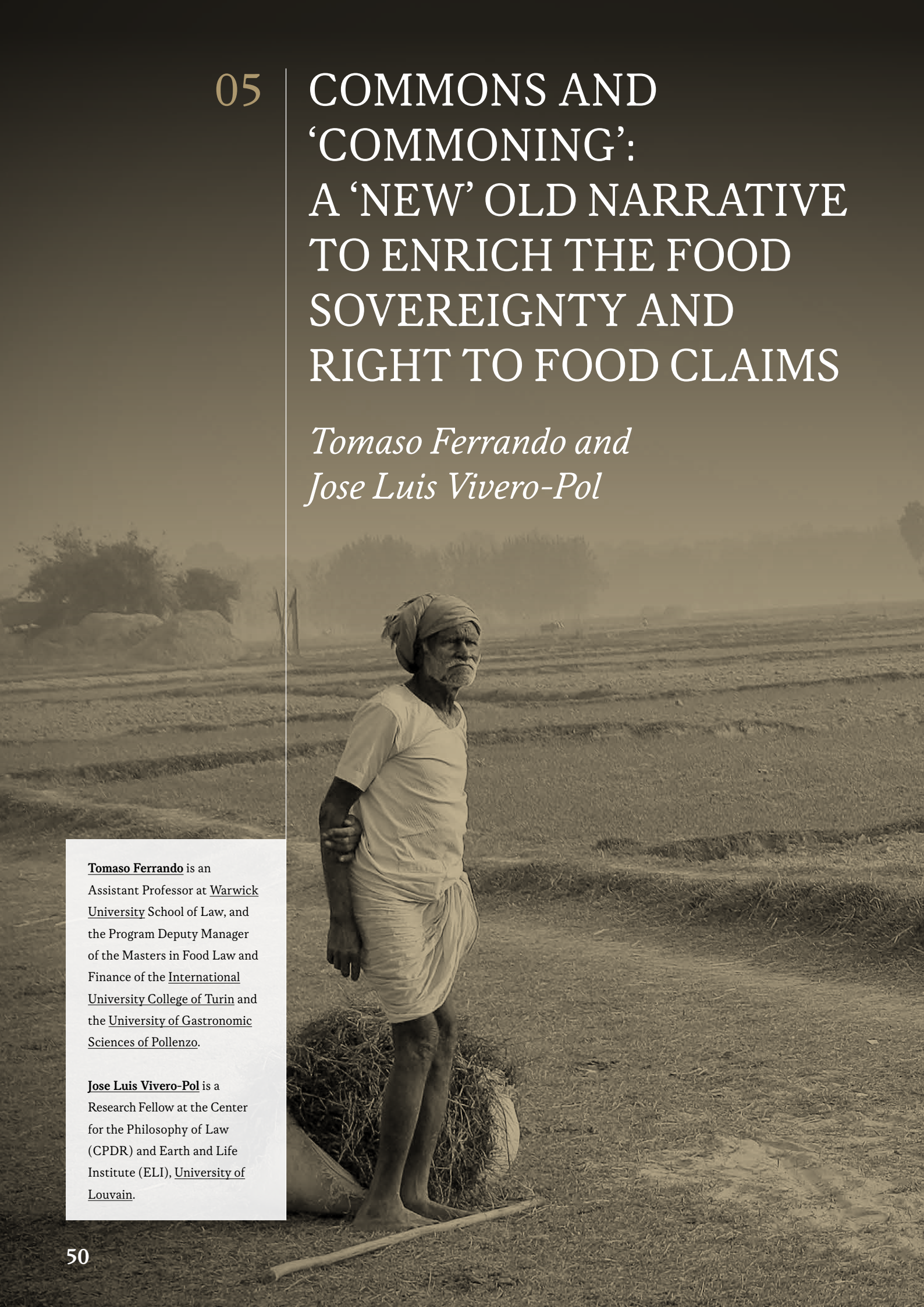


# COMMONS AND 'COMMONING': A 'NEW' OLD NARRATIVE TO ENRICH THE FOOD SOVEREIGNTY AND RIGHT TO FOOD CLAIMS

*Tomaso Ferrando and  
Jose Luis Vivero-Pol*

**Tomaso Ferrando** is an Assistant Professor at Warwick University School of Law, and the Program Deputy Manager of the Masters in Food Law and Finance of the International University College of Turin and the University of Gastronomic Sciences of Pollenzo.

**Jose Luis Vivero-Pol** is a Research Fellow at the Center for the Philosophy of Law (CPDR) and Earth and Life Institute (ELI), University of Louvain.



*“How did we get to accept that food, one of the three essentials for life, along with air and water, can be produced, distributed, appropriated and even destroyed on the basis of pure economic considerations?”*

Over the last ten years, *Watch* readers have become familiar with the consequences of the capitalist economic model: from the depletion of natural resources to climate change,<sup>1</sup> and from the concentration of wealth to the corporate capture of our food system.<sup>2</sup> Despite a decade of mobilizations and struggles, we continue to witness the effects of capitalism’s appropriation and transformation of nature: the enclosure of land, the rapid disappearance of small-scale farming, the privatization of customary fishing rights, the misappropriation of seeds, deforestation to cultivate cash crops for industrial long food chains, the gradual extinction of biodiversity, human-induced pollution, meal impoverishment, nutrient-poor ultraprocessed foods, and widespread famines, to name but a few.

#### Acknowledgements

Special thanks to Karine Peschard (Graduate Institute of International and Development Studies) and Priscilla Claeys (Coventry University and FIAN Belgium) for their support in reviewing this article.

#### Photo

Peasant working on the land near the Indo-Nepal border (Uttar Pradesh, India, 2016). Photo by Marit Erdal/FIAN Norway.

- 1 Whitmee, Sara *et al.*, “Safeguarding human health in the Anthropocene epoch: report of The Rockefeller Foundation–Lancet Commission on planetary health.” *The Lancet* 386 (2015): 1973–2028.
- 2 Rundall, Patri. “The ‘Business of Malnutrition’: The Perfect Public Relations Cover for Big Food.” *Right to Food and Nutrition Watch* (2015): 23–28. Available at: [www.righttofoodandnutrition.org/node/51](http://www.righttofoodandnutrition.org/node/51); Schuftan, Claudio and Radha Holla. “Two Contemporary Challenges: Corporate Control over Food and Nutrition and the Absence of a Focus on the social determinants of Nutrition.” *Right to Food and Nutrition Watch* (2012): 24–30. Available at: [www.righttofoodandnutrition.org/files/R\\_t\\_F\\_a\\_N\\_Watch\\_2012\\_eng.pdf#page=24](http://www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2012_eng.pdf#page=24).
- 3 The Nyéléni Declaration on Agroecology (February 27, 2015) rejects the commodification of food-producing resources, recognizing that “[c]ollective rights and access to the Commons are fundamental pillars of Agroecology. [...] We reject the commodification of all forms of life. [...] We need to put the control of seeds, biodiversity, land and territories, waters, knowledge, culture and the commons in the hands of the peoples who feed the world”. Available at: [www.foodsovereignty.org/forum-agroecology-nyeleni-2015/](http://www.foodsovereignty.org/forum-agroecology-nyeleni-2015/).
- 4 Dardot, Pierre and Christian Laval. *Commun, essai sur la révolution au XXI<sup>e</sup> siècle*. Paris: Le Découverte, 2014.

