CSD). As Nora McKeon explains, "the Major Groups had been predefined by an intergovernmental forum, whereas the IPC emerged from an on-going civil society process of self-definition" (McKeon 2009: 56). A key difference was that the IPC excluded the private sector, whereas the major groups included the private sector in multistakeholder dialogues. Indeed, as one of the key organizers of the IPC would later put it, "The task for the IPC is . . . to open the political space within the FAO for all popular organizations and movements. The aim is to increase effective democracy, not only bringing new groups into the UN's charmed circle, but also their concerns, methodologies and militancy" (Colombo & Onorati 2013: 67). The differences between the IPC and the multistakeholder processes of the CSD would be a point of enduring tension.

By all accounts, the success of the NGO/CSO forum of WFS:fyl led the FAO to pursue a more formal relationship with the IPC. In 2002, the IPC and the director-general of the FAO and the IPC engaged in an "exchange of letters" in which they spelled out their relationship, recognizing the IPC as the FAO's "principal global civil society interlocutor on the initiatives and themes emerging from the WFS:fyl" (McKeon 2009: 72). In his letter, Director-General Jacques Diouf recognized IPC's approach to participation, explaining "both parties concur with the need to distinguish between the interests of social movements/non-profit NGOs and those of private sector associations, and to make separate interface arrangements for those categories of organizations" (McKeon 2009: 72). The director-general specified that the four major themes of the NGO/CSO summit – "the right to food and to food sovereignty; local population's access to management of, and control over, local resources; small-scale, family-based agro-ecological methods of food production; and trade and food sovereignty" – would form the basis for their

relationship (Colombo & Onorati 2013: 67). The exchange of letters not only played a key role in legitimating the IPC's vision of participation with its separation of civil society and the private sector and autonomous organization, it also explicitly recognized their claim of food sovereignty.

In the ensuing two years, the IPC worked to create opportunities for social movements to participate in the FAO by promoting a rights-based approach. One of the key outcomes of the WFS:fyl was the formation of an Intersessional Working Group to develop a set of voluntary guidelines on the right to food. The formation of the working group and the eventual guidelines were significant in two respects. First, the "Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security" was the first time that a human right had been negotiated outside of the Geneva-based United Nations human rights institutions. Although it contained multiple compromises, which even the name of the document implied, it nonetheless reaffirmed the normative significance of human rights in driving food and agricultural policy. Second, the working group included the participation of the IPC. Several NGOs from the Right to Food Working Group of the IPC participated in the negotiation of the guidelines. As a result, the guidelines clearly specified that participation by stakeholders – including the private sector and civil society – was a key component of a rights-based approach to food and nutrition. The guidelines, which were adopted by the UN Food and Agriculture Organization in 2004, became the foundation for further civil society engagement in the FAO.

Indeed, three years later, when the world faced a global food and financial crisis, LVC, the IPC, and other food sovereignty activists mobilized to push governments to address the structural drivers of the crisis through the rights-based approach elaborated through the voluntary guidelines. While multiple institutions, including the G8, the World Bank, and the UN Secretariat all vied to respond to the crisis, civil society organizations successfully argued to reform the (CFS), a previously technical body in the FAO (Duncan 2015). The reform of the CFS was oriented around two values: evidenced-based decision-making, and inclusivity. To address the former, the CFS established a High-Level Panel of Experts (HLPE) to provide expert guidance on policy issues. In terms of the latter, there was significant debate. The IPC argued for an autonomous civil society mechanism based on the model of the IPC to facilitate the participation of civil society organizations in the CFS. Meanwhile, although the private sector had neither been involved in

the negotiations of the guidelines on the right to food, nor the reform of the CFS, the United States lobbied vigorously for their inclusion.

