

THE INSTITUTIONALIZATION OF FOOD SOVEREIGNTY: THE CASE OF
NICARAGUA'S LAW OF FOOD AND NUTRITIONAL SOVEREIGNTY AND SECURITY

by

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ABSTRACT OF THE DISSERTATION

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This dissertation considers the process by which national food sovereignty policies are formulated, negotiated, and approved with the aim of determining the extent to which food sovereignty is conceptually institutionalized in these policies and identifying the factors that either advanced or challenged its inclusion. It contributes to broadening the scholarship on the development of national food sovereignty movements and the policy-making process of food security and right-to-food legislation that includes the concept of food sovereignty. Using the approach of qualitative, single-case study analysis grounded in constructivist approaches to inquiry, the case of Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security, was examined. Data was collected through semi-structured interviews and selected documents pertaining to food sovereignty and Law 693, and to a lesser extent, participant observation. The methods used to analyze the collected data included process-tracing and discourse analysis. Narratives detailing the historical emergence of food sovereignty and the accompanying movement for its adoption and the micro-processes comprising the policy-making process were constructed from the collected data. An analysis of these processes and its

final outcomes revealed that the policy-making process was deeply complex and contentious, and the extent to which the food sovereignty concept and framework were reflected in the law was highly debated by stakeholders who participated in the policy-making process. Among the key loci of the debate were diverging interpretations over the nature of food sovereignty coupled with competing discourses of how best to achieve food security and guarantee the right to food. Using an analytical framework constructed from the existing yet nascent literature on food sovereignty institutionalization and comprised of four categories of factors, data from the study revealed that a complex range of factors affect the extent to which food sovereignty is institutionalized into national food security and right-to-food legislation.

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Acronyms

1996 WFS	1996 World Food Summit
ALBA	Alternativa Bolivariana para Los Pueblos de Nuestra América
ALN	Alianza Liberal Nicaragüense
ANAP	Asociación Nacional de Agricultores Pequeños
AoA	Agreement on Agriculture
APB	Alianza de Protección de la Biodiversidad
ARNIG	Asociación de la Resistencia Nicaragüense Israel Galeano
ASOCODE	Asociación de Organizaciones Campesinas de Centroamérica para la Cooperación y el Desarrollo
ATC	Asociación de Trabajadores del Campo
BPA	Bono Productivo Alimentaria
CaC	Campesino a Campesino
CC	Coordinadora Civil
CENIDH	Centro Nicaragüense de Derechos Humanos
CESCR	Committee on Economic, Cultural, and Social Rights
CIPRES	Centro de Investigación y Promoción para el Desarrollo Rural y Social
CISAS	Centro de Información y Servicios de Asesoría en Salud
CIUSAN	Consejo Inter-Universitaria de Seguridad Alimentaria y Nutricional
CIUSSAN	Consejo de Universidades de Soberanía y Seguridad Alimentaria y Nutricional
CNA	Cámara Nicaragüense de la Alimentación
CNOR	Cooperativa de Retirados de Oficiales de Ejército
COCOCH	Consejo Coordinador de Organizaciones Campesinas de Honduras
CODESSAN	Comisión Departamental de Soberanía y Seguridad Alimentaria y Nutricional
COMUSSAN	Comisión Nacional de Soberanía y Seguridad Alimentaria
CONASAN	Comisión Nacional de Seguridad Alimentaria y Nutricional
CONASSAN	Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional
CORESSAN	Comisión Regional de Soberanía y Seguridad Alimentaria y Nutricional
COSEP	Consejo Superior de Empresas Privadas
COTESAN	Comisión Técnica de Seguridad Alimentaria y Nutricional
COTESSAN	Consejos Técnicos Sectoriales de de Seguridad Alimentaria y Nutricional
CSM	International Food Security and Nutrition Civil Society Mechanism
CPC	Consejo de Poder Ciudadano
CSO	Civil Society Organization
CSSA	Consejo de Seguridad y Soberanía Alimentaria
DR-CAFTA	Dominican Republic–Central American Free Trade Agreement
DRYSA	Grupo Temático de Desarrollo Rural y de Seguridad Alimentaria

ENABAS	Empresa Nicaragüense de Alimentos Básicos
FAO	Food and Agriculture Organization of the United Nations
FAO-PESA	FAO Special Program for Food Security
FEDUBONIC	Federación de Dueños de Bosques
FENACOOOP	Federación Nacional de Cooperativas Agropecuarias y Agroindustriales
FNPP	FAO Netherlands Partnership Program
FONASSAN	Fondo Nacional de Soberanía y Seguridad Alimentaria y Nutricional
FOPREL	Foro de Presidentes de Poderes Legislativos de Centroamérica y la Cuenca del Caribe
FSLN	Frente Sandinista de Liberación Nacional
FTA	Free Trade Agreement
GATT	General Agreement on Trade and Tariffs
GC 12	General Comment 12
GISSAN	Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional
GMO	Genetically-modified organism
GPAE	Grupo para la Promoción de Agricultura Ecológica
GPC	Grupo Propositivo de Cabildeo
ICESCR	International Covenant of Economic, Social and Cultural Rights
IFAP	International Federation of Agricultural Producers
IFOAM	International Federation of Organic Agriculture Movements
IMF	International Monetary Fund
INTA	Instituto Nicaragüense de Tecnología
IRB	Institutional Review Board
LIDECONIC	Liga de Defensa del Consumidor de Nicaragua
LVC	La Vía Campesina
MAF	Mesa Agropecuaria y Forestal
MAGFOR	Ministerio de Agricultura y Forestal
MAN	Movimiento Ambientalista Nicaragüense
MAONIC	Movimiento de Productores y Productoras Agroecológicos y Orgánicos de Nicaragua
MARENA	Ministerio del Ambiente y Recursos Naturales
MDG	Millennium Development Goals
MIDINRA	Ministerio de Agricultura y Desarrollo Rural
MIFIC	Ministerio de Industria y Fomento
MINED	Ministerio de Educación
MINSA	Ministerio de Salud
MRS	Movimiento Sandinista Renovación
NGO	Non-Government Organization
PAN	Programa Alimentario Nacional
PLC	Partido Liberal Constitucional
PNSAN	Política Nacional de Seguridad Alimentaria y Nutricional
PRODUZCAMOS	Banco de Fomento de Producción
RNDC	Red Nacional de Defensa de los Consumidores

SAN	Food and Nutritional Security
SAP	Structural Adjustment Program
SESSAN	Secretaría de Soberanía y Seguridad Alimentaria y Nutricional
SIMAS	Servicio de Información Mesoamericano de Agricultura Sostenible
SINASSAN	Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional
SPS	Sanitary and Phytosanitary
SSAN	Food and Nutritional Security and Sovereignty
TRIPs	Agreement on Trade-Related Aspects of Intellectual Property Rights
UNAG	Unión Nacional de Agricultores y Ganaderos
UNAPA	Unión Nacional Agropecuaria de Productores Asociados
UNICEF	United Nation's Children's Rights and Emergency Relief Foundation
UNO	Unidad Nicaragüense Opositora
UPANIC	Unión de Productores Agropecuarios de Nicaragua
WFFS	World Forum on Food Sovereignty
WFP	World Food Program
WFS+5	World Food Summit Five Years Later

Chapter One

Introduction

This dissertation examines issues related to agriculture and food (agrifood), specifically the process by which alternative approaches to agrifood policy become institutionalized. More specifically, it considers the institutionalization of food sovereignty, an alternative, rights-based food and agriculture policy framework for achieving food security¹ that proposes an alternative to the dominant development paradigm that supports trade-based food security, market expansion and liberalization, and industrial agriculture and food production (see, for example, Rosset 2003, Windfuhr and Jonsén 2005, and Wittman, Desmarais, and Wiebe 2010). More recently, an increasing number of national governments have passed food policy legislation that includes food sovereignty within its framework. The purpose of this dissertation is to explore the process by which these national policies are formulated, negotiated, and approved with the aim of determining the extent to which food sovereignty is conceptually institutionalized in these policies and identifying the factors that either advanced or obstructed its inclusion.

Employing qualitative single-case study analysis grounded in a constructivist approach, the dissertation examines the case of Nicaragua's Law 693, Ley de Soberanía y Seguridad Alimentaria y Nutricional (Law of Food and Nutritional Sovereignty and Security, hereafter Law 693), which was approved by the Nicaraguan National Assembly

¹ The Food and Agriculture Organization of the United Nations (FAO) defines food security as existing "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life" (see, for example, FAO 2008a, 10).

in June of 2009 several years after the bill was introduced. Data was collected through semi-structured interviews conducted with key informants from representatives of farmer and civil society organizations, food and agriculture policy entities, and local and national government representatives in Nicaragua as well as from selected documents pertaining to food sovereignty and Law 693 identified by both study participants and myself and through observation at various events I attended. The methods used to analyze the collected data included process-tracing and discourse analysis.

This chapter will begin with an overview of the context in which food sovereignty has come to be included in national food security policies in recent years in an effort to frame the study. It will then proceed to discuss the research problem, the purpose of the study, and the research questions before briefly outlining the research design and discussing preliminary assumptions. The chapter will conclude with a discussion of the rationale and significance of the study as well as a chapter outline.

Context and Background

Coined by the transnational peasant movement, La Vía Campesina, and first presented to the public in 1996 at the NGO Forum to the World Food Summit held in parallel to the official World Food Summit in Rome, Italy, food sovereignty has increasingly been adopted and championed by peasant and farmer organizations, civil society organizations, and indigenous peoples, and has grown into a remarkable and burgeoning transnational social movement. As stated above, in recent years a growing number of nations have adopted food and agriculture policies that explicitly incorporate the concept of food sovereignty, and this can be attributed to mounting pressure and lobbying by actors working at the national level who form part of the broader global food

sovereignty movement. At the national level, some seven nations have passed either constitutional reforms and/or national laws, and these include Venezuela in 1999/2008, Mali in 2006, Senegal in 2004, Nepal in 2007, Ecuador in 2008/2009, and Bolivia and Nicaragua in 2009. Proposals for national food policy legislation that include food sovereignty are currently in front of legislatures in Mexico, El Salvador, the Dominican Republic, and Peru. Furthermore, local food sovereignty policies have been approved in a number of municipalities in several states of the United States and initiatives have also been reported in Canada. Recently, in December of 2012, the Parlamento Latinoamericano (Latin American Parliament), a permanent regional body comprised of the elected parliaments of 23 nations in Latin America and the Caribbean, approved the Framework Law for the Right to Food, Food Security and Sovereignty, making it the first supranational legislative body to approve a law at the regional level that recognizes food sovereignty as a key element.