Policy makers, social movements, grassroots groups and engaged scholars have discussed legal initiatives, policy options and examples of how bottom-up organizations and new forms of governance can facilitate, redress and prevent some of the malfunctions and harmful effects of global capitalism. However, they often stop at the symptoms; or their attempts to introduce a new vision of what a new food system could look like are thwarted. In this respect, we invite readers to re-interpret the relationships between humans, animals, nature and food, and present a value-based paradigm shift that goes to the root of a failed economic system. Rather than perceiving natural resources and food as commodities, this article shows that a paradigm shift towards valuing, governing and stewarding nature, labor and food as commons<sup>3</sup> can enrich the claims for food sovereignty and the human right to adequate food and nutrition.

This paradigm change is neither a proposal for a quick fix, nor a short-term solution to the converging crises, but rather a long-term, ecological and bottom-up alternative to the dominant economic model. Our notion of the commons goes beyond an economic understanding of commons as rival but hardly excludable natural resources shared by a community. We advocate for an understanding of the commons that reflects a combination of material and immaterial common resources (e.g. fish stocks and cooking recipes). The commons also encompasses the shared social practices that have been institutionalized by societies to govern resources (referred to as ‘commoning’), and collective management with a sense of common purpose (i.e. to guarantee access to food to all members of the community). Thus, commons are not only resources but also practices where each member of the collectivity is thinking, learning and acting as a ‘commoner’. It is through ‘commoning’ that resources become part of the commons, and not the other way around.<sup>4</sup> The commonsbased approach to humans and the planet informs a transition from nature as a resource that serves human needs, to nature as a co-constructed and co-inhabited web—a life enabler that also sets limits to human activities. This paradigm shift is rooted in historical and customary practices (e.g. indigenous groups producing food in rural areas, transhumant pastoralists in grassland steppes) as well as in innovative contemporary urban actions (e.g. young dwellers consuming organic food produced in urban gardens or sharing meal initiatives via Internet apps). Therefore, it is both a new and an old paradigm



that clearly confronts the dominant neoliberal narrative that is marked by profit-oriented market hegemony and individualism. We begin with a critique of the idea of the ‘tragedy of the commons’ and we then discuss the role that commons and ‘commoning’ can have in decommodifying nature. In the last section, we introduce the idea of food as ‘new’ old commons in opposition to food as a pure commodity, and discuss how this narrative and praxis may enrich other transformational civil society claims.

## COMMONS AT A TIME OF CHEAP NATURE AND LOW-COST FOOD SYSTEMS

Jason W. Moore reminds us that modernity has been constructed around the search, appropriation and enclosure of cheap nature.<sup>5</sup> Since Descartes, the Western world has considered nature as a soul-less object. It has simplified it and separated it from the human realm, to allow it to be deconstructed, studied and described, but also controlled and converted into a commodity.<sup>6</sup> Later on, influential philosophers such as John Locke or Adam Smith justified the appropriation of common resources—that belonged to all—for individual private benefit. In legal terms, this appropriation of the commons was epitomized by the notions of public and private ownership: two concepts that share the idea that human beings can appropriate most—if not all—of what surrounds them (individually or through the intermediation of public authorities). Not only does this dichotomy between private and public entities dominate the paradigmatic horizon of so-called ‘modern cultures’ and our language,<sup>7</sup> but also, it offers a justification for the unsustainable and non-ecological practices described above.

Within this dominant paradigmatic framework, it should come as no surprise that ideas and practices that operate beyond the public-private binomial are invisible, undervalued or dismissed as archaic and non-modern. And yet, throughout centuries and still today, other forms of interactions and epistemic regards between society and nature have been developed. Examples include the 19th century irrigation canals in the Swiss Alps that are still functioning; the collectively-managed water system in Cochabamba (Bolivia); indigenous traditions to maintain seed biodiversity in Latin America; and land in Kenya that is collectively owned and managed by the Endorois pastoralists. Agroecological knowledge that farmers reproduce all over the world is another case in point. Their food systems are not only qualitatively different, but they are also quantitatively essential: two billion people around the world still depend on the commons for their daily food and everyday needs.<sup>8</sup> These areas, although often classified as public lands or private property owned by communities, are collectively owned and self-governed by their inhabitants, very often through common property arrangements.<sup>9</sup>

All of these can be viewed as commons, because they constitute systems of co-existence between humans and natural resources that are based on self-regulated collective governance, and not on market mechanisms or state regulation. Those resources are governed in this way because they are deemed essential to individual and community survival. Moreover, the commons steward the resources for future generations, enable direct democratic processes and value resources in non-monetized ways (value-in-use; universal accessibility; environmental sustainability). However, commons were harshly stigmatized

5 Moore, Jason W. *Capitalism in the Web of Life*. London and New York: Verso, 2015. p. 53.

6 Mattei, Ugo, and Fritjof Capra. *The Ecology of Law*. Oakland: Berret-Koheler, 2015.

7 Bollier, David, and Silke Helfrich, eds. *Patterns of Commoning*. Amherst: Commons Strategies Group, 2015.

8 Weston, Burns H., and David Bollier. *Green Governance: Ecological Survival, Human Rights, and the Law of the Commons*. New York: Cambridge University Press, 2013.

9 Meinzen-Dick, Ruth, Elisabeth Mwangi, and Stephan Dohrn. “Securing the commons. What are the Commons and What are they Good For? CGIAR Systemwide Program on Collective Action and Property Rights.” *Policy Brief 4* (2006). Available at: [dlc.dlib.indiana.edu/dlc/handle/10535/3837](http://dlc.dlib.indiana.edu/dlc/handle/10535/3837).

as inefficient systems of management by Garrett Hardin in his influential 1966 article, *The Tragedy of the Commons*. In fact, it took almost five decades before scholars, environmental and social activists, and policy makers began recognizing the possibility of a non-public and non-private way of interacting with nature and its resources. Meanwhile, customary commoners were fiercely defending their commons against privatization. Examples include indigenous forests in Guatemala; fishing rights in Philippines islands; hunting licenses of Inuits in Canada; and Swiss alpine pasturelands.