The final structure of the reformed CFS in many ways reflected the vision of participation that the IPC had promoted. Food sovereignty movements succeeded in advocating for the establishment of two autonomously organized mechanisms – The Civil Society and Indigenous Peoples Mechanisms (CSIPM)[3] and the Private Sector Mechanism (PSM) – that distinguished between the private sector and civil society. The former would include not only transnational corporations, trade associations, and philanthropies, but also organizations that represented large-scale commercial farmers. The latter included NGOs and social movements with "particular attention to organizations representing smallholder family farmers, artisanal fisherfolk, herders/pastoralists, landless, urban poor, agricultural and food workers, women, youth, consumers, Indigenous Peoples, and International NGOs whose mandates and activities are concentrated in the areas of concern to the Committee" (Reform of the Committee on World Food Security Final Version 2009). Both the PSM and CSIPM were included as "stakeholders" of the CFS.

The CSIPM's structure, which was established based on a proposal developed by the international NGO Oxfam International, the IPC, and Action Aid International was particularly important because it helped to institutionalize the food sovereignty movement's practices of self-representation and autonomy (Gaarde 2017). The initial proposal emphasized that the CSIPM "will respect pluralism, autonomy, and self-organization. It will ensure a balance of gender, regions, constituencies, and genders."[4] The CSIPM established eleven different constituencies and seventeen subregions. Importantly, only one of the constituencies was allocated for international NGOs, the other ten were all allocated to groups including smallholder farmers, fisherfolks, pastoralists, indigenous peoples, landless peoples, women, youth, consumers, urban food insecure, and food and agricultural workers. The CSIPM emphasized that it did not represent

[3] At the time of the reform, the name of the mechanism was the Civil Society Mechanism. In 2018, it changed its name to the Civil Society and Indigenous People's Mechanism, and in 2022 it began using the abbreviation "CSIPM." To avoid confusion, I use this abbreviation throughout the text.

[4] "Proposal for an International Food Security and Nutrition Civil Society Mechanism for Relations with the CFS." 2009. Available at www.csm4cfs.org/wp-content/uploads/2016/03/Proposal-for-an-international-civil-society-mechanism.pdf.

the voices of these constituencies but served to facilitate their participation in the CFS. Through a creative system of quotas and constituencies for participation, the CSIPM created its own system of prefigurative democratic governance (Claeys & Duncan 2019).

Though the CFS included "stakeholders" in the policy-making process of the CFS, it also maintained states as the only voting "members" of the committee. The innovative inclusive structure of the reformed CFS not only enabled it to claim greater legitimacy, but also authority over global food and agricultural issues. Indeed, the CFS rebranded itself as "the foremost inclusive international and intergovernmental platform for all stakeholders to work together to ensure food security and nutrition for all." Food sovereignty activists hailed this structure as an example of democratic global governance (McKeon 2015). Yet as social movements would come to find, it would be a fragile victory. For just as the CFS was reformed, the World Economic Forum (WEF) embarked on what it called the "Global Redesign Initiative" that endeavored to transform global political and legal organization and expand "the geometry of cooperation to capitalize on the wider availability of non-state expertise and resources" (World Economic Forum 2010b). Through this initiative, the WEF would seek to dismantle the structure that the CSIPM had carefully worked to build through the reform.

4.3 Countering the Threat of Stakeholder Capitalism

I started ethnographic fieldwork in the UN Committee on World Food Security in 2013, just three years after the reform. I had not planned to do fieldwork in the CFS, but at several gatherings of food sovereignty movements, I heard repeatedly about the CFS and its importance for movements worldwide. Activists were using the CSIPM as a convergence space for food sovereignty globally. Moreover, their experiences in the CSIPM were also shaping their broader approach to global and transnational governance. That year also turned out to be a good year to begin attending the CFS: 2013 was a year of renewal for the CSIPM. Many of the designated "focal points" for subregions and constituencies started new terms. This included the North American focal point, which switched from an American activist to a Canadian NGO-worker focused on biodiversity and seeds. Because there were many new people attending the CSIPM, those who had been participating in the CSIPM and CFS made the extra effort to orient other civil society members to these forums.