Latin America as a region has been leading the world in the legislation of national laws and policies to support the right to food and food security as well as food sovereignty.² The America Latina y el Caribe sin Hambre 2025 (Latin America and Caribbean without Hunger 2025) initiative, launched in 2005 with the support of the Food and Agriculture Organization of the United Nations (FAO), has made the passing of framework laws to support the right to food a fundamental part of their strategy to meet the goal of “[reducing] the impact of chronic child malnutrition to under 2.5% in all the

² Windfuhr and Jonsén (2005) provide a detailed discussion and comparison of these three terms: “food sovereignty,” “food security,” and “the right to food.” As these authors explain, food security largely defines a set of goals for nutrition and food policies while the right to food ultimately defines a set of legal obligations that states agree to meet. Neither of these two approaches specifies a set of policies for either meeting the goals of food security or for guaranteeing a right to food. Food sovereignty differs in that it not only represents a set of policy goals but it also provides a set of policy measures to achieve these goals.

countries of the region by 2025,”³ thereby contributing towards fulfilling Millennium Development Goal 1 (MDG 1), to eradicate extreme poverty and hunger, and its sub-goal of halving the number of hungry people in the world by 1990 and 2015. Indeed, at the present time, almost every country in Latin America either has a national law and/or constitutional provision to support the right to food or such legislation or reform is pending.

The recent turn towards legal frameworks to support the right to food and food security in Latin America has to be viewed within the broader context of the international campaign, largely driven by the FAO, to promote the adoption of such legal instruments at the national level. The impetus towards legal frameworks began in the years after the 1996 World Food Summit (1996 WFS). The two documents that emerged from the 1996 WFS, the Rome Declaration on World Food Security and the World Food Summit Plan of Action, both emphasized the development of national policies conducive to realizing the right to food and food security and eradicating hunger, stating at one point that this was “a top policy priority.”⁴ The rationale behind these legal frameworks, as the FAO Legal Office (1998) points out, is that one of the main obstacles to realizing the right to adequate food and freedom from hunger was the fact that, although some nations had constitution provisions guaranteeing these rights, or related rights, as of 1998, no nation had “expressly adopted national legislation to implement this right” (p. 41). Explaining the importance of these legal instruments, the FAO (2006a) states that,

³ See Hunger-Free Latin America and Caribbean website: <http://www.rlc.fao.org/en/initiative/the-initiative/>.

⁴ See FAO 1996, *World Food Summit Plan of Action* Objective 2.3a.

Special legislation on the right to food and associated state obligations, whatever its exact form, can be valuable in many ways. It can clarify the roles and responsibilities of different agencies, define entitlements and recourse and monitoring mechanisms, and in general give direction to policy and underscore the prime importance of the right to food. (p. 15)

UN Special Rapporteur on the Right to Food, Olivier De Schutter, has also echoed these sentiments and advocated the adoption of national legislation and constitutional reform as mechanisms to deepen the struggle to achieve the right to food (see De Schutter 2010a, 2011b).

In 1999, the Committee on Economic, Cultural, and Social Rights (CESCR) introduced the concept of a “framework law” in paragraph 29 of General Comment 12 (GC 12)⁵ for implementing country-specific strategies to realize the right to adequate food set forth in Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (CESCR 1999). CESCR further described recommended features of framework laws as well as some guidelines for their formulation. The push towards the adoption of framework laws deepened further with the renewed commitment to the 1996 WFS Plan of Action at the 2002 World Food Summit: Five Years Later (2002 WFS+5) in light of the fact that progress towards achieving MDG 1 was very limited as well as the publication of the FAO’s Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (hereafter, FAO Voluntary Guidelines) in November of 2004. The purpose of the FAO Voluntary Guidelines was to “provide practical guidance to States in their implementation of the progressive realization of the right to adequate food in the context

⁵ The rationale behind the development of GC 12 is explained in the document: “Its preparation was triggered by the request of Member States during the 1996 World Food Summit, for a better definition of the rights relating to food in article 11 of the Covenant, and by a special request to the Committee [on Economic, Social and Cultural Rights] to give particular attention to the Summit Plan of Action in monitoring the implementation of the specific measures provided for in article 11 of the Covenant” (CESCR 1999, para. 2).

of national food security, in order to achieve the goals of the World Food Summit Plan of Action” (FAO 2005). The Guidelines again stressed the utility of national legal frameworks for realizing the Right to Food and achieving food security. The FAO began to publish documents (see FAO Right to Food Unit 2005, for example) discussing how to put the Voluntary Guidelines into practice and, more specifically, how to introduce the right to food at different levels of national legislation (see Bultrini, Vidar, and Knuth 2009 and FAO Right to Food Unit 2007) to assist states in developing such legal instruments. However, the publications guiding the formulation of framework laws, at the present time, strictly relate to food security and the right to food and do not specifically deal with the concept of food sovereignty.

Within this context of developing legal instruments to guarantee the right to food and achieve food security, the inclusion of food sovereignty in national food policy legislation is an interesting and important development. In all cases, proposals for food sovereignty legislation have emerged from civil society, and in all cases of approved national legislation, farmer and peasant organizations played critical roles in formulating and/or supporting these proposals (Araújo and Godek 2014; Beauregard 2009). This is also true for proposals currently in the policy-making process in Mexico, El Salvador, Peru, and the Dominican Republic. In the case of Guatemala, which passed its framework law, the Ley de Sistema Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutritional Security System Law) in 2005, farmer and peasants organizations were active stakeholders in the process, but over the course of negotiations, food sovereignty failed to be meaningfully incorporated into the law.

Struggles over the inclusion of food sovereignty in framework laws, like in the case of Guatemala, are not uncommon. The content of draft proposals that included the concept of food sovereignty and its principles faced various degrees of contention in Ecuador, Bolivia, and Nicaragua, though in the end all three succeeded to various extents in preserving elements of food sovereignty (see Araújo and Godek 2014; Beauregard 2009; Wittman, Desmarais, and Wiebe 2010). Controversies over the incorporation and/or nature of the concept of food sovereignty have also been reported by activists in pending cases of food policy legislation in El Salvador, Peru, and Mexico.⁶

Such conflicts over institutionalizing food sovereignty into national policies are unsurprising given the very nature of the food sovereignty paradigm. As Wittman, Desmarais, and Wiebe (2010) note, food sovereignty presents a “radical challenge to the agro-industry model of food production...that entails a changing relationship to food resulting from an integrated, democratized, localized food production model” (p. 4). Furthermore, it moves beyond the concept of food security, which focuses namely on the availability and access of food, by drawing our attention to how, where, and by whom food is produced, for whom it is produced, and how it is distributed and consumed, thereby suggesting that these factors are essential to achieving lasting food security. As such, food sovereignty forces us to re-think our personal and collective relationships with food; the ways in which it is produced, distributed, and consumed; and broader forces, interests, and public policies that maintain dominant systems of food production and provision that fail to feed nearly one in every seven human beings, the vast majority of

⁶ Personal communication with Via Campesina activists. See also, for example, Servindi 2013, L. Peña 2013.

that live in developing nations and are directly involved in the production of food and agricultural goods.⁷

Given the agenda of food sovereignty – to contest the dominant industrial agrifood model and replace it with an alternative model based on democracy and social justice, ecological stewardship, cultural respect, and economic viability – the paramount question concerns its potential to be meaningfully institutionalized and put into broad-scale practice. The inclusion of food sovereignty in national public policies, on the one hand, cannot be underestimated as a huge achievement in terms of the potential to reorient the approach by which nations seek to ensure the right to food and food security. Formal public policies are clearly valuable tools for legitimizing food sovereignty and offering it a space to contest features of the dominant model that it seeks to challenge and also to influence practice. However, on the other hand, the very nature of the institutionalization process – as a site of deliberation and political struggle between multiple policy actors with different interests who compete with each other to influence the outcome of policy – creates certain obstacles for food sovereignty that can affect the extent to which it becomes successfully institutionalized in public policies.

Despite the growing number of nations that have either adopted food sovereignty as part of their public policies or are drafting or deliberating legislative proposals that include the concept, and amidst the growing academic interest in food sovereignty in recent years evidenced by the expanding literature on the subject (see, for example, Altieri and Nicholls 2008, Araújo 2010, Ayres and Bosia 2011, Boyer 2010, Claeys 2012, Holt-Giménez 2009/2011, Holt-Giménez and Patel 2009, Holt-Giménez and Shattuck 2011, McMichael 2008, Rosset 2009/2011, Schanbacher 2010, Suppan 2008, Windfuhr

⁷ See FAO Hunger Portal: <http://www.fao.org/hunger/en/>.

and Jonsén 2005/2013, Wittman, Desmarais, and Wiebe 2010), the literature on the institutionalization of food sovereignty is limited (see Wittman 2012, Wittman and Desmarais 2013). Outside of Beauregard (2009), Drolet et al. (2011), Araújo and Godek (2013), and Peña (2013), there are few, if any, studies that have examined national level policies that incorporate food sovereignty and/or the process(es) by which they are made.⁸ Furthermore, of the existing studies, there is limited treatment of the microprocesses – e.g., policy formulation, introduction, deliberation/negotiation, and approval – that fuse together in the broader policy-making process. Thus, the purpose of this study is to address this important gap in the literature by examining the institutionalization of food sovereignty into national food policy, paying specific attention to stages of the policy-making process. It is anticipated that a critical exploration of this process will contribute to understanding how the process of institutionalizing food sovereignty unfolds, elucidate the factors that can serve to either support or challenge food sovereignty during the policy-making process, and provide instructive lessons for food policy stakeholders in cases of food policy change.

The Case Study: Law 693

This study examines the case of Nicaragua's Law 693, Ley de Soberanía y Seguridad Alimentaria y Nutricional (the Law of Food and Nutritional Sovereignty and Security). In June of 2009, the National Assembly of Nicaragua passed Law 693, thereby becoming one of a handful of nations worldwide to incorporate food sovereignty into national food policy legislation. While several attempts to pass a national food security law had previously been made in Nicaragua, this was the first proposal to adopt a law that

⁸ Beauregard (2009), suggesting the need to broaden scholarship on the analysis of national food sovereignty policies, states, "Further studies in these countries would be beneficial in establishing how effectively programs and legislation are developing in relation to food sovereignty goals" (p. 66).

included the concept of food sovereignty. The impetus for the law, as will be discussed, came from Nicaraguan peasant and farmer organizations belonging to La Vía Campesina. This proposal was adopted and supported by a national interest group comprised of civil society organizations that tirelessly lobbied for the law to be passed as it was originally drafted. However, the approval process was delayed due to a breakdown over controversial elements of the proposed law and multiple revisions were made, the last of which was through a multiple stakeholder negotiation process facilitated by the FAO. The resulting final version of the law was substantially different from the original civil society proposal, with several key tenets of food sovereignty having been omitted and a new definition of food sovereignty added, which led to contention between stakeholders over the final content.