According to Hardin, the lack of individual proprietary titles over grazing land would lead to its depletion because shepherds would try to use as much grass as possible for their herd out of fear of being left behind. Only the fragmentation of the resource into enclosed and exclusive areas of exploitation would limit the grazing to its optimal use. In a society characterized by individualism, market forces and competition, Hardin's theory implies that private property represents the only way of preserving resources, and therefore favors its efficient exploitation. However, Hardin failed to realize that the idea of limits and obligations represents a central aspect of the theory and praxis of the commons. He neglected the thousands of successful cases of commons' management from all over the world that were later studied by Elinor Ostrom and her team, and that have since then been introduced in multi-disciplinary works all over the world.

### LIMITS AND OBLIGATIONS AS AN ANTIDOTE TO EXTRACTION AND DEPLETION

The notion of the 'commons' was rehabilitated in the Western world by Elinor Ostrom's paramount research on how local communities govern common pool resources, for which she was awarded the Nobel Prize for Economics. Ostrom and her colleagues studied hundreds of cases worldwide where different societies organize and allocate tasks in such a way that the resources they depend on can be collectively and managed in a sustainable way. Moreover, benefits are shared among the members, and no market or state is involved. Although embedded in an economic approach to the commons, Ostrom and her colleagues showed that collective forms of property and governance can work when they are adapted to the physical and cultural features of the resource governed and the governing community, and "when the resulting rules are enforced, considered legitimate, and generate long-term patterns of reciprocity."<sup>10</sup>

The merit of Ostrom's theoretical and practical research was to offer a convincing experience-based third model (neither private management nor state-control): one of decentralized polycentric governance of complex natural systems,<sup>11</sup> where self-motivated collective actions by local groups and customary communities play an important role in governing natural resources. Interestingly, the true achievement of Ostrom's work was to highlight that customary, indigenous and rural forms of governance, often dubbed as 'outmoded' or 'backwards', can be the most resilient, efficient and adapted mechanism to govern natural resources, even outperforming monetized markets and coercive state regulations.

The commons, drawing from millennial traditions and experiences, represent a paradigm shift from state obligations towards individuals to collective duties towards the others (reciprocity) and towards the planet (stewardship). This paradigm underpins an alternative social organization, where the commonwealth and commons that satisfy both material and spiritual needs are viewed precisely

10 van Laerhoven, Frank, and Elinor Ostrom. "Traditions and Trends in the Study of the Commons." *International Journal of the Commons* 1(1) (2007): 3–28.

11 Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action*. New York: Cambridge University Press, 1990.

as that: commons. Thus, they are governed according to principles of solidarity, common necessity, and mutual support that are necessary for everyone to satisfy their own needs and for the community to prosper.

### A COMMONS-BASED FOOD SYSTEM TO ACHIEVE THE RIGHT TO FOOD AND FOOD SOVEREIGNTY

The commons paradigm fits the food systems like a glove. The word ‘agriculture’ derives from the Latin *agri-cultura*, a concept that reflects that, historically, the relationship between humans, the planet and its resources has not been just a matter of extracting economic value of privately owned goods. On the contrary, producing food has always been valued as a cultural moment and a process of collective creation. The environment and its dynamics have been understood as a combination of labor, knowledge, nature and the ecological equilibrium.<sup>12</sup> However, the collective origins of providing food (since our ancestors gathered to hunt and divide tasks in order to obtain sufficient food for everyone<sup>13</sup>) have been lost throughout history. This is particularly so in the last century, following the spiraling commodification of food and individualization of production and consumption that goes hand in hand with the expansion of the Cartesian vision of Nature, capitalism as the way of organizing people and nature, and an exclusionary understanding of property.<sup>14</sup>

Therefore, the current paradigm at the basis of the dominant industrial food system is the product of the combination between Locke’s idea of first appropriation by one’s own work and Hardin’s idea of private titling, excluding others, individual rational choices, profit maximization and money-mediated market interactions. Consequently, this system is riddled with paradoxes and socio-ecological flaws, triggered by a vision of food as a commodity that is produced and allocated exclusively according to the purchasing power. Rights, basic needs, nature or collective agreements come second. If this is the case, we should ask ourselves how we got to accept that food, one of the three essentials for life, along with air and water, can be produced, distributed, appropriated and even destroyed on the basis of pure economic considerations? Why do we accept that all of those material and immaterial resources involved in making food possible are just regarded, regulated and governed as commodities? Land, seeds, water, labor, agricultural knowledge, public canteens and trash bins—most of which constructs the food system—are valued and organized as private goods, managed as a source of wealth and profit rather than as part of a system that is essential for human life and the survival of the planet.<sup>15</sup> The current way of producing food to maximize profit is consuming the planet beyond its boundaries. We need other narratives, other goals, and other values.

Thus, what would happen if we were to change the paradigm and consider the food system and food as a commons?<sup>16</sup> It would only represent the first step of a long trajectory, but a crucial one. Firstly, production, distribution and consumption would not be determined by market forces, but by people’s needs and priorities. The link between rural and urban areas would be consolidated, and collective bottom-up decisions would be at the center of integrated food policies that recognize the importance of local and common decisions. Accessible, local, healthy and adequate food would be produced by communities for the communities or regions for the countries (since less than 25% of total food produced crosses

12 Mattei and Capra (2015), *supra* note 6, p. 29.

13 Sahlins, Marshall. *Stone Age Economics*. Chicago: Aldine Atherton, 1972.

14 Mattei and Capra (2015), *supra* note 6.

15 Vivero-Pol, Jose Luis, Tomaso Ferrando, Olivier De Schutter and Ugo Mattei, eds. *The Routledge Handbook of Food as a Commons*. London: Routledge. Forthcoming, 2018.

16 Ferrando, Tomaso. “Il sistema cibo come bene comune”. In Alessandra Quarta and Michele Spanó, eds. *Beni Comuni 2.0*. Milano: Mimesis Edizioni, 2016.

frontiers),<sup>17</sup> long chains of 'food from nowhere' would be impossible, as they are intrinsically incompatible with the idea of a democratic and needs-based food system. Secondly, there would be the recognition that food and nature are intrinsically linked, and that the latter cannot be spoiled or plundered in order to generate the former. The quality of soil, the cycles of nature, biodiversity, and the integrity of the planet would go hand in hand with the production of food and the satisfaction of human needs. This is a paradigm shift that needs to be popularized and enshrined in legal frameworks.

Thirdly, a tripartite system of governance should be re-engineered, where civic food actions (self-organized people, producing-consuming together outside money-mediated transactions) are granted legal, political and financial space; for-profit social food innovations are supported (but agrifood oligopolies and corporate control over the food system are discouraged); and a different kind of state is implemented. The new state becomes a guarantor of a minimum food provision for all, channels more funds to civic food actions and facilitates the bottom-up participation of people in the definition of their own food system.