In the period between 2009 and 2013, the CSIPM had been involved in negotiating several different "policy recommendations" and "voluntary guidelines" – all forms of soft law that the CFS develops in an effort to promote policy convergence and international cooperation on food and agricultural issues. Activists in the CSIPM saw some of these instruments as major successes. For example, the CSIPM celebrated the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) as a major victory because they offered an alternative to the dominant model of privatization that has been a hallmark of neoliberal land policy. But other policy recommendations, such as those on "Food Price Volatility and Food Security" were extremely contentious. Members of the CSIPM walked out of the negotiations because some governments refused to recognize the underlying drivers of food price volatility.

During my first year attending the CFS, I couldn't help but notice the ubiquity of the term "multistakeholder." Even though civil society in the CFS were opposed to describing themselves as stakeholders, they nonetheless leveraged this term in seeking to strengthen their voices in negotiations. In negotiations and strategy sessions, I heard activists constantly emphasizing that as a stakeholder of the process their comments should be equally considered in decision-making processes. At the same time, I also heard governments using the term to support their own positions and interests when they had the support of whatever stakeholder they were referring to, either civil society or the private sector.

By 2014, however, some of the activists most deeply involved in the CSIPM were growing disenchanted with CFS. I observed members of the CSIPM negotiate the CFS Principles for Responsible Investment in Agriculture and Food Systems, which were especially contentious because of their potential role in regulating land grabs and other forms of investment. During the negotiations, the chair of process continuously ignored the suggestions of the CSIPM. Throughout the process it was clear that some "stakeholders" had more power than others. Although the language of multistakeholderism may have served as a strategic discourse for civil society members, activists became increasingly concerned about it. One activist – the leader of an NGO based in South Asia – who served as a facilitator in the negotiation of the principles to other civil society activists in a strategy meeting after a long day of negotiations that multistakeholderism was a fundamental problem. Although it had enabled the participation of civil society, she said that multistakeholderism "does not recognize asymmetries of power." She said she was worried that the voices of social movements were being

coopted. "How do we justify our being here with the work that is being done in the regions?" she asked the room. She, like others, were worried that if they participated in negotiations of principles that would later be used to dispossess peasants and small-scale producers, they would legitimize the very instruments they sought to resist.

In the three consecutive years I attended the CFS, it became increasingly clear that multistakeholderism was not simply a format of participation, it was also a way for governments to evade duties and obligations. Governments and the private sector were often happy to include language within negotiated documents about "multistakeholder" inclusion, but they were much less willing to include language that demanded fidelity to human rights. For example, in negotiations over policy recommendations on biofuels in 2013, for example, a Canadian delegate brazenly vetoed the incorporation of language related to human rights. This led the CSIPM to once again face the question of whether they should walk out. Prior to the negotiations, they had identified the inclusion of human rights as a "redline" – something they would not give up – because they insisted that food production, rather than using food for fuel, was critical to the fulfillment of the right to food. Similarly, in 2014, many governments continuously pushed back against the CSIPM's attempt to frame investment in terms of human rights (Canfield 2018).

The CSIPM's determination to include human rights language in policy documents was based on two objectives. First, the CSIPM saw human rights as an antidote to the "voluntary" nature of the policy recommendations and guidelines produced by the CFS. Human rights were protected by international treaties and laws. Therefore, anchoring policy recommendations in binding legal obligations was thought to strengthen the work of the CFS. Second, insisting on a rights-based approach, the CFS sought to assert that those who were *most affected* by rights violations as rights-holders should have a stronger voice than simply *all affected* stakeholders.

By contrast, the private sector sought to reaffirm their own vision of multistakeholderism and push back against civil society's attempt to imbue their own voice with greater legitimacy. Over the seven annual, week-long CFS meetings I have attended, I have watched participants from the Private Sector Mechanism (PSM) constantly try to dismantle the boundary between the "private sector" and "civil society" that the IPC had labored to maintain. For years, this attempt has centered around the definition of farmers. Participants from the PSM – a rotating cast of farmers and small-business owners flown in from different parts of the

world – have read impassioned speeches about how all farmers are entrepreneurs and that the distinction between small-scale and large-scale farmers makes little sense. Through these statements the PSM seeks to undermine the CSIPM's legitimacy and suggest that the boundary between civil society and the private sector is arbitrary.