Research Questions

The key research questions this study addresses are as follows:

1. When and under what circumstances did a movement for food sovereignty as an alternative approach to fulfilling the right to food and achieving food security emerge in Nicaragua?
2. What was the process by which Law 693 was drafted, negotiated, and approved?
3. What was the outcome of the policy-making process?
4. What factors supported and challenged the inclusion of food sovereignty in food policy legislation?

Research Design

This study employed qualitative single-case study analysis firmly grounded in constructivist approaches to inquiry. The principle unit of analysis for this study was text,

both in the form of transcribed interviews and written documents. Data collection was undertaken via semi-structured open-ended interviews with key informants and also through the collection of documents identified by both study participants and myself that pertained to food sovereignty in Nicaragua and Law 693.

With respect to the semi-structured interviews, the purpose of the interviews was to solicit information regarding the emergence and development of food sovereignty in Nicaragua, how different actors defined and understood food sovereignty, the process by which the law was passed (formulation, negotiation, and approval), sources of and reasons for opposition to food sovereignty in Nicaragua, and any written materials or documents that related to food sovereignty or Law 693. Interviews were carried out with three groups of actors: food sovereignty experts, policymakers and government representatives, and representatives of food and agriculture policy institutions. Study participants were identified via a snowball sample beginning with my established contacts in Nicaragua. A total of 32 individuals participated in the study and 31 interviews were conducted. Documents identified by study participants in the interviews were either given to me by study participants or I myself retrieved. I also identified and collected additional documents during the course of fieldwork in Nicaragua and via the Internet. A total of 37 of these documents were reviewed for this study. Finally, I attended a number of events, forums, and conferences, and through observation was able to collect additional data, as well as identify potential research participants and collect documents.

Data analysis proceeded in several steps. First, process-tracing was employed to construct detailed narratives, the purpose of which was to describe the emergence of the

food sovereignty movement in Nicaragua; the formulation, negotiation, and approval of Law 693; and the outcome and implications of the policy-making process. During the process of data collection, I discovered that the origins of the Nicaraguan food sovereignty movement lay in a unique set of circumstances, events, and developments that began in the years directly preceding the triumph of the 1979 Nicaraguan Revolution forward through the 1990s. Thus, I felt it necessary to also include this history, which was informed both by data collected in interviews as well as documents and academic publications. The narratives assisted in showing the causal chain of events and developments that assisted in identifying the causal mechanisms underlying the chain of events.

Second, the constructed detailed narrative and additional collected data were analyzed to identify the factors that supported and challenged the inclusion of food sovereignty in Law 693. Again, process-tracing was employed here to analyze the chain of events and identify causal relationships and variables. In the process of data analysis, I discovered that the way in which study participants and broader actors in the agrifood policy field interpreted food sovereignty varied, as did the way in which they assigned meaning and significance to certain events, developments, and issues. For this reason, discourse analysis proved to be a useful analytical tool.

Assumptions

First, I assumed going into the research that the process by which Nicaragua's food sovereignty law was passed would be riddled with debates and friction between various actors involved in the process of formulating, negotiating, and approving policy; however, the extent of contention between these actors and among which actors was

unknown to me upon embarking on the study, as was the extent to which this would ultimately affect the passing of the law. While it was assumed that there would be contention between obvious groups that differed in terms of their interests with regard to agrifood policy and diverge in their opinions regarding agrifood models (e.g., peasant groups that felt threatened by the discourse of free trade and agroindustrial production versus agribusinesses that benefit from free trade and agroindustrial production), it was unknown whether there would also be contention among groups that shared common principles and/or a common approach to agrifood.

Second, I assumed from initial research and a review of the literature that the multiple-stakeholder process by which the law was passed indeed reflected the interests of a broad range of stakeholders. The very idea of a process of consultation suggested that a broad range of actors had been consulted and were involved in the formulation and approval of the law. What was unknown here is exactly how the bottom-up process proceeded.

Third, it was assumed that the political environment in Nicaragua, with the reemergence of a strong Sandinista government led by former President Daniel Ortega, who was re-elected in 2006, helped to create the political conditions necessary for the passing of this law. Less known were the specific political interactions that took place between vying political factions and led to the successful passing of this policy – and the role of peasant and civil society organizations in the latter stages of the deliberation and institutionalization of the law.

Significance and Rationale

This study is particularly significant because it examines one of a handful of known cases in which food sovereignty has been institutionalized into national agrifood policies, thereby challenging and successfully overcoming the dominant, industrial approach to agrifood, and there is much to learn from such case studies. Because food sovereignty is an implicit response and challenge to the dominant, industrial approach to agrifood systems, this case represents an instance in which a decisive effort was made to contest this dominant paradigm and transition to a new model that expressly seeks to transform the approach used to guarantee the right to food and achieve food security. This study serves to provide an analysis on how exactly such a call for transformation and transition proceeded, why, by whom, and the success of this endeavor. The role of transnational and national civil society organizations (CSOs) in terms of advocating a food sovereignty policy agenda cannot be overlooked. As discussed above, having been coined by a transnational peasant organization, the concept of food sovereignty is one that emerged at the transnational or global scale and then was reinterpreted in the Nicaraguan context by national peasant and farmer organizations and civil society that advanced an agenda for a national policy of food sovereignty. In this sense, the study addresses linkages between the global and the local. The study also speaks to the role of peasant and farmer organizations and civil society in promoting policy change from the bottom-up and renders an example of how this process unfolds.

There are several important reasons why I opted to study the case of Nicaragua. First, the Asociación de Trabajadores del Campo (Rural Workers Association, or ATC) and the Unión Nacional de Agricultores y Ganaderos (National Farmers and Ranchers

Union, or UNAG), Nicaraguan peasant and farmer organizations, were founding members of La Vía Campesina (LVC). More importantly, while LVC was officially established at an international meeting of peasant leaders in Belgium in 1993, the idea for the organization was conceived of at an international conference convened in Managua in 1992 to celebrate the 10th anniversary of UNAG. Thus, Nicaraguan organizations have been key participants in the transnational peasant movement and contributors to the development of the concept of food sovereignty. Second, regarding the salience of Law 693, Nicaragua was the first nation in Central America to approve legislation that included the concept of food sovereignty. As mentioned above, this failed to be accomplished in the case of Guatemala, which was the only other nation in Central America to have passed food security legislation at the time at which Nicaragua passed Law 693. As expressed by study participants in interviews, the experience of Nicaragua in passing the law has been drawn upon by other nations in the region and serves as an instrumental example of how to approach the construction of food security policies. Policymakers and others who participated in the formulation, negotiation, and approval of Law 693 have visited other nations that were either in the process or are currently in the process of passing food security legislation both within Central America and in Latin America more broadly to share their experience.⁹ Finally, on a personal note, I had prior experience working with Nicaraguan peasant organizations, particularly the ATC. Thus, choosing the case of Nicaragua was one that made sense in terms of the timing of the passing of the law and the onset of my doctoral research as well as the prior contacts and

⁹ Interview with FAO consultant, 18 August 2011; Interview with National Assembly deputy, 27 August 2011.

knowledge that I had from my past experience in Nicaragua, both of which aided tremendously in facilitating the research.

Chapter Overview

Following this introductory chapter, Chapter Two provides an overview of the literature on agrifood studies in recent decades, including a discussion of recent agrifood studies literature; the history and principles of food sovereignty; the literature on the policy framework of food sovereignty and the institutionalization of food sovereignty; and, finally, the literature on Nicaragua's Law 693 to date. The chapter closes the discussion of the conceptual framework that guided this study.

Chapter 3 presents the method of the study. Beginning with a discussion of the qualitative case study methodology employed by this study, the chapter continues with an overview of the research design. Next, the methods of data collection and analysis are described in detail. The chapter then details ethical considerations and issues of trustworthiness before closing with the limitations of the study and attempts to mitigate these.

Chapters 4, 5, and 6 present the data collected in the study. Chapter 4 and 5 are detailed narratives that address research questions 1 and 2, respectively. Chapter 4 discusses the emergence of the food sovereignty movement in Nicaragua, and begins by examining the roots of the movement, which lie in the Revolution. It continues by detailing the development and consolidation of the movement in the 1990s and early 2000s, which, as is shown, was very much influenced by or occurred parallel to the emergence of other related movements. Chapter 5 presents the process by which Law 693 was passed. Before detailing the steps of the policy-making process, the chapter first

discusses earlier initiatives for a food security legislation in Nicaragua in the second half of the 1990s as well as a national food security policy, which also emerged parallel to the initiative for legislation. The chapter continues by detailing the formulation, introduction, negotiation, revision, and approval of Law 693, which, as mentioned above, was a complex and controversial process.

While Chapter 6 also presents findings from the data collected in the study, it begins to move into the analysis. It discusses the outcomes of the policy-making process, focusing more specifically on the debates that arose over the final content of the law between the different stakeholders and also a major finding of this study – that stakeholders had interpretations of the concept of food sovereignty, which differed from those of the food sovereignty movement, as well as important critiques of the concept. This reveals that there were important divisions among stakeholders in terms of their understanding of food sovereignty and this had important implications for the policy-making process.

Chapter 7 presents a discussion of the factors that served to either advance or hinder the inclusion of food sovereignty in Law 693. It specifically considers four categories of factors: historical, context-dependent factors; social movement dynamics; policy-making process dynamics; and external factors, such as those originating at the regional or global levels. It also identifies several new factors as per the data.

Finally Chapter 8 concludes the study. It presents six major results and contributions of the study, linking these with previous research in the field. It closes with several recommendations of areas for future scholarship and applied research.

Chapter Two

Literature Review

The objective of this dissertation was to examine the process by which national food policies that include food sovereignty are formulated, negotiated, and approved in an effort to gauge the extent to which food sovereignty is incorporated in these policies as well as identify the factors that account for this. Specifically, the study examined the case of Nicaragua and aimed to identify and analyze the factors that strengthen and weaken the inclusion of food sovereignty and the resulting implications. Food sovereignty represents both a critique and an alternative to the dominant, market-based approach predicated on neoliberal economic policies to achieving food security (Pimbert 2008, 2009; Rosset 2003; Windfuhr and Jonsén 2005). The incorporation of food sovereignty into national policies suggests a shift in the way that policies for guaranteeing the right to food and ensuring food security are being made towards one that is more sustainable, democratic, and economically just.