It is evident, therefore, that the 'food as a commons' approach would enhance and strengthen the fight for the right to food and nutrition and the quest for food sovereignty. Firstly, the vocabulary and practices of the commons can offer an effective instrument to express the need to reconsider the relationships between human, natural resources and food.<sup>18</sup> Secondly, the consideration of food as a commons can reinforce the food sovereignty movement with a transformative narrative that combines old and new value-based discourses and practices. This shift in focus can also prop up urban and rural dynamics:<sup>19</sup> from those of the Amazonian indigenous groups to the New Yorkers who are members of community-supported agriculture schemes (so far, the latter are not yet dazzled by the food sovereignty discourse). Thirdly, the idea and practice of food as a commons recognizes the centrality of collective rights, collective governance and the instituting power of communities and multitudes to define the most adequate institutions. It could thus strengthen the achievement of the right to food and nutrition, providing a bottom-up approach that is currently lacking in the traditional state-citizens dynamics. Ultimately, this dialogue underpins the food sovereignty movements' struggles. It reinforces the claim that a transformation of the food system around practices and traditions originating from all over the world cannot take place unless the multi-dimensionality, ecological implications and history of food become the new horizon for action. Finally, the food sovereignty movement often claims that food is not a commodity, and hence the commons paradigm could help its members to demand a reconfiguration of international trade law and investment law, mainly excluding food from the neoliberal project of integrated markets and foreign direct investments.

To conclude, in this article we claim that the vision of nature, labor and food as commodities is central to the reproduction of the capitalist system as ecologically and socially unequal. With a focus on food, we ponder what, if not a commodity, should food be? We suggest the importance of constructing an alternative normative regard of food, based on its essentiality to all human beings, its multiple-dimensions that cannot be valued and traded in the market (i.e. food as a cultural determinant, human right, natural resource) and the customary and contemporary 'commoning' practices that represent an existing and radically different paradigm vis-à-vis the failing but still dominant corporate

17 D'Odorico, Paolo *et al.*, "Feeding humanity through global food trade." *Earth's Future*, 2 (2014): 458–469.

18 Vivero-Pol, Jose Luis. "Transition towards a food commons regime: re-commoning food to crowd-feed the world." In *Perspectives on Commoning: Autonomist Principles and Practices*, edited by Ruivenkamp, Guido, and Andy Hilton. London: Zed Books, pp. 185–221. Forthcoming, 2017.

19 Vivero-Pol, Jose Luis. "Food as Commons or Commodity? Exploring the links between normative valuations and agency in food transition". *Sustainability* 9(3) (2017): 442.

food system. This vision is already practiced and recognized all over the world: it can undoubtedly strengthen the struggles for the right to food and nutrition and for food sovereignty.

### **INSIGHT 5.1 The Responsible Governance of Tenure of Natural Resources: A Stepping Stone Towards the Right to Food and Food Sovereignty in Nepal**

*Katie Anne Whiddon and FIAN Nepal<sup>20</sup>*

In Nepal, the uneven distribution of natural resources and state-led oppression have considerably contributed to widespread deprivation, limited decision-making power and food insecurity, especially in rural areas, where over 80% of the population resides. In this context, tenure of land, forests and fisheries is vital for eradicating hunger and poverty.

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereinafter Tenure Guidelines)<sup>21</sup> can contribute to the review of existing legislation in Nepal in an inclusive and participatory manner. The following snapshot highlights the struggle of marginalized indigenous peoples living on the fringes of protected areas<sup>22</sup> to gain access and equitable control over natural resources to realize their human right to adequate food and nutrition and food sovereignty.

#### **NEPAL'S 2015 CONSTITUTION: ACCESS TO FOOD TAKES CENTER STAGE**

Since the country's transition from an autocratic monarchy to a multi-party democracy, Nepal has ratified a number of human rights instruments, including seven core treaties.<sup>23</sup> In an environment of impunity and inaction, a growing awareness of structural inequality and rights gradually bolstered demands for socio-political change. A peoples' uprising in 1990 was followed by armed conflict between 1996 and 2006, and a second people's revolution in 2006. Marginalized and discriminated constituencies—such as indigenous peoples,<sup>24</sup> Dalits ('lower occupational castes'), religious minorities, and women—employed their political agency to demand inclusion and participation in the building of the multi-ethnic, multilingual and multi-religious Federal Democratic Republic of Nepal. Despite political instability, the Constitution of Nepal was finally promulgated in September 2015.

According to the 2015 Constitution, the Government of Nepal has been mandated with enacting legal reforms that adhere to international human rights standards. One major achievement of civil society organizations (CSOs) is the enshrinement of every citizen's fundamental rights to food, food security, and food sovereignty. These rights are currently being defined, with input from CSOs, in a *Right to Food Bill*.<sup>25</sup>

#### **USING THE TENURE GUIDELINES TO DEBATE LAND, RIVER AND FOREST USER RIGHTS**

In Nepal, between 2014 and 2016, a series of sensitization workshops on the Tenure Guidelines brought together state actors and CSOs to discuss the challenges of tenure governance in the context of food insecurity, and how to mainstream the Tenure Guidelines into legislation. Several areas of relevance were identified,

20 Katie Anne Whiddon is a PhD student at the Centre for Agroecology, Water and Resilience, Coventry University and is currently undertaking research in Nepal. FIAN Nepal is a member-based human rights organization that promotes and advocates for the realization of the human right to adequate food and nutrition in Nepal. Special thanks to Karine Peschard (Graduate Institute of International and Development Studies), Priscilla Claeys (Coventry University and FIAN Belgium), and Sabine Pabst (FIAN International) for their support in reviewing this insight box.

21 The Tenure Guidelines were endorsed in May 2012 by the reformed United Nations Committee on World Food Security, and contain a set of standards for the recognition, recording and protection of tenure rights. They prioritize vulnerable and marginalized people. FAO. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO, 2012. Available at: [www.fao.org/docrep/016/i2801e/i2801e.pdf](http://www.fao.org/docrep/016/i2801e/i2801e.pdf). For more information on the implementation of the Tenure Guidelines, please see Monsalve Suárez, Sofia. "The Recently Adopted Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests: A Turning Point In The Global Governance Of Natural Resources?" *Right to Food and Nutrition Watch* (2012): 37–40. Available at: [www.righttofoodandnutrition.org/files/R\\_t\\_F\\_a\\_N\\_Watch\\_2012\\_eng.pdf#page=37](http://www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2012_eng.pdf#page=37).

22 Protected areas in Nepal are national parks, wildlife and hunting reserves, and conservation areas.

23 For more information on the ratification status for Nepal, please visit: [www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx).

24 Indigenous peoples comprise approximately 40% of the population in Nepal, but ethnic identities are still debated. For more information, please see: Gellner, David. "Caste, Ethnicity and Inequality in Nepal." *Economic and Political Weekly* 42:20 (2007). Available at: [www.epw.in/journal/2007/20/nepal-towards-democratic-republicspecial-issues-specials-caste-ethnicity-and](http://www.epw.in/journal/2007/20/nepal-towards-democratic-republicspecial-issues-specials-caste-ethnicity-and).