In recent years, the PSM has grown more emboldened in challenging the CSIPM. In 2016 and 2017, one member of the PSM, a global organization that represents commercial farmers, began advocating for the creation of a new "farmer's mechanism." They argued that "farmers are not adequately represented by the CS[IP]M," because it represents social movements. They also argued that farmers were not adequately represented in the PSM because "they represent agri-business and not farmers."[5] The PSM was not ultimately successful in creating this new farmer's mechanism, but its ongoing efforts illustrates how transnational private actors continually try to undermine the symbolic authority and claims to representation of the CSIPM.

At the same time that the private sector was launching its attack on the CSIPM, governments around the world were becoming increasingly right-wing and more hostile to civil society and human rights. I watched as the United States government, which had long promoted agri-business, became increasingly hostile to the deliberative process. It worked with illiberal governments, such as Russia, to undermine negotiations in the CFS. At the same time, governments that had once been supporters of the CSIPM, such as Brazil, became increasingly hostile as their governments turned right-wing.

In 2017, at the annual Civil Society Forum before the CFS, social movement activists warned of an increasingly hostile environment. One activist from a network of food-chain workers described "seeing a dangerous form of multistakeholderism, for those who are willing to engage, there is a growing space for them. Corporations enter these multistakeholder spaces and they show a kind and friendly face for themselves." In the same forum, an indigenous activist told the audience that "We need to be rebels. We need to continue on our efforts in relation to the CFS because it's the first international instrument that we have created like it." He described how "increasingly we've seen that [the CSIPM is] losing human rights in documents." A longtime participant from LVC explained that "There are governments that think we need to maintain

[5] Evaluation of the Committee on World Food Security. 2017. Available at www.csm4cfs.org/wp-content/uploads/2017/03/CFS-Evaluation-Final-Report-14-April-2017.pdf.

the spirit of this reform, where civil society participates on an equal level with governments that draw up right to food policy and there are other countries that seek to the destroy this process and reform the reform." That same year, an evaluation of the CFS revealed criticism of the CSIPM. Some "CFS members and stakeholders," the report explained, "were critical of the manner in which the CSM functions. The mechanism is seen to dominate discussions and overshadow the contributions of others. They were also critical of the CSM's use of language that appears confrontational to others, and felt that the CSM pushed the 'rights agenda' too aggressively."

Nonetheless, CSIPM members continued to mobilize human rights as one of few resources at their disposal. In a declaration entitled "It's Time to Recommit," the CSIPM sought to reaffirm the CFS' commitment to human rights. The report proclaimed "We, the people, are the most important agents for change. We are the organizations of the rights-holders, while governments and intergovernmental institutions are the duty-bearers. We are the most important producers, processors, and providers of food and nutrition worldwide . . . our voices . . . most be heard more strongly in the future." Their statement offered several proposals to strengthen the CFS to address food insecurity and malnutrition. Throughout the statement they sought to affirm human rights duties and their voices at the center of the process.

Despite their effort to promote human rights, it was clear that within the CFS there was little support for the CSIPM. In 2019, the chair of the CFS drew on the language of inclusivity to argue that the CFS was not being inclusive *enough*. "We need to keep the inclusiveness as the first guiding principle of the reform," he told the plenary of the CFS. In order to keep the CFS relevant, they needed to create new stakeholders. I learned from members of the CSIPM that the chair sought to somehow reform the CFS in a way that gave into the ongoing pressure from various governments and the private sector to dilute the voice of the CSIPM. It was clear that the chair knew something that activists didn't about the political pressures on the CFS. That year, I sat in the back of the Plenary Hall with members of the CSIPM when the UN secretary-general appeared by video link announcing a surprise "UN Food Systems Summit." Activists were immediately suspicious. Who had called for this summit?