In order to situate recent shifts in the direction of food security policy, the following critical review of the literature begins with an overview of agrifood studies in recent decades. It follows with a discussion of the concept of food sovereignty, highlighting its origins, recent literature, and policy framework. The review then examines recent literature on the institutionalization of food sovereignty, noting factors that are attributed to strengthening and constraining the inclusion of food sovereignty principles in national policies. Finally, the chapter examines the literature on food security and food sovereignty policy in the more specific context of Nicaragua, the focus of this research study, before making some closing remarks.

Agrifood Studies in a Global Era

The agrifood studies literature has expanded tremendously over the last several decades in response to broad changes in agrifood systems as a result of the deepening of the neoliberal development paradigm. This literature is both broad and complex, as the study of agriculture and food is multidimensional and multidisciplinary, examining historical, politico-economic, and governance trajectories as well as the actors within the agrifood system and the ongoing debate over what conditions best foster food security. The following section is divided into three subsections: The first looks at major contributions to understanding the fundamental shifts in agrifood systems over the last several decades, the second examines recent debates on food security policy,¹ and the third looks at the rise of agrifood movements in response to the shifts and debates discussed in the previous subsections. Based on these distinctions, it seeks to provide a broad overview of the major contributions to agrifood studies, and there is notable overlap in the contributions of scholars, some of which span more than one category of study.

Changes in Agrifood Systems in the Global Era

The discussion that follows details the literature that has examined changes in agrifood systems over the last several decades. It is divided into two areas: contributions to food regime theory and the broader literature on agrifood supply/value chains.

Food Regime Theory. Food regime theory was one of the first major bodies of literature to emerge and analyze the changing structure of the world agrifood system. Two major scholars have dominated food regime theory, Harriet Friedmann and Philip McMichael, and thus the majority of works in this area are contributions from these authors with other

¹ Appendix A provides an overview of the food security concept and its evolution.

major contributions noted. Grounded in a world-systemic or world-historical analysis of the political economy of food and agriculture (Buttel 2001), a food regime is defined as “the rule governed structure of the production and consumption of food on a world scale” (Friedmann 1993a, 30–31) and was introduced as a way of understanding “the norms and rules that govern international agro-food transactions” (McMichael 1992, 344). Food regime theory has been particularly useful for conceptualizing the broad historical structural changes in the international political economy of food and agriculture.

Early contributions to the food regime literature (Friedmann 1982; Friedmann and McMichael 1989) examined the first two food regimes: the first food regime from 1870 to the 1930s, later referred to in the literature as the “colonial-diasporic food regime” (Friedmann 2005) and the second “surplus” food regime, later referred to as the “mercantile-industrialist food regime” (Friedmann 2005), which began with the end of WWII and began to destabilize in the early 1970s. Hashing out the features of these regimes, the authors focused on factors that ultimately served to undermine them. In the early 1990s, contributions to the food regime literature continued to elaborate on the first two regimes and began to speculate on the emergence of a third food regime, especially in light of the impending conclusion of the Uruguay Round of GATT negotiations (McMichael 1993a), as well as to identify new themes that had emerged with the “unhinging” of the second food regime, such as those of sustainability (Friedmann 1993b), implications for democracy (Friedmann 1993a), and indicators of shifts, such as restructuring of agrifood systems, new institutions, and new patterns of technology (McMichael 1992).

The conclusion of the Uruguay Round in 1996, which established the World Trade Organization (WTO) and introduced a series of new agreements that specifically pertained to agriculture and food, such as the Agreement on Agriculture (AoA), the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), the food regime literature began to focus more on debating the emergence of a third food regime, referred to in the literature as both the “corporate” (McMichael 2003, 2005, 2009b) and “corporate-environmental” (Friedmann 2005) food regime. As noted by Holt-Giménez and Shattuck (2011) and McMichael (2009a), while the jury is still out among food regime theorists on whether the third food regime has indeed emerged (see Burch and Lawrence 2009, Friedmann 2005), food regime analysis has made important contributions in highlighting the complex and hegemonic relationships at the broader international level, thereby linking cycles of capitalist accumulation with the restructuring of agrifood systems, as well as noting the implications of dominance for subordinate actors, particularly farmers and peasants (McMichael 2009b, 2009c).

Agrifood Supply/Value Chains. While the food regime concept sought to examine historical shifts at the international scale, another group of studies began to look more specifically at agrifood restructuring and the changing nature of agrifood supply/commodity chains in the wake of globalization, particularly contributions to edited collections by McMichael (1993b), Bonanno et al. (1994), and Goodman and Watts (1997). Early additions to this literature included studies of a new international or global division of labor within the agrifood sector (Friedmann 1991; Raynolds et al. 1993), the increasing dominance of transnational corporations in agrifood systems

(Heffernan and Constance 1994; McMichael 1998), the implications of restructuring for nation-states (Bonanno 1994; McMichael 1993b); global/local linkages in the restructuring of agrifood supply/commodity chains (Gouveia 1994; Marsden, Flynn, and Ward 1994) and its relationship to agriculture and rural livelihoods (Page 1997; Raynolds 1997); the reframing of the agrarian question in light of agrifood system restructuring (Bonanno et al. 1994; Watts and Goodman 1997); and the introduction and implications of commercialized biotechnology in agrifood production (Middendorf et al. 1998; Sorj and Wilkinson 1994).

More recent literature on agrifood system restructuring has built upon the contributions of scholars in the late 1980s and 1990s and responded to changes occurring in the broader international policy environment, namely the creation of the WTO and the negotiation of the AoA and TRIPs in the mid-1990s followed by the WTO Doha and Cancun Rounds of trade talks. As such, some studies examined the politics of trade negotiations and the effects on agrifood systems (Beierle 2002), particularly developing nations (Clapp 2006), and the role of international institutions in promoting free trade policies (Davis 2003). Other studies focused on the global governance of supply chains (Gereffi, Humphrey, and Sturgeon 2005; Oosterveer 2007). Corporate concentration in the agrifood sector continued to be a noted subject (Clapp and Fuchs 2009; Murphy 2008), including a focus on the corporate promotion of biotechnology and genetically-modified foods (Shiva 2000; Williams 2009). Studies continued to look at features of agrifood commodity/supply chains with the increasing focus of restructuring on small farmers and producers (McCullough, Pingali, and Stamoulis 2008; Murphy 2011) and the re-orientation of the subject towards retail supply chains, namely the rise of supermarkets

in developing countries and resulting implications (Burch and Lawrence 2007; Reardon, Henson, and Berdegue 2007; Reardon et al. 2003).

Another dimension to the literature on supply and value chains emerged from the discipline of geography. Beginning with the observation that the process of the globalization of agrifood was resulting in the restructuring not only at the global level but at the local level (Goodman and Watts 1994), namely through the restructuring of commodity chains and patterns of consumption, scholars began research that sought to investigate what they termed to be “alternative food geographies” or “alternative geographies of food” (Maye, Holloway, and Kneafsey 2007; Morgan, Marsden, and Murdoch 2006; Whatmore and Thorne 1997). Often drawing on theoretical models such as actor-network theory and conventions theory (see, for example, Jarosz 2000, Ponte 2009, Renard 2003, Whatmore and Thorne 1997; see also Morgan, Marsden, and Murdoch 2006, Murdoch, Marsden, and Banks 2000), this group of scholars have made substantial contributions for understanding the relationships between production and consumption within the frame of globalization and agrifood restructuring and how these vary by locality and reflect a diversity of existing agrifood systems. A range of topics have been explored, including the emergence of quality as an increasingly important factor in food production and consumption (Goodman 2003; Morris and Young 2000; Murdoch, Marsden, and Banks 2000; Ponte 2009), localism and localization of production and consumption (Hinrichs 2000, 2003; Winter 2003), short food supply chains (Marsden, Banks, and Bristow 2000; Renting, Marsden, and Banks 2003), and alternative food networks (Goodman 2003; Jarosz 2000; Watts, Ilbery, and Maye 2005).

Food Security

Events and developments in the mid-1990s led to a significant turn in the literature on food security evidencing vibrant new debates over the nature and direction of food security policy and related matters, as noted by some scholars (see, for example, Lang, Barling, and Caraher 2009; Lang and Heasman 2004; Lawrence, Lyons, and Wallington 2009; and Maxwell and Slater 2003). The establishment of the WTO, the adoption of its agreements (see above), and the renewed interest in the subject by the global community at the 1996 World Food Summit (WFS) and later at World Food Summit +5 (WFS+5) in 2002, both convened by the FAO and held in Rome, Italy, had important implications. While the final negotiations of the Uruguay Round resulted in commitments by nations to begin the process of liberalizing agricultural markets, the commitments made at the 1996 WSF reflected commitments by nations to trade-based approaches to achieving food security as well as the reiteration of the right to adequate food and freedom from hunger, as enshrined, respectively, in Article 25 of the 1948 Declaration of Human Rights² and Article 11 of the 1976 International Covenant on Economic, Social, and Cultural Rights,³ as reflected in the Rome Declaration of the World Food Summit and the World Food Summit Action Plan (FAO 1996). These commitments were again recognized in the Final Declaration of the WSF+5 (FAO 2002; see also Hussein 2002).

These developments had two major, overarching consequences. First, it became clear that food security had become a multidimensional issue and new analyses of “new food policy” (Maxwell and Slater 2003) evidenced a shift from the former focus of food

² See <http://www.un.org/en/documents/udhr/>.

³ See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

security studies on food supply, access to food, and nutrition to broader issues and debates concerning the effects of trade liberalization, intellectual property rights, the right to food, and the global governance of food on food security matters. Interwoven within these issues was that of sustainability, which had become a keyword in the broader development paradigm in the 1990s as climate change and environmental carrying capacity began to become increasingly important topics. Second, it also became clear that there were competing visions of how to achieve food security, as reflected by the outcomes of the 1996 WFS, at which civil society broadly contested the trade-based approach to food security evidenced in the Rome Declaration and its Action Plan (see Fresco 1997, NGO Forum on Food Security 1996, Shaw and Clay 1998, and, especially McKeon 2010).