25 For more information on CSOs' position on the draft Right to Food Bill, please see: [www.fiannepal.org/suggestions-on-draft-right-to-food-bill-from-csos](http://www.fiannepal.org/suggestions-on-draft-right-to-food-bill-from-csos).



amongst others: property rights and joint titling for women; tenure security for the landless and for victims of the 2015 earthquake; community forest land rights; land rights for climate refugees and 'development'-induced displaced peoples; and informal tenure rights of people dependent on natural resources.

Workshop participants recognized that there is a gap in the land administration system regarding the tenure insecurity of communities who sustain their livelihood from land, fisheries and forests through unregistered tenure arrangements. They underscored that this is partly due to a siloed approach to governance, overlapping mandates, and gaps, leading to legislative dysfunction and lack of inter-ministerial coordination in addressing people's claims to tenure rights. Land mapping and titling is the remit of the Ministry of Land Reform and Management; fisheries, of the Ministry of Agricultural Development; forests, of the Ministry of Forests and Soil Conservation; and, therein, national parks come under the Department of National Parks and Wildlife Conservation, whilst the Finance Ministry allocates budgets for compensation and rehabilitation of affected communities.

Furthermore, the discussion in Part Three of the Tenure Guidelines on "indigenous peoples and other customary communities", which draws from existing international provisions, underpinned the debate on how these marginalized peoples can reinforce their existing demands for stronger user rights over rivers and forests.

In Nepal, land reform policies have thus far centered on the use and distribution of land to address competing interests and to achieve uniformity in the land administration system. Historically, authorities converted lands inhabited by indigenous peoples to state-controlled land and expropriated habitats, water and forests that were communally owned by them.<sup>26</sup> Later, Nepal institutionalized communal tenure through delegated management of community forests,<sup>27</sup> by devolving decision-making.<sup>28</sup> Yet, despite improved forest cover and livelihoods following decentralized planning, local user groups initially mirrored socioeconomic discrimination, especially against indigenous women.<sup>29</sup>

Non-statutory rights (i.e. customary rights deriving from local socio-cultural and religious customs) as well as informal and collective usufruct rights are still not formally recognized.<sup>30</sup> Traditional land tenure systems on diverse ancestral lands were abolished, but some customary arrangements, including artisanal fisheries, persist.<sup>31</sup> As indigenous peoples self-organize,<sup>32</sup> their claims to non-statutory rights, and to grazing areas, rivers and forest goods are reinforced. Nepal's adoption of the International Labor Organization *Indigenous and Tribal Peoples Convention* 169 (1989) and the United Nations Declaration on the Rights of Indigenous Peoples in 2007, mobilization in ethnic identity politics, and some alliances with NGOs, have strengthened communities' demands for devolution, access to and control over natural resources and the need for free, prior and informed consent.

Against this backdrop, one specific struggle in which the Tenure Guidelines have become an additional tool for civil society to exert pressure on policy makers is the longstanding conflict over accessing natural resources around protected areas. Here, communities have habitually been displaced from their natural and cultural habitats and their traditional food gathering practices hampered, on the pretext of conservation.<sup>33</sup> Today, the struggles of indigenous communities in Nepal have become intertwined with the enactment of Nepal's 2015 Constitution, the enshrinement of the Right to Food and Food Sovereignty, and the implementation of the Tenure Guidelines.

26 National Coalition Against Racial Discrimination. *Universal Periodic Review: Submission on the Human Rights Situation of Indigenous Peoples*. March, 2015. Available at: [www.ncard.org.np/newsdetail/nepal-universalperiodic-review-submission-on-the-human-rights-situation-of-indigenous-peoples.html](http://www.ncard.org.np/newsdetail/nepal-universalperiodic-review-submission-on-the-human-rights-situation-of-indigenous-peoples.html).

27 For more information, please visit: [www.fecofun.org.np](http://www.fecofun.org.np).

28 This is in line with the *Local Self Governance Act* (1999). For more information, please see: [www.np.undp.org/content/dam/nepal/docs/reports/governance/UNDP\\_NP\\_Local%20Self-Governance%20Act%201999,%20MoL,HMG.pdf](http://www.np.undp.org/content/dam/nepal/docs/reports/governance/UNDP_NP_Local%20Self-Governance%20Act%201999,%20MoL,HMG.pdf).

29 For more information on how redressing social exclusion has since been emphasized in some community-managed forests, please see: Gilmour, Don. *FAO Forestry Paper: Forty years of community-based forestry: A review of its extent and effectiveness*. Rome: FAO, 2016.

30 COLARP. "Customary Land Rights of Indigenous People in Nepal: Issues and Lessons." *Policy Brief* 5 (2016). Available at: [colarp.org.np/wp-content/uploads/2016/09/Policy\\_brief\\_Aug\\_2016\\_final\\_for\\_Print.pdf](http://colarp.org.np/wp-content/uploads/2016/09/Policy_brief_Aug_2016_final_for_Print.pdf).

31 COLARP. "Indigenous peoples and Land tenure practices: Contemporary debates and issues in Nepal." *Policy Brief* 7 (2017). Available at: [colarp.org.np/wp-content/uploads/2017/02/IPs-and-Land-tenurepractice\\_Contemporary-Debate-and-Issues\\_A-Policy-Brief\\_COLARP\\_ILC\\_NES\\_Nepal2.pdf](http://colarp.org.np/wp-content/uploads/2017/02/IPs-and-Land-tenurepractice_Contemporary-Debate-and-Issues_A-Policy-Brief_COLARP_ILC_NES_Nepal2.pdf).

32 For more information, please visit: [www.nepfin.org.np/list/Definition-of-Indigenous/5/94/4](http://www.nepfin.org.np/list/Definition-of-Indigenous/5/94/4).

33 Although protected areas are not explicitly mentioned in the Tenure Guidelines, CSOs recommended this potential application. For more information, please see: International Planning Committee for Food Sovereignty. *People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for Promotion, Implementation, Monitoring and Evaluation*. Available at: [www.foodsovereignty.org/wp-content/uploads/2016/06/peoplesmanual.pdf](http://www.foodsovereignty.org/wp-content/uploads/2016/06/peoplesmanual.pdf).



## TOWARDS THE RIGHT TO FOOD AND FOOD SOVEREIGNTY: STRUGGLES FOR ACCESS TO FORESTS AND RIVERS

The protected areas established on government land since the 1970s have appropriated 65% of ancestral territories of indigenous peoples, thus impacting their tenure regimes. National parks and wildlife reserves are governed by the *National Park and Wildlife Conservation Act (1973)* (hereinafter *Conservation Act*) and these areas now make up approximately 25% of Nepal's landmass. They are a tourist attraction, generate income, and are thus an important political issue.<sup>34</sup> The management of these protected areas has long been contested by grassroots communities.<sup>35</sup> Moreover, the *Convention on Biological Biodiversity*,<sup>36</sup> which Nepal is party to since 1992, promotes equity and benefit sharing. Accordingly, in 1993, the *Conservation Act* was amended to include the establishment of habitable Buffer Zone Areas, provisions for compensations for loss of crops and life to wildlife, and the allocation of 30–50% of revenue generated to local communities for development. However, divergences between theory and practice fuel discontent over 'participatory' approaches.