Along with activists in the CSIPM, I would later learn that the UN Food Systems Summit was planned only after the UN Secretariat had signed a strategic partnership with the WEF. As described earlier, the

WEF had been promoting the multistakeholderization of multilateral governance since 2007 through what it called the Global Redesign Initiative. In 2020, the WEF released a new program called the "Great Reset." This more ambitious vision of the Global Redesign Initiative was focused on creating a "new social contract" modeled on what Executive Chairman Klaus Schwab calls "stakeholder capitalism." As Schwab explains, "'Stakeholder capitalism'... positions private corporations as trustees of society, and is clearly the best response to today's social and environmental challenges" (Schwab 2019). This vision of stakeholder capitalism was embedded within the structure of the UN Food Systems Summit. Unlike past global food summits, which had been organized as multilateral summits, this summit was organized as a multistakeholder summit – drawing on all relevant and affected stakeholders in an effort to transform the food system. Not only was it organized outside of the CFS, its leadership was drawn from a mix of powerful philanthropies such as the Bill and Melinda Gates Foundation and the World Economic Forum. It developed a complicated multistakeholder process that confused even governments (Canfield, Anderson & McMichael 2021).

After a few months of trying to understand how they might engage in the summit, the CSIPM decided to boycott it. Through their mobilization, food sovereignty activists developed a robust critique of multistakeholderism. They released a series of infographics about multistakeholderism that illustrated their critiques with headlines like "illusions of equality" and "privatizing public life." In a report they published, entitled "Exposing Corporate Capture of the UNFSS through Multistakeholderism," they described multistakeholder governance as a structure that "allows powerful transnational corporations, their platforms and associations to direct international and national policy making, financing, narratives and governance while promoting corporate friendly, false solutions to food systems in crisis" (Chandrasekaran et al. 2021). In their report, they traced the connections between the overlapping networks of philanthropic, corporate, and intergovernmental actors that promote multistakeholder initiatives at local and global levels. In doing so, they illuminated the acceleration of multistakeholderization as part of a concerted strategy of the World Economic Forum, the Bill and Melinda Gates Foundation, and others.

In their statement "No to Corporate Food Systems! Yes to Food Sovereignty!" the CSIPM framed their challenge to multistakeholderism in the language of human rights. "Instead of being grounded in human rights, the UNFSS is a multistakeholder forum in which all actors,

whether governments, individuals, regional/international agencies, or business/corporation representatives are portrayed as equal participants. But stakeholders are not necessarily rights-holders: people's and communities' rights and sovereignty should not be confused with private-sector business interests."

4.4 Conclusions: Rights as Representational Claims

Through the claim of food sovereignty, movements have sought to overcome the limits of liberal legalism and respond to the changing political and legal landscape. Like scholars, they recognize that the nation-state no longer serves as the sole site of economic and normative organization. Food sovereignty movements therefore seek to democratize the networks through which sovereignty and power now operate. In doing so, they offer an expansive and radical justice claim. Yet as they seek to institutionalize the representative practices they have developed, they face strong opposition from powerful governments and transnational private actors that are offering their own vision of a postliberal global order. This vision is increasingly cohering around "multistakeholderism" – a vision of governance that Wendy Brown (2015) convincingly argues economizes democratic rationalities.

Multistakeholderism has the trappings of liberal democracy because it emphasizes "*equivalent opportunities* for all affected persons to participate in and exercise control over societal regulatory processes" (Scholte 2014: 11), but it does so at the expense of entrenching inequalities. Indeed, numerous analyses have critiqued multistakeholderism's fiction of formal equality as a mode through which power asymmetries are reproduced (McKeon 2017; Gleckman 2018; MSI Integrity 2020). Not only are transnational corporations, philanthropies, and powerful states often able to invest greater energy and resources in these arenas, but they are also able to leverage their economic power to exert influence outside of these arenas. Jonathan Davies suggests that by relegating hierarchy to the shadows, "the coercive modalities of governing thus tend to disappear from view" (Davies 2012: 2687). It is for this reason that food sovereignty movements identify multistakeholderism as the greatest threat to the democratic order they wish to build (Manahan & Kumar 2022).