Recent literature on food security has helped to capture both the multidimensional nature of food security as well as the fundamental debates over how it is to be achieved. The following discussion examines five topics that are prominent in the literature and show the various dimensions of food security as well as highlight prominent debates, and these include: trade liberalization; biotechnology and intellectual property rights; approaches to agriculture and food production; the right to food; and global agrifood governance.

Trade Liberalization. A growing literature began to address the effects of trade liberalization on food security, especially in developing countries. Some viewed the relationship between trade liberalization and food security optimistically, seeing a supportive role of the international community as necessary to promoting the adoption of agrifood liberalization and ensuring the participation of all, especially developing

countries (Konandreas and Greenfield 1998). However, this opinion was certainly not shared by all. Concerns have been noted by some scholars about the implications of adjustment to the liberalization of agriculture and food (Beierle 2002; FAO 2003), and some studies have signaled that this adjustment has important effects on local food cultures and consumers (Beachy 2011). Ghosh (2009) pointed out obstacles to achieving food security, namely that the globalization of agrifood, highlighted by a turn to trade liberalization and the trade-based approach to achieving food security, did not sufficiently take into account the possibility of market failure and also served to marginalize developing countries and make them more economically vulnerable. McMichael (2005) argued that the “privatization of food security” undermined the ability of states to achieve self-sufficiency by requiring them to open their markets to food and agricultural imports, which further violated their sovereign rights. Still Young (2004), evidencing the negative impact of liberalization policies on food security over the 1980s and 1990s (e.g., structural adjustment programs and international trade liberalization under the WTO), argued that “food security is fundamentally incompatible with a shift towards liberalization” (p. 13).

Biotechnology and Intellectual Property. Biotechnology, the so-called “life sciences” industry, and the trade-related intellectual property protections adopted under the TRIPs agreement are all controversial issues. Some have argued the importance of biotechnology as a sustainable path for achieving food security (Swaminathan 2010; von Braun 2010), along with other measures such as expanding trade and natural resource conservation (Godfray et al. 2010). However, this perspective has been critiqued in the literature in several ways. First, some scholars see the introduction of biotechnology,

encompassed by the so-called “Second Green Revolution” technologies, as undermining biodiversity and traditional, “resilient” production systems, especially in developing countries, as these systems have been the historical basis of food security, especially in rural communities (Altieri 2005; Garcia and Altieri 2005; Shand 1998; Shiva 2000; see also Ghosh 2009). Furthermore, in advocating for “farmers rights,” scholars note that the patenting of genetic resources, especially local and native varieties (termed “biopiracy”), consolidates power over these resources to the detriment of the rights of farmers to access these resources without being obligated to pay for them (Shand 1998; Shiva 2000; Winter 2010).

Approaches to Agriculture and Food Production. This debate over biotechnology and intellectual property rights invokes a broader debate over agrifood production systems and how to sustainably increase the food supply to mitigate food insecurity. In the wake of impending multiple ecological crises – including climate change, declining biodiversity, and environmental health and security – the issue of sustainability has come to the forefront as a key issue and objective. However, as Lang and Heasman (2004), Lang (2010), and Marsden (2012) pointed out, there are diverging opinions on how to foster sustainable agriculture. Lang and Heasman (2004) argued that two food supply paradigms have emerged: the “Life Sciences Integrated paradigm” and the “Ecologically Integrated paradigm.” As Lang and Heasman explained, these two paradigms ideologically conflict as the former advocates the advancing of new biological innovations (rather than chemical innovations) to food production and manufacturing that have the deep potential to restructure food system power relations, while the latter is much more closely linked to discourses on sustainable agriculture (Dahlberg 1986, 1988,

1993; Beaus and Dunlap 1990) and agroecology, emphasizing a more holistic approach, self-reliance, small-scale agriculture, respect for traditional farming systems, and less external inputs (see, for example, Altieri 1995, 2002; Rosset and Altieri 2008). Marsden (2012) noted a similar distinction between the two approaches he termed the “bio-economic” paradigm and the “eco-economic” paradigm and, after delineating between the two, he emphasized that even though studies support the sustainability of the eco-economic paradigm, the challenge will be to overcome the powerful forces behind the bio-economic paradigm. However, as noted in Altieri (2007), Altieri and Koohafkan (2008), and Rosset and Altieri (2008), findings from agroecological research have made a powerful argument as to the limits of the bio-economic, life sciences model in terms of enhancing principles of sustainability. This argument has been highlighted and supported by the UN Special Rapporteur on the Right to Food, Olivier De Schutter, who has come out in great favor of agroecology to support food security and sustainable development (see, for example, De Schutter 2010b, 2011a).

This distinction underscores a further debate over the purpose of agriculture and the question of smallholder farming highlighted in the work of González (2010) and McMichael and Schneider (2011). On the one hand is the value-chain approach that seeks to integrate small farmers into global agrifood value chains, thus compatible with trade liberalization, and also promotes the adoption of biological technological innovations to support agricultural development (McMichael and Schneider 2011).⁴ On the other hand, as McMichael and Schneider (2011) explained, is the “multifunctional” approach to

⁴ This approach is characteristic of the AGRA program in Africa (funded by the Bill and Melinda Gates Foundation as well as the US government, among others) that promotes food security through “the promotion of rapid, sustainable agricultural growth based on smallholder farmers.” See <http://www.agra.org/>.

agriculture as advanced in the 2008 International Assessment of Agricultural Knowledge, Science and Technology for Development, which was sponsored by the World Bank and the United Nations. As McMichael and Schneider stated, the report sees a multifunctional approach to agriculture as “reducing poverty and social/gender equality, stabilizing rural cultures, reversing environmental degradation, and mitigating climate change” (p. 132) and emphasizing agroecology and the strengthening of local and regional food systems, thus at odds with the market-led, value-chain approach. González (2010), however, interpreted the multifunctional approach slightly differently, seeing it as potentially compatible with market-led agrifood approaches and argued rather that the Latin American “new rurality” movement more adequately challenges the neoliberal paradigm and emphasizes the agency of agricultural producers as well as national and local governance institutions. While this is an on-going and current debate within the literature, it nonetheless underscores the broader debate over whether local and national production systems should be structured to promote self-sufficiency or “self-capacity,” meaning they generate enough liquidity to buy food to satisfy local and/or national demand (González 2010, 1348, citing Fritscher 204, 118; see also Beachy 2011).

Right to Food. The issue of the right to food has also increasingly gained attention, especially since the 1996 WFS. The FAO has been a key advocate of the adoption of policies and practices that promote the realization of the right to food (see FAO 1998, 2005, 2006a). As discussed in the previous chapter, the FAO has steadily supported the adoption of national policies to deepen the right to food. Mechlem (2004), in her study of the right to food discourse among UN institutions (including the FAO), made an important contribution in distinguishing between the policy concept of food security and

the legal concept of the right to food, arguing that they essentially represent two separate objectives. She further stated her belief that the FAO is on its way to a rights-based approach to food security, an observation echoed by González (2010). However, Mechlem further argued that in order for a rights-based approach to food to be effective, it must be complemented by a broader rights-based approach to development. Kaufman and Hart (2007) argued that trade liberalization, a cornerstone of the neoliberal development paradigm, is both contradictory and undermines the right to food as trade liberalization is linked to the cumulative enhancement of human welfare, while the right to food is an individual right under international law that “grants a minimum standard of living to the individual even at the price of an aggregate rise in the standard of living” (p. 1042, citing Mechlem 2006, 187). Thus their work suggests that the neoliberal development paradigm is incapable of providing the required rights-based approach, as per Mechlem (2004), needed to guarantee the right to food. Hussein (2002) made a further point here, stating that there is an increasing opinion among scholars that power and decision making must be (re-)located to nation-states and local jurisdictions – and away from donors – in order to realize the right to food (p. 633), again reflecting disconnect with the neoliberal paradigm.

Global Agrifood Governance. This last point raises the important and final issue of global food governance, another key area in food security studies. As McKeon (2011a) noted, in the post-WWII period, food and agriculture governance mainly rested with nation-states; however, this changed in the 1980s as global financial institutions, such as the World Bank and International Monetary Fund (IMF), began to dominate food governance as the structural adjustment programs that these institutions imposed and monitored “drastically

curtailed the policy decision-making space of national governments, opened up the markets of developing countries, and cut back severely on state support to and regulation of agriculture” (p. 4). Shaw and Clay (1998) noted that while international institutions are playing a more prominent role in agrifood governance, they do not share a common consensus on the pathway to achieving food security and realizing the right to food (as alluded to in the discussion above), especially the Bretton Woods institutions vis-à-vis other UN agencies. This observation has also been noted by Margulis (2013), who argued that the Bretton Woods institutions, like the World Bank, as well as the G-20 have generally opposed the right-to-food discourse because of its potential to undermine trade liberalization in favor of the pursuit of food self-sufficiency. The findings of Clapp and Murphy (2013) in their study of the G-20’s response to the 2007-2008 food price crisis support the assertion that the G-20 is unlikely to be in favor of food security approaches that are not in line with trade liberalization. This further underscores the tensions in what Margulis (2013) termed the “regime complex of food security,” which he argued is characterized by diverging norms and values of actors in the sphere of global food governance over the three intersecting areas of agriculture and food, international trade, and human rights, and he further speculated that these tensions are not likely to be resolved any time soon. Despite Margulis’ somewhat pessimistic outlook, other scholars, including McKeon (2010, 2011a, 2011b) and Duncan and Barling (2012), have highlighted the reform of the FAO Committee on World Food Security to allow the official participation of civil society actors, a mechanism known as the International Food Security and Nutritional Civil Society Mechanism (CSM), as an important innovation and development in food security governance. While these authors agree on the promise of

this development for encouraging debate about food security matters among a more representative group of global stakeholders, especially after the recent world food crisis, Duncan and Barling raised the important point of how effective the CSM can be within a broader environment characterized by “embedded neoliberalism” and conclude, on a hopeful note, that it is a deep obstacle but not one that cannot be overcome.

Contemporary Agrifood Movements

In recent years, a literature has emerged around what scholars have broadly termed “agrifood movements,” defined by Hassanein (2003) as “the social activity of sustainable agriculturalists, local food activists, and others who are working to bring about changes at a variety of different levels of the agro-food system” (p. 80). In their very essence, they are counter-movements (Allen and Wilson 2008; Allen et al. 2003; McMichael 2000). While these movements are diverse and their nature is context dependent (Buttel 1997), what they do share is an increased concern over the controversial dimensions of the restructuring of agrifood systems, particular with regard to markets, culture, and the environment, and the effects of this at local and global scales as well as and the nature of food security policy.