Restrictive rules over conservation of biodiversity have had deep socio-cultural consequences for indigenous communities.<sup>37</sup> Blocked access to protected areas undermines the livelihoods and eating habits of local peoples, who depend on forests for collecting firewood, grass for fodder, medicinal herbs, and seasonal wild fruits and vegetables. CSOs have long raised their voices against park authorities, and have defended the need to harmonize policies and practices. In 2016, a study commissioned by FIAN Nepal highlighted that although some small-scale fishers (the Majhi and Sonaha amongst others) have received fishing permits, the measures remain restrictive and their artisanal nets are frequently seized. Furthermore, these traditional livelihoods suffer from the impacts of climate change, pollution and development. Ethnic boat-peoples (the Bote) compete against hotels for boat licenses, excluding many from an inherited occupation and income opportunity. Cow and buffalo rearing has declined, impacting people's living standards. As wild animals are on the increase, so is the destruction of crops, property and domestic livestock. Army personnel, employed to protect conservation areas, are a threat, as they continue to harass and humiliate locals. Many women are victims of sexual assault.

In September 2016, the Ministry of Forest and Soil Conservation initiated the Fifth Amendment of the *Conservation Act*. That same month, FIAN Nepal facilitated a national workshop on the Tenure Guidelines to raise the issue of informal tenure and user rights, and to foster a dialogue between civil society and the government. The workshop provided a platform for buffer zone dwellers to share their demands with Members of Parliament from the Environment Protection Committee (EPC). The deliberation became an opportunity for assessing the *Conservation Act* in line with the Tenure Guidelines, and for strengthening the political leverage of CSOs over the amendment process.

Thereafter, the Indigenous Peoples' Protected Areas Forum, a CSO, met with Buffer Zone Council Presidents and the EPC to discuss the amendment proposals, and to assert their rights to participation and dignity.<sup>38</sup> They wrote a 21-point list of demands, including: enhanced participatory management of protected areas; increased benefit-sharing; appropriate compensation; access to rivers for traditional occupations; and access to forests for non-timber products (e.g. medicinal herbs), which are vital to their livelihoods. The letter was submitted to

34 For more information on the revenue generated through tourists, please see: [kathmandupost.ekantipur.com/printedition/news/2015-08-12/cnp-top-revenue-generator.html](http://kathmandupost.ekantipur.com/printedition/news/2015-08-12/cnp-top-revenue-generator.html).

35 Paudel, Naya, Sudeep Jana and Jailab Rai. "Protected areas and rights movements: The inadequacies of Nepal's participatory conservation." *Forest Action Discussion Paper Series* 10:3 (2010). Available at: [www.forestation.org/app/webroot/js/tinymce/editor/plugins/filemanager/files/4.%20Dec%20Protected%20areas%20and%20rights%20movements%20-%20discussion%20paper%202010-%2010.3.pdf](http://www.forestation.org/app/webroot/js/tinymce/editor/plugins/filemanager/files/4.%20Dec%20Protected%20areas%20and%20rights%20movements%20-%20discussion%20paper%202010-%2010.3.pdf).

36 For more information, please visit: [www.cbd.int/convention/text/default.shtml](http://www.cbd.int/convention/text/default.shtml).

37 Pimbert, Michel and Krishna Ghimire. *Social Change and Conservation: Environmental Politics and Impacts of National Parks and Protected Areas*. London: Earthscan, 1997.

38 For more information, please see: [www.fiannepal.org/multi-stakeholders-consultation-workshop-on-proposednational-park-and-wildlife-conservation-act-2019-for-amendment/](http://www.fiannepal.org/multi-stakeholders-consultation-workshop-on-proposednational-park-and-wildlife-conservation-act-2019-for-amendment/).

the Ministry of Forests and Soil Conservation. In March 2017, the *National Parks and Wildlife Conservation (Fifth Amendment)* Bill was endorsed by the Parliament and the President. It incorporates some concerns of buffer zone communities—especially of women—for access to forests and rivers for wild fruits, forest foods, medicinal herbs and fish. It now remains to be implemented on the ground.

## THE STRUGGLE FOR RESPONSIBLE GOVERNANCE OF NATURAL RESOURCES CONTINUES

The experience of Nepal shows that the Tenure Guidelines—and the emphasis placed on dialogue with the most affected—support the revision of legal frameworks on land, forests and rivers, whilst also highlighting normative gaps. By drawing from language in the Tenure Guidelines, affected peoples have framed the longstanding park-people conflict as a struggle for the responsible governance of tenure of natural resources and informal tenure rights, and have drawn attention to the need to address these in the constitutional law-making process. These spaces of dialogue between state actors and CSOs are an opportunity for the state of Nepal to recognize that, without prior consultation, legal reforms are not compatible with practices on the ground, and without the coordination of concerned ministries, there is no implementation of people-centered policies and laws. More importantly, without access to natural resources, there is neither food sovereignty nor the progressive realization of the human right to adequate food and nutrition.

### INSIGHT 5.2 Time for a Change in European Land Governance!

*Attila Szocs-Boruss Miklos, Antonio Onorati, Federico Pacheco, Ivan Mammana and Giulia Simula*<sup>39</sup>

Smallholdings are the backbone of European agriculture. Small farms (less than 5 hectares) constitute 69% of farms in the European Union (EU) farms while only 2,7% of farms are bigger than 100 h.<sup>40</sup> According to the UN, these small-scale farmers produce 70% of our food and yet at the same time they are increasingly pushed out of their land to leave space for corporations, agribusinesses and governments' investments in the name of 'development'. Land transactions in the EU are regulated mainly through the rules governing the internal market, which are based on the freedom of capital, persons, goods and services.<sup>41</sup> Land is considered a commodity—just as any other—that any citizen or company can buy without any restriction. This has resulted in a situation where tens of thousands of small-scale farmers are being forced out of farming every year, while large farms, agribusinesses, speculative investment funds, energy projects and others are expanding their control over agricultural land widely and rapidly.<sup>42</sup> These land grabs constitute not only an infringement of peasants' rights to land and other natural resources,<sup>43</sup> but also a real threat to food security and food sovereignty at the global level.<sup>44</sup>

Mega-projects such as mines, railway networks, airports and solar farms as well as commercial agriculture projects are not the only reasons why peasants are forced out from the countryside. Discrimination against peasants is entrenched in policies and regulatory structures, such as the Common Agricultural Policy (CAP), that benefit big landowners and lead to further land concentration. In the EU, in 2010, 3% of the biggest farms owned 52% of farmland, while 75% of

39 Attila Szocs-Boruss Miklos is a peasant from Romania and the coordinator of the Land Rights Campaign of Eco Rurális. Antonio Onorati is a peasant, activist, and member of Associazione Rurale Italiana (ARI) and Centro Internazionale Crocevia. ARI and Eco Rurális are national peasant organizations in Italy and Romania respectively, and members of the European Coordination Via Campesina (ECVC). Federico Pacheco is responsible for food sovereignty at Sindicato de Obreros del Campo (SOC-SAT), a union of seasonal workers in Andalusia defending the rights of rural workers and migrants and struggling for agrarian reform and peasant agriculture. Ivan Mammana and Giulia Simula are, respectively, the coordinator and a staff member of the ECVC office, based in Brussels. Special thanks to Philip Seufert (FIAN International) and Priscilla Claeys (Coventry University and FIAN Belgium) for their support in reviewing this article.