In challenging multistakeholderism, food sovereignty movements have turned to the language of human rights. In mobilizing rights, however, they do not seek to simply reconstruct a state-centered form of global governance. Indeed, as Raj Patel (2009) has argued, food sovereignty

movements mobilize the right to food *transgressively* as a democratic claim. He likens food sovereignty movements' use of human rights to what Hannah Arendt described as "the right to have rights." By mobilizing the right to food, they demand that those most affected by food systems or *rights-holders* should be at the center of decision-making. In other words, they seek to construct a more democratic form of governance grounded in the voices, visions, and needs of those marginalized by industrial food systems.

Food sovereignty movements thus mobilize the right to food as what Michael Saward calls a "representative claim" – a political, performative, and cultural process that constitutes new constituencies that demand accountability. Saward argues that representative claims cannot be conjured out of thin air – they are constrained by those discourses that remain salient. He explains: "Representative claims that are compelling, or which resonate among relevant audiences, will be made from 'ready mades', existing terms and understandings which the would-be audience will recognize . . . Claims must repeat the familiar as well as (indeed, in order to) create something new; must iterate features of political culture to cross a threshold of potential acceptability" (Saward 2006: 303). In the context of international institutions, human rights remain the dominant discourse – a language of social justice that potentially comes with constraints. In her study of human rights and gender violence, for example, Sally Merry (2008) points out that human rights remain rooted in a liberal framework that emphasizes individuality and autonomy – frameworks of liberal rights that may not always be resonant in local contexts. Food sovereignty movements too may face this constraint, particularly when the right to food is construed through an individualistic lens. But as food sovereignty movements articulate the right to food through a collective framework, they reconstruct it as a representative claim. Indeed, in mobilizing the right to food, they demand not only to be included in decision-making, but also demand that institutions, arenas, and processes of governance be accountable to them.

As they mobilize this claim in the context of stakeholder arenas of governance, they offer a new vision of democratic governance. They are not alone in seeing radical possibilities in this postliberal context. Political theorist Eva Sørensen argues that "the emergence of a system of network governance does not endanger the image of liberal democracy. It rather can be seen as a step toward its radicalization" (Sørensen 2002: 716). She contends that the blurring of boundaries between public and private makes it possible to make egalitarian claims for democracy

beyond the formal political sphere to the market. Moreover, as it blurs the boundaries between states, it allows new constituencies to emerge beyond the nation-state. Instead of democracy being grounded in accountability to the "people," the imagined community of the nation-state (Anderson 2006), networked processes necessitate a constant struggle for the "legitimate right to construct the identity of the represented, and make political decisions with reference to this identity" (Sørenson 2002: 698). Through representative claims, she argues, new "peoples" are brought into being and institutions are made accountable (see also Knappe & Schmidt 2021). These peoples may be those excluded by the imagined publics of nation-states, but they can also be new alliances that seek to democratize the material, judicial, and communicative networks through which global capitalism has spread. Such an approach requires attending to the micropolitical, cultural processes through which representative claims constitute constituencies or "peoples" in whose name democracy is grounded.

Still, while food sovereignty movements may be reconstructing human rights to build decentralized and democratic food systems through post-liberal forms of governance, they face significant challenges. On the one hand, their claims for human rights are easily co-opted and reinterpreted through an individualistic framework that legitimates the liberalization of food and agriculture. Indeed, this was why food sovereignty activists initially eschewed framing their social justice claims through the language of human rights. On the other hand, their claims for democratic postliberal governance are often reinterpreted simply as a claim for "inclusivity," thereby legitimating the expansion of multistakeholder forms of governance that reproduce the status quo. As powerful actors and institutions seek to incorporate, contain, and co-opt the democratic claims of food sovereignty movements, they face difficult dilemmas over how to resist theses forces while maintaining their autonomy and radical visions of transformation.

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