Shared principles between the movements include those of ecological stewardship, social and cultural justice, and (local) economic viability (Allen et al. 2003; McMichael 2000; Menezes 2001; Raynolds 2000). Another key theme in both the discourse of agrifood movements and the literature on them is that of democracy and, more specifically, “food democracy,” or the right of people to participate in the shaping of agriculture and food policies and practices at multiple scales (Hassanein 2003; Lang 1999). Studies of agrifood movements have linked the practice of democracy with

strengthening and achieving sustainability (Henderson 1998; Hassanein 2003) and countering the hegemony of the trade liberalization imperative and its effects, which include the weakening of local cultural diversity (Friedmann 1993b). Furthermore, different scholars have looked at both local means of supporting food democracy (e.g., food policy councils) (see Berman 2011 and Hassanein 2003) as well as at the global level through the FAO CSM, as described above.

Scholars have sought to explain the rise of agrifood movements in diverse yet interconnected ways. Both McMichael (2000) and Holt-Giménez and Shattuck (2011) explained the rise of agrifood movements through the lens of food regime theory. McMichael (2000) observed that agrifood movements did not just emerge spontaneously but represent a response to corporate dominance that consequentially results in the “[denial] of cultural diversity, citizen’s rights and biodiversity as alternative forms of sustainable practice” (p. 79). Holt-Giménez and Shattuck (2011) also analyzed the rise of food movements in response to the consequences of the corporate food regime and make an analytical contribution in terms of delineating between progressive and radical food movements. Allen and Wilson (2008) linked and examined the emergence of agrifood movements to the inequalities produced by globalization.

Agrifood movement research has focused on a range of movements, evidencing what might be called a “movement of movements,” to borrow Mertes’ (2004) term. Studies have focused on local and national level advocacy and mobilization, including both rural organizations and urban initiatives (Allen 2004; Allen et al. 2003; Henderson 1998). Other studies have focused more on transnational agrifood movements. Raynolds (2000, 2004) examined the globalization of the organic agriculture and food movement,

in particular the emergence and growth of the International Federation of Organic Agriculture Movements (IFOAM), which dates back to 1972. Raynolds (2000), Renard (2003), and Walton (2010) explored the Fair Trade movement, the goal of which is to “re-embed the production and marketing of major agricultural and non-agricultural exports from countries of the South in more equitable social relations” (Raynolds 2000, 301). Andrews (2008) and Petrini (2007) both made contributions with their work on the Slow Food Movement, which traces its roots back to the late 1980s and is predicated on the principles of “good, clean, and fair” food, with good being indicative of taste and pleasure, clean referring to food produced in an environmentally sustainable way, and fair pointing to social justice.

Another area of related scholarship has been on (transnational) peasant and farmer movements and organizing, which is grounded in the broader critical agrarian studies literature. Borras, Jr., Edelman, and Kay (2008) provided an analysis of the historical origins of transnational agrarian movements and their evolution, identifying a chronology of various movements and taking into particular account the impact of neoliberalism on contemporary transnational agrarian organizing. Edelman (1998, 2008) examined the more specific context of Central America, one of the birthplaces of transnational agrarian movements, citing the common factors that brought regional organizations together and outlining how these organizations mobilized and expanded to create broader transnational agrarian networks, in particular La Vía Campesina, which coined the term “food sovereignty.” McMichael (2008) analyzed transnational peasant mobilization in the context of consolidating neoliberalism, firmly locating it within the broader history of movements seeking self-determination. Other notable contributions to the literature on

transnational agrarian movements are those of Wolford and Wright (2005) and Wolford (2010) on the origins and evolution of the Movimento Sem Terra (Landless Peasants Movement) in Brazil and Holt-Giménez's (2008) study of the Campesino a Campesino movement, an approach that emerged in the early 1980s in Mexico, expanded throughout Central America, and was grounded in grassroots-level exchanges between peasant farmers that emphasized agroecological farmer techniques with a focus on preserving traditional farmer knowledge.

As noted briefly above, the 1996 WFS was an important forum where agrifood movements converged to contest different features of the globalization of agrifood. In McKeon's (2010) detailed account of the historical and contemporary relationship between the FAO and civil society, she pointed out that the NGO Forum to the World Food Summit (hereafter NGO Forum), which was convened parallel to the 1996 WFS in Rome, Italy, represented one of the first instances that brought together not only NGOs working on agriculture and food issues but also "people's organizations," which McKeon defined as organizations "directly representing the populations on behalf of whom they advocated and acted" and further stated that, "...the World Food Summit was destined to become a particularly significant theatre for the emergence on the global scene of these key civil society actors" (p. 23). She explained that on the final day of the WSF, the NGO Forum presented their final statement, "Profit for Few or Food for All: Food Sovereignty and Security to Eliminate the Globalisation of Hunger" (NGO Forum to the World Food Summit 1996) at the closing plenary session of the WSF. As McKeon (2010) notes, the unity of civil society organizations (CSOs) – bridging the North–South and institutional–grassroots divide, was evidenced by their shared platform and voice in the

final statement. While this undoubtedly was a profound development and turning point, another perhaps at first understated outcome of the WFS gathering was the introduction of a new term – “food sovereignty” – which was included in both the title and the content (point 6) of the NGO Forum’s final statement, but was not elaborated upon (Desmarais 2007). Food sovereignty, as McKeon (2010) explained, was “[n]ot widely understood or used in civil society circles at the time” but “it was destined to emerge over the following years as the paradigm [of] those opposed to the neoliberal Washington consensus” (p. 39).

Food Sovereignty

Food sovereignty is an alternative, rights-based approach to organizing agrifood systems that is fundamentally opposed to neoliberal globalization. It provides a policy framework for achieving food security. Food sovereignty has been described by scholars as a process of transformation to more “integrated, democratized, localized” (Wittman, Desmarais, and Wiebe 2010, 4) food systems based on “equity, social justice and ecological sustainability” (Pimbert 2009, 5) within a context of “universal (and defensibly humanist) principles of dignity, individual and community sovereignty, and self determination” (Patel 2005, 82). With respect to the rights-based approach of food sovereignty, as Rosset (2009) explained, “Food sovereignty starts with the concept of economic and social rights, which include the right to food, but it goes further, arguing that there is a corollary right to land and a ‘right to produce’ for rural people” (p. 116).

The concept of “food sovereignty” was developed by the transnational peasant network, La Vía Campesina (LVC) and introduced at the 1996 WFS via a LVC position paper titled “The Right to Produce and Access Land, Food Sovereignty: A Future without

Hunger.” While the concept was little understood at the time it was introduced, as noted above, it has since been adopted by countless movements, organizations, and institutions. Borras Jr., Edelman, and Kay (2008) speculated that the food sovereignty movement is perhaps the largest in the world. The following discussion examines the recent literature on food sovereignty, which is divided into four main areas: the origins of the term and the movement, the concept of food sovereignty and its major principles, its policy framework, and finally an overview of the academic literature on the subject.

Origins of Food Sovereignty

The history of the concept of food sovereignty is an important lens from which to view its imperative. A recent contribution from Edelman (2013) has indeed traced the history of the term to early articulations in the 1980s and later to LVC. As Edelman (1998) and Martinez-Torres and Rosset (2010) explained, both LVC and the concept of food sovereignty have their foundations in exchanges between members of peasant and farmer organizations in the late 1980s and early 1990s in Central America, which was one of the principal regions where contemporary transnational peasant and farmer organizations emerged. Edelman (1998, 52) articulated a number of factors shared by Central American peasant and farmer organizations in the late 1980s and early 1990s that served to bring them together, at first informally and later more formally, including:

- the end of periods of conflict and civil wars in Central America;
- common challenges that followed the introduction and deepening of neoliberal reforms via structural adjustment programs (SAPs);
- the marginalization of grassroots groups from policymaking;

- the cutting of state-sponsored social and economic programs (e.g., agricultural extension, credit, and agrarian reform);
- liberalization policies that forced small producers to compete with foreign producers;
- “food dumping” in the form of food aid from the US that imported cereals cheaper than those nationally produced (i.e., wheat replaces corn);
- a collapse in the price of coffee (one of the region’s most important export crops);
- deepening environmental crisis (e.g., infertility, soil erosion, deforestation, and agrochemical contamination of land and water);
- the influx of nongovernment and cooperation organizations funded by various forms of bilateral and multilateral aid and viewed as outsiders and competitors by peasant and farmer organizations; and
- the lack of productive infrastructure and services to assist peasants and small farmers in competing in the market, thus deepening their dependence on intermediaries and large agroindustry and cutting their incomes.

The dialogue that emerged around these common shared challenges became a source of unity between peasant and farmer organizations as they collectively realized that they were experiencing similar circumstances (Desmarais 2007; Martinez-Torres and Rosset 2010).

One of the earliest expressions of formal transnational regional organizing in Central America was the Asociación de Organizaciones Campesinas de Centromérica para la Cooperación y el Desarrollo (Central American Association of Rural Organizations for Cooperation and Development, or ASOCODE).⁵ Created in 1991,

⁵ See Edelman 1998, 2008 for a detailed study of the rise and fall of this historic organization.

ASOCODE went on to encourage and/or participate in the founding of a number of other networks of farmer and peasant organizations, including LVC (Edelman 2008). Specifically, one of ASOCODE's most active member organizations, the Unión Nacional de Agricultores y Ganaderos (National Union of Farmers and Ranchers, or UNAG), a Nicaraguan mass organization established during the Revolution by the Sandinista government to represent small and medium-sized farmers, convened a conference in Managua, Nicaragua, in April of 1992,⁶ which was attended by representatives of farmers and peasant organizations from Central America, the Caribbean, Europe, Canada, and the United States (Desmarais 2002, 2007, 2009; Martinez-Torres and Rosset 2010). As Desmarais (2007) recounted, it was at this meeting that the attendees acknowledged that the challenges facing small producers and peasants were spread across the North–South divide, professed their common struggle against neoliberal policies in the final declaration of the conference (the Managua Declaration; see Box 2.1 below), and laid the groundwork for the establishment of LVC. One year later, in May of 1993, LVC was officially established at a conference in Mons, Belgium, that was attended by 46 representatives of peasant and farm organizations from around the world who united to form an international movement to oppose the common crisis – characterized by threats to the livelihoods of small farmers and peasants (including broad-scale hunger and food insecurity), their inability to access the productive resources (land, seeds, water, etc.) needed to produce, and the altering of rural communities and territories in such a way as to erode and de-legitimize local knowledge and traditional culture – that they collectively shared (Desmarais 2007, 40; see also Desmarais 2002, 2009; Rosset 2003).