40 ECVC, Confédération Paysanne and Envie de Paysans. "How can Public Policy Support Small-Scale Family farms?". Available at: [www.eurovia.org/wp-content/uploads/2016/03/maquette-ecvc-pdf-ena.pdf](http://www.eurovia.org/wp-content/uploads/2016/03/maquette-ecvc-pdf-ena.pdf).

41 Kay, Sylvia, Jonathan Peuch and Jennifer Franco. *Extent of Farmland Grabbing in the EU*. Brussels: European Parliament, 2015. Available at: [www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL\\_STU\(2015\)540369\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU(2015)540369_EN.pdf).

42 ECVC and Hands off the Land. *Land concentration, land grabbing and people's struggles in Europe*. Amsterdam: TNI, 2013. Available at: [www.tni.org/en/publication/land-concentration-land-grabbing-and-peoples-struggles-in-europe-0](http://www.tni.org/en/publication/land-concentration-land-grabbing-and-peoples-struggles-in-europe-0).

43 Monsalve Suárez, Sofia. "The Right to land and other Natural Resources." *FIAN International Briefing* (December, 2015). Available at: [www.fian.be/IMG/pdf/droit\\_a\\_la\\_terre\\_uk.pdf](http://www.fian.be/IMG/pdf/droit_a_la_terre_uk.pdf).

44 For a definition of land grabbing according to ECVC, please see: "How do we define land grabbing?" Available at: [www.eurovia.org/how-do-we-define-land-grabbing/](http://www.eurovia.org/how-do-we-define-land-grabbing/).

the farms owned only 11% of farmland, making the EU one of the regions with the most unfair land distribution.<sup>45</sup> With a Gini co-efficient of 0.82,<sup>46</sup> current land inequality in the EU is similar to countries such as Brazil, Colombia and the Philippines, countries that are known for their unequal land distribution.<sup>47</sup>

Access to land and natural resources is particularly difficult for marginalized groups (such as landless people), young people and women. Increased competition over land raises the price, making it almost inaccessible for young people interested in taking up farming to make a living, in particular if their families do not own any land. As a result, only those who have the financial capacity to absorb high land prices or those who get into debt are able to enter farming. Women are in an especially vulnerable position. National and European policies such as the CAP neglect the structural causes of inequality between women and men in the rural domain and lack mechanisms to promote equitable access to land and natural resources and to abolish the patriarchal structure of land possession.<sup>48</sup>

Ensuring peasants' access to and control over land and natural resources is central in the struggle for food sovereignty for both urban and rural areas. Peasant women and men play an essential role in maintaining and fostering biodiversity. They create employment, including for young people, and constitute an irreplaceable dimension of European cultural heritage by preserving the diversity of local seeds, plants, agricultural systems and produce.<sup>49</sup>

Grassroots struggles throughout Europe have made the land issue more and more visible throughout the years and constitute the basis for the mobilization strategy that the European Coordination Via Campesina (ECVC) and its close allies have developed to target EU institutions. Ongoing struggles to regain control over land are countless: from the historical land occupations of the Union of Agricultural Workers (SOC) in Andalusia, Spain; to the Zone to Defend (ZAD) movement in France that has occupied the land to counter the construction of an airport for more than 40 years; to the great achievements of the Romanian peasants' organizations, which managed to stop the creation of one of the largest gold mines in Roşia Montană thanks to public mobilization. Other remarkable struggles to protect land include the strong mobilization of more than 50 citizens' committees in Sardinia, Italy, against massive speculative energy and mining projects; and the success of public mobilization in Abruzzo that managed to completely block the tar sands industry's initiatives by Italian transnational energy companies.<sup>50</sup>

These are just a few of the thousands of land struggles that seek to protect peasants and territories around Europe. Yet despite the widespread social mobilization at the local level, EU institutions, backed by landowner organizations such as the European Landowner Organization, did not recognize the issue of land as a major European problem for a long time. As a response, ECVC members organizations met in Romania in 2012 to develop a joint European strategy, and established a solidarity mechanism among different land struggles in Europe. Since then, its member organizations together with the Hands off the Land (HOTL) network,<sup>51</sup> and more broadly the food sovereignty network, mobilized to gather evidence of land concentration in Europe and to oppose this process at the institutional level.

A report published in 2013 by ECVC and HOTL showed—based on case studies from 12 countries—that land grabbing and access to land have become critical issues in Europe.<sup>52</sup> It also revealed that the CAP's direct payment scheme—which links subsidies to the farm size and thus provides incentives for the creation of bigger farms—is an important factor leading to land concentration in Europe.

45 TNI infographics. Available at: [www.tni.org/en/publication/land-for-the-few-infographics](http://www.tni.org/en/publication/land-for-the-few-infographics).

46 *Ibid.* The Gini coefficient measures inequality in land distribution.

47 Kay *et al.*, *supra* note 41.

48 ECVC and Hands off the Land, *supra* note 42.

49 *Ibid.*

50 *Ibid.*

51 The Hands off the Land (HOTL) project aimed to raise awareness about land grabbing amongst the European public. This network then became Hands ON the Land.

52 ECVC and Hands off the Land, *supra* note 42.



Some of the ongoing struggles by peasant organizations and grassroots groups for access to and control over natural resources were analyzed in this report, which was the first of its kind and brought the issue of land to the European public.

Access to and control over land and natural resources is affected by a range of EU policies and regulations (such as the aforementioned CAP subsidy scheme, and the European energy policy), which requires the EU to provide guidance and proactively contribute to tackling land concentration and land grabbing at the European level. To date however, most member states and EU institutions claim that land falls exclusively under the remit of member states and are reluctant to address this issue from a European perspective and to develop policy proposals opposing land grabbing, limiting land concentration, facilitating access to land for new entrants and women, and ensuring good land stewardship.