⁶ Desmarais (2007) reported that this meeting occurred in May of 1992, so there is some discrepancy with regard to the date in the literature.

Desmarais (2007) explained that the impetus behind the establishment of the LVC movement was to address this deepening rural crisis. For the members of LVC, the causes of this crisis lay in the globalization of the productionist model and the expansion of neoliberalism (Desmarais 2002). Their solution was to unite in struggle against these policies and forward an alternative development approach encapsulated by the concept of food sovereignty. The excerpts from the Managua and Mons Declarations in Box 2.1 (below) evidence the common grievances felt by the peasant and farmer leaders who participated in the formative steps to establish LVC as well as elements of the emerging food sovereignty discourse, including opposition to the neoliberal development paradigm, support for ecological and sustainable forms of production, and their demand and right to be heard and to participate in agricultural policy negotiations.

Following the Mons Conference and the establishment of LVC, the next major gathering of the movement was its Second International Conference in April of 1996 in Tlaxcala, Mexico. As Wittman, Desmarais, and Wiebe (2010) recounted, the major outcome of this conference was a common consensus within the movement that the FAO's definition of food security was insufficient and they further explained that, "These contemporary policies aimed at food security offer no real possibility for changing the existing, inequitable, social, political and economic structures that peasant movements believe are the very causes of the social and environmental destruction in the countryside in both the North and South" (p. 3). What emerged was the concept of *food sovereignty* (Martinez-Torres and Rosset 2010). In the final declaration of the Tlaxcala conference, the movement highlighted eleven principles that were then incorporated into the position paper that they presented at the 1996 WFS.

Box 2.1. Excerpts from the Managua Declaration and the Mons Declaration

Managua Declaration (May 1992)

Neoliberal policies represent a dramatic constraint on farmers throughout the world, bringing us to the brink of irredeemable extinction and further aggravating the irreparable damage which has been caused to our rural environs...

We note that the GATT affects farmers in the poor countries as well as impoverishes farmers in the rich countries to the benefit of monopolies and transnational corporations.

Trade and international exchange should have as their fundamental goal, justice, and cooperation rather than competition and the survival of the fittest.

We as producers need to be guaranteed sufficient income to cover as a minimum our costs of production. This, to date, has not been a concern of the negotiators of the GATT. We reject policies which promote low prices, liberalized markets, the export of surpluses, dumping and export subsidies.

Sustainable agricultural production is fundamental and strategic to social life and cannot be reduced to a simple question of trade. Farmers demand direct participation in the GATT negotiations...

Through our unity we will find the means to have our voice and our propositions heard by those who would usurp our right to cultivate the land and assure our families' dignity.

Mons Declaration (May 1993)

As a response to the current irrational and irresponsible logic of production and to the political decisions which support it, we propose the following basic conditions in order to bring about an agricultural development which is ecologically sustainable, socially just and which allows the producer real access to the wealth s/he generates day in [and] out:

1. The right of small farmers to a living [in the] countryside; this implies the full right of farmers to their own autonomous organizations and the recognition of their social importance in the definition and implementation of development in general, and rural development in particular.
2. The right to a diversified agriculture which guarantees, as a matter of priority, a supply of healthy, high quality food for all peoples in the world, based on a profound respect for the environment, for a balanced society and for effective access to the land.
3. The right of every country to define its own agricultural policy according to the nation's interest and in *concertación* with the peasant and indigenous organizations, guaranteeing their real participation.

Adapted from Desmarais 2007, 75-7; see Vía Campesina 1993, 2.

Food Sovereignty and Its Principles

A general definition of food sovereignty comes from Wittman, Wiebe and Desmarais (2010), who stated that food sovereignty is the “right of nations and peoples to control their own food systems, including their own markets, production modes, food cultures and environments” (p. 2). However, since the initial definition of food sovereignty was presented by LVC, the concept has been interpreted and rearticulated in a number of civil society statements and declarations that have resulted from gatherings, forums, and conferences at which advocates of food sovereignty attended to exchange

ideas, broaden the dialogue on food sovereignty, and ultimately express their grievances and framework for change in statements and declarations.⁷ The concept has thus evolved since its initial introduction in 1996 and has become more comprehensive. Attesting to extent to which the concept has become broader and more nuanced, one of the most recent definitions from the Nyéléni 2007 World Forum on Food Sovereignty states:

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

(Declaration of the Forum for Food Sovereignty, Nyéléni 2007)

While no one definition of food sovereignty exists, Windfuhr and Jonsén (2005, 13) identified ten elements that are common to most definitions of food sovereignty:

- priority of local agricultural production to feed people locally;
- access of smallholder farmers, pastoralists, fisherfolk and landless people to land, water, seeds and livestock breeds and credit. Hence the need for land reform; for the fight against GMOs [genetically-modified organisms] and patents on seeds, livestock breeds and genes; for free access to seeds and livestock breeds by smallholder farmers and pastoralists and for safeguarding water as a public good to be distributed

⁷ See Appendix B for summary of these declarations and statements.

equitably and sustainably used; and for sure access to fishing grounds by artisanal fisherfolk;

- the right to food;
- the right of smallholder farmers to produce food and a recognition of Farmers Rights;
- the right of consumers to decide what they consume, and how and by whom it is produced;
- the right of countries to protect themselves from under-priced agricultural and food imports;
- the need for agricultural prices to be linked to production costs and to stop all forms of dumping. Countries or unions of states are entitled to impose taxes on excessively cheap imports, if they commit themselves to using sustainable production methods and if they control production in their internal markets to avoid structural surpluses (supply management);
- the populations' participation in agricultural policy decision-making;
- the recognition of the rights of women farmers who play a major role in agricultural production in general and in food production in particular;
- agroecology as a way not only to produce food but also to achieve sustainable livelihoods, living landscapes and environmental integrity.

Another well-cited contribution by Rosset (2003) outlined the fundamental differences between the dominant agrifood model and that of food sovereignty, thus providing a base for comparison.

Food Sovereignty Policy Framework

As noted in Pimbert (2008) and Windfuhr and Jonsén, (2005), food sovereignty is a policy framework that proposes the implementation of national and supranational policies that guarantee and provide individuals, communities, and nations with the right to democratically define the ways in which their food is produced, distributed, and consumed. Windfuhr and Jonsén (2005) further noted that the policy framework offered by food sovereignty is very flexible. Patel (2005) pointed out the context-specific nature of food sovereignty, owing to its focus on local forms of democratic participation, which enables the elaboration of local interpretations of food sovereignty appropriate to individual contexts.

The literature on food sovereignty policy frameworks is quite narrow. Pimbert (2008) has perhaps elaborated on features of food policies the most extensively and explained that food sovereignty policies attempt to achieve three types of objectives: equity, sustainability, and democracy. He further stated that “these objectives should be pursued in an integrated and coherent fashion, avoiding piecemeal approaches” (p. 51). Echoing Windfuhr and Jonsén’s noted flexibility of the food sovereignty policy framework, Pimbert (2008) further explained that “rather than presenting a fixed menu of policy instruments, [food sovereignty] identified a range of shifts and directions for national governments and other actors who seek to implement food sovereignty in their societies” (p. 51). Pimbert identified a number of policy shifts and directions for both national and international policymaking, which are shown in Table 2.1.

Another notable piece in the literature by the People’s Food Sovereignty Network and Pesticide Action Network Asia-Pacific (2004) also discussed a policy framework for

achieving food sovereignty in the form of a “Framework for National Programme on Food Sovereignty” via a “People’s Convention on Food Sovereignty,” though it was noted that this framework was developed mainly for use by advocacy leaders and should only serve as a guide (rather than template). There are 16 points to the convention that reflect food sovereignty principles, such as the right to food, agrarian reform, sustainable use of resources, national food production regimes, food producer rights, national food aid and emergency programs, sustainable production, food sovereignty-guided trade and investment (with the right to implement trade barriers), and promotion of “peoples participation.” A final piece by Steward and Cook (2006) considered the issue of policy shifts to enhance food sovereignty as well and made several recommendations for governments and policymakers to enhance food sovereignty (p. 24).

Table 2.1. Policy Shifts and Directions for Implementing Food Sovereignty

National Policies and Legislation
<ul style="list-style-type: none"> • Equitable land reform and redistribution of surplus land to tenants within a rights-based approach to environment and development. • Reform of property rights to secure gender-equitable rights of access and use of common property resources, forests and water. • Protection of the knowledge and rights of farmers and pastoralists to save seed and improve crop varieties and livestock breeds, for example banning patents and inappropriate intellectual property right (IPR) legislation. • Re-introduction of protective safeguards for domestic economies to guarantee stable prices covering the cost of production, including quotas and other controls against imports of food and fibre that can be produced locally. • Policies that guarantee fair prices to producers and consumers, safety nets for the poor. • Re-direction of both hidden and direct subsidies towards supporting smaller-scale producers and food workers to encourage the shift towards diverse, ecological, equitable and more localised food systems. • Increase in funding for, and re-orientation of, public sector R&D and agricultural/food-sciences extension towards participatory approaches and democratic control over the setting of upstream strategic priorities, the validation of technologies and the spread of innovations. • Broad citizen and non-specialist involvement in framing policies, setting research agendas and validating knowledge, as part of a process to democratise science, technology and policy-making for food, farming, environment and development. • Mechanisms to ensure that the real costs of environmental damage, unsustainable production methods and long-distance trade are included in the cost of food and fibre. • Clear and accurate labelling of food and feedstuffs, with binding legislation for all companies to ensure transparency, accountability and respect for human rights, public health and environmental standards.