In early 2015, ECVC together with its allies submitted a petition called “Preserving and managing farmland as our common wealth” to the European Parliament (EP), as a way to push the land issue onto the EU agenda.<sup>53</sup> Over 70 European and national civil society organizations including farmers’ unions and rural development organizations supported the petition.<sup>54</sup> In June 2015, the Committee on Agriculture and Rural Development (COMAGRI) held a meeting to present and discuss the results of a Transnational Institute (TNI) study commissioned by the EU Parliament, entitled “Extent of Farmland Grabbing in the EU”.<sup>55</sup> The same year, the European Economic and Social Committee of the EU also recognized the problem and produced its own opinion document on land grabbing as a threat to family farming.<sup>56</sup>

In 2016, following the widespread support of the petition, and the work done in COMAGRI, ECVC with the HOTL network called upon EU institutions to adopt a new directive on land based on the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereinafter Tenure Guidelines), unanimously endorsed by the UN Committee on World Food Security in 2012.<sup>57</sup> ECVC and its allies also demanded that the EU radically reform the direct payments of the CAP, and assess the impact of EU policies affecting land use and allocation. In 2016, in response to public pressure, the EP finally decided to take action and started a process for an own-initiative report (INI) on land concentration and access to land in the EU, which was adopted by the EP on April 27, 2017.<sup>58</sup>

The INI report drafting process was not an easy task because the EP is reluctant to reform the land tenure system, not least because of strong lobbying by agribusiness. Nevertheless, through intense work by ECVC and the Hands on the Land for Food Sovereignty Alliance (HotL4FS),<sup>59</sup> and thanks to a good collaboration with some EP members, many requests put forward by peasant movements in the 2015 petition were included in the INI report. Some of the most important demands are the following:

- The set up of a Land Observatory to monitor land transactions. A central European Observatory would serve to gather essential data and information on the level of farmland concentration. The main tasks of the Observatory would involve recording land prices and market behaviour; changes in land use and loss of farmland; trends in soil fertility and land erosion;

53 ECVC. “Petition to the European Parliament. Preserving and managing European farmland as our common wealth: A CSO Call for a sustainable and fair EU governance of farmland”. February, 2015. Available at: [www.eurovia.org/wp-content/uploads/2016/03/ep-petition-land-0f-24feb2015-en.pdf](http://www.eurovia.org/wp-content/uploads/2016/03/ep-petition-land-0f-24feb2015-en.pdf).

54 For more information, please see: [www.accessstoland.eu/-EU-Policy-](http://www.accessstoland.eu/-EU-Policy-).

55 Kay *et al.*, *supra* note 41.

56 European Economic and Social Committee (EESC). *Opinion of the EESC on Land grabbing—A warning for Europe and a threat to family farming (own-initiative opinion)*. Brussels: EESC, 2015. Available at: [www.accessstoland.eu/IMG/pdf/eesc-2014-00926-00-00-ac-tra-en.pdf](http://www.accessstoland.eu/IMG/pdf/eesc-2014-00926-00-00-ac-tra-en.pdf).

57 FAO. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO, 2012. Available at: [www.fao.org/docrep/016/i2801e/i2801e.pdf](http://www.fao.org/docrep/016/i2801e/i2801e.pdf).

58 For more information, please see: [www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+PS-TA-2017-0197+0+DOC+PDF+VO//EN](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+PS-TA-2017-0197+0+DOC+PDF+VO//EN).

59 Hands on the Land for Food Sovereignty (HotL4FS) is a collective campaign by 16 partners, including peasants and social movements, development and environmental NGOs, human rights organizations and research activists, aiming to raise awareness on the use and governance of land, water and other natural resources and its effects on the realization of the right to food and on food sovereignty. For more information, please visit: [www.handsontheland.net](http://www.handsontheland.net).

- The development of clear EU guiding principles on land governance based on the Tenure Guidelines;
- The call to monitor all relevant policy areas, such as agriculture, energy, environment, regional development, mobility, finance and investment and to see whether they encourage or counteract the concentration of agricultural land in the EU; and
- The acknowledgement that the CAP and other European policy areas instigate land concentration in Europe. To respond to this a high level task force should examine the impact of EU policies on land concentration.<sup>60</sup>

ECVC members, working at the grassroots level, show the diversity of tools available to keep land in the hands of those who work it, including land occupations, the establishment of land banks, collective buying and social use, and new farm transmission systems. The capacity of local organizations to give visibility to the land struggles at the local level is central as these struggles put pressure on member states that negotiate in European institutions. Yet the hard work at the local level will not be enough unless the food sovereignty movement can influence major political processes such as the CAP and oppose the principle of free movement of capital being falsely applied to a common resource such as land.<sup>61</sup>

This process shows how organized and coordinated political action at the EU level and social mobilization can lead to important achievements. Now that the EP's own-initiative report has been adopted, the European Commission and EU member states will be held accountable by civil society and peasant organizations to develop policies that prevent land speculation and which ensure fair land tenure systems, allowing the European peasantry to have secure and stable access to and control over land and land-related resources.

Local struggles have brought local victories and coordinated struggles have brought the food sovereignty movement one step closer to changing land management at the European level. Now that the land issue in Europe has been brought to the attention of EU institutions, ECVC and European peasants will continue the struggle for food sovereignty and for the right to land in Europe,<sup>62</sup> together with the Nyéléni Europe network.<sup>63</sup>

60 For more information, please see: [www.eurovia.org/european-parliament-calls-for-urgent-action-on-land-access-and-concentration-in-europe/](http://www.eurovia.org/european-parliament-calls-for-urgent-action-on-land-access-and-concentration-in-europe/); and [www.handsontheland.net/time-to-change-europes-land-policy/](http://www.handsontheland.net/time-to-change-europes-land-policy/).

61 The free movement of capital is one of the 'four freedoms' which constitute the European common market (the others are the free movement of goods, services and persons).

62 For more information, please see: ECVC. "There can be no Declaration on the Rights of Peasants without the right to land". ECVC, December 6, 2016. Available at: [www.eurovia.org/there-can-be-no-declaration-on-the-rights-of-peasants-without-the-right-to-land/](http://www.eurovia.org/there-can-be-no-declaration-on-the-rights-of-peasants-without-the-right-to-land/); ECVC. *Access to Land for Farmers in the EU: Conference Report*. Hands on the Land, December 2016. Available at: [www.eurovia.org/event/access-to-land-for-farmers-in-the-eu-conference-report/](http://www.eurovia.org/event/access-to-land-for-farmers-in-the-eu-conference-report/); and ECVC. "Time for a change in European Land Governance?" ECVC, October 11, 2016. Available at: [www.eurovia.org/time-for-a-change-in-european-land-governance/](http://www.eurovia.org/time-for-a-change-in-european-land-governance/).

63 Nyéléni Europe is the widest international movement aiming to realize food sovereignty in Europe. It aims to build common strategies in order to re-organize the way we structure our society around food and agriculture today. For more information, please visit: [nyelenieurope.net](http://nyelenieurope.net).