International Policies and Legislation

- Contribute to the building of local economies and local control, rather than international competitiveness.
- Supply management to ensure that public support does not lead to over-production and dumping that lower prices below the cost of production, harming farmers in both North and South.
- International commodity agreements to regulate the total output to world markets.
- Creation of regional common agricultural markets that include countries with similar levels of agricultural productivity. For example: North Africa and the Middle East, West Africa, Central Africa, South Asia and Eastern Europe.
- Protection of the above regional common markets against the dumping of cheap food and fibre, using quotas and tariffs to guarantee fair and stable prices to marginalised small-scale producers, food processors, and small food enterprises. Prices should allow small-scale producers, artisans and food workers to earn a decent income, invest and build their livelihood assets.
- Restrictions to the concentration and market power of major agrifood corporations through new international treaties, competition laws and adoption of more flexible process and product standards.
- International collaboration for more effective antitrust law enforcement and measures to reduce market concentration in different parts of the global food system (concerning seeds, pesticides, food processing and retailing, for example).
- Co-operation to ensure that corporations and their directors are held legally responsible for breaches in environmental and social laws, and international agreements.
- Transformation of the current international investment law regime by challenging corporate investor rules. The expansion of current foreign investment rules should be blocked and arbitration processes should be reformed to ensure transparency and fairness. Alternative rules should also be constructed and implemented, focusing on the responsibilities of international investors to ensure sustainable development and enhance environmental, labour and human rights protection.
- An independent dispute settlement mechanism integrated within an international Court of Justice. An international Convention to replace the current Agreement on legally responsible for breaches in environmental and social laws, and international agreements.
- Transformation of the current international investment law regime by challenging corporate investor rules. The expansion of current foreign investment rules should be blocked and arbitration processes should be reformed to ensure transparency and fairness. Alternative rules should also be constructed and implemented, focusing on the responsibilities of international investors to ensure sustainable development and enhance environmental, labour and human rights protection.
- An independent dispute settlement mechanism integrated within an international Court of Justice
- An international Convention to replace the current Agreement on Agriculture (AoA) and relevant clauses in other agreements of the World Trade Organisation (WTO). Within an international policy framework that incorporated rules on agricultural production and trade of food this Convention would implement the concept of food sovereignty and the basic human rights of all peoples to safe and healthy food, decent and full rural employment, labour rights and protection, and a healthy, rich and diverse natural environment.
- Multilateral co-operation to tax speculative international financial flows (US \$1,600 thousand million/day), and redirect funds to build local livelihood assets, meet human needs and regenerate local ecologies.

(Adapted from Pimbert 2009, 51)

Recent Contributions to Food Sovereignty Literature

Over the past decade, the literature on food sovereignty has grown considerably and continues to expand and incorporate and integrate a variety of associated topics. Several edited volumes, Cohn et al. (2006), Wittman, Desmarais, and Wiebe (2010) and

another by Holt-Giménez (2011), have sought to explore different themes in the burgeoning study of the concept as well as capture the voices of a range of actors, scholars, and movement participants. Other contributions have provided more general treatises on food sovereignty to elaborate on the concept, its dimensions, origins, and framework (Pimbert 2008, 2009; Rosset 2003, 2008; Windfuhr and Jonsén 2005). Works cited above on the history of the LVC and food sovereignty (Desmarais 2002, 2005, 2007, 2009; Martinez-Torres and Rosset 2010) have also been fundamental contributions. More recently, a conference held at Yale University in September of 2013, “Food Sovereignty: A Critical Dialogue,” brought a broad range of scholars and movement leaders and activists together to discuss food sovereignty and its dimensions. More than 80 papers were submitted to the conference, thus substantially broadening the literature on the subject, some of which are highlighted in this review of the literature.

Owing to the comprehensive nature of food sovereignty, a number of different themes emerge in the literature on food sovereignty. Several groups of scholars have focused on the productive dimensions of food sovereignty. Both Altieri and Nicholls (2008) and Altieri (2009) examined the compatibility of agroecology with the broader goal of food sovereignty and through their studies demonstrate the potential of agroecology to be a valuable approach. Other contributions have underscored the importance of agrarian reform for achieving the goals of food sovereignty (Rosset 2009; Borras, Jr. and Franco 2010; Torrez 2011). In an interesting study from Cuba, Reardon and Perez (2010) discussed the development of a set of indicators to measure food sovereignty with smallholder farmers, and a similar study by Putnam et al. (2014) sought to do the same in Mayan communities in the Yucatán, Mexico.

Another theme in the literature is that of distinguishing food sovereignty from food security. The food sovereignty movement views the concept of food sovereignty as providing a vehicle through which food security is achieved, as stated in LVC's initial position paper that introduced the term (Vía Campesina 1996). Several scholars have distinguished food sovereignty from food security (Desmarais 2002; Lee 2007; Pimbert 2008, 2009; Schanbacher 2010; Windfuhr and Jonsén 2005). Windfuhr and Jonsén (2005) argued that "[w]hile food security is more of a technical concept, Food Sovereignty is essentially a political concept" (p. 15). Pimbert (2008) added on this stating that, "The mainstream definition of food security, endorsed at food summits and other high level conferences, talks about everybody having enough good food to eat each day. But it doesn't talk about where the food comes from, who produced it, or the conditions under which it was grown" (p. 50). However, this question of distinguishing between food sovereignty and food security has certainly generated an important debate, one that Edelman (2013) pointed out may not be so black and white. Through a short discourse analysis of different competing definitions of food security juxtaposed against that of food sovereignty, he showed that in practice distinguishing between the two can be more complex.

Windfuhr and Jonsén took the analysis of food sovereignty and food security a step further by adding the right to food. They stated that food security largely defines a set of goals for nutrition and food policies and the right to food ultimately defines a set of legal obligations that states agree to meet, and neither of these approaches specifies a set of policies for either meeting the goals of food security or for guaranteeing a right to food, while food sovereignty differs in that it not only represents a set of policy goals but

it also provides a set of policy measures to achieve these goals (p 24). Fairbairn (2010) also considered these three concepts through the hybrid lens of frame and regime theory, noting that food sovereignty may be the new frame that destabilizes the corporate food regime.

Several other scholars have examined the question of how the food sovereignty movement understands the concept of rights and how this differs with traditional Western notions of rights. Patel (2007) argued that the notion of human rights advanced by LVC in the food sovereignty is transgressive, meaning it is more directed on those who possess rights than on the institutions that guarantee or enforce them and that the possessors of rights take an active rather than passive role in participating in the enforcement of these rights (p. 92). A recent study by Claeys (2012) echoed Patel's findings. This study examined the challenge of institutionalizing the "new rights" of LVC's discourse through the lens of the rights master frame, arguing that LVC adapted this frame to fit their particular conception of rights. Several key points emerge from her research with respect to food sovereignty. First, the basis for the idea of "new rights" emerges from the individualized concept of rights that is grounded in Western discourses on human rights, which underscores the obligations of states to guarantee rights to their constituents expressed through the master rights frame. This approach is at odds with LVC's collective understanding of the right to food sovereignty, which spans beyond the individual, and does not see the state as the necessarily only guarantor or implementer of human rights.

Other notable contributions to the literature include Boyer's (2010) study on the Honduran food sovereignty movement, in particular on farmer organizations and the

expansion of the discourse of food sovereignty as well as Wittman and Desmarais' (2013) recent study of how food sovereignty is interpreted differently among food sovereignty groups at the national level and the implications of this for change. First, Boyer (2010) examined the local challenges for the food sovereignty movement in Honduras, focusing on two small farmer groups, the Consejo Coordinador de Organizaciones Campesinas de Honduras (Honduras Coordinating Council of Peasant Organizations, or COCOCH), one of the founding members of LVC and a key organizational leader in the transnational food sovereignty movement, and a formal small-farmer training network known as Centros de Enseñanza para la Agricultura Sostenible (Training Centers for Sustainable Agriculture) that is not part of the food sovereignty movement. Providing a study well-grounded in both the broader literature and empirical research, three important findings emerge from his research: First, he found that, beyond COCOCH leaders, the food sovereignty concept had not been meaningfully embraced by members of both small farmer organizations, stating that many of those interviewed slipped back into the language of food security; second, he suggested that the semantics of the word "sovereignty" can be confusing because of its "successive 'stacking' of multiple meanings" and the "complexity" of the food sovereignty concept may be "one of the factors impeding its ready acceptance at the grassroots level" (p. 334), thus echoing a similar observation by Windfuhr and Jonsén (2005); finally, citing the key involvement of Honduran leaders of LVC in the broader transnational movement, he argues that they have "ultimately ignored the local at their own peril" (p. 345).

Wittman and Desmarais's (2013) study examined the dimensions of food sovereignty discourses in defined spatial contexts using the case of Canada where food

sovereignty is conceptualized in several different ways and argued that this has important implications for the emergence of a strong national food sovereignty movement as well as food sovereignty policymaking. Citing the discourses of farmers, “foodies,” and indigenous groups who have appropriated the term food sovereignty, Wittman and Desmarias highlighted the diversity of ways that the term food sovereignty is understood, thereby showing how the different aspects of the concept have resonated with different groups, each appropriating the term in clearly distinct ways. With regard to the potential for policy, they asked the question (p. 18): “Do current mobilizations for Food Sovereignty in Canada exhibit ‘unity in diversity’ to share an organizing frame for transformative food system change?” And they then suggested that, in fact, while sharing more overarching principles of “social justice, ethical foods, and cultural diversity” (p. 18-19), they do not share common definitions of food sovereignty nor common visions of how to achieve it.

Institutionalizing Food Sovereignty

The literature on food sovereignty notes the fundamental goal – and indeed demand of the broader food sovereignty movement from its inception in 1996 – of institutionalizing food sovereignty through broad policy change grounded in a participatory and democratic approach to the policy-making process (CSO Forum Parallel to the World Food Summit on Food Security 2009; NGO/CSO Forum for Food Sovereignty 2002; Nyéléni Forum for Food Sovereignty 2007; Vía Campesina 1996, 2003; World Forum on Food Sovereignty 2001). Windfuhr and Jonsén (2005) explained that policy proposals and strategies were initially focused at the international level, with six key proposals to support food sovereignty (p. 15–16):

- a Code of Conduct on the Human Right to Food
- an International Convention on Food Sovereignty and Nutritional Well-Being
- a World Commission on Sustainable Agriculture of Food Sovereignty
- a reformed and strengthened United Nations
- inclusion of an independent dispute mechanism in the International Court of Justice to address food dumping
- internationally and legally binding treaties to recognize the rights of small producers, such as an International Peasant Rights Convention

In the late 1990s, there was turn towards pursuing national policies for food sovereignty (Beauregard 2009; Claeys 2012), which have in recent years been supplemented with actions to adopt food sovereignty at the local level (Wittman, Desmarais, and Wiebe 2010).

Claeys (2012) observed that the impetus for pursuing international level food sovereignty policies has declined substantially due to debates within the movement as to whether or not this was a suitable strategy owing to the concern that “a legal strategy would have a demobilizing effect” (p. 853), noting LVC as one of the organizations that has been suspicious of international level institutionalization.⁸ Furthermore, she found that, with regard to national public policies that include food sovereignty,

⁸ Claeys (2012) pointed out that LVC has been particularly active in developing and championing an international convention that would protect the rights of peasants, and she critically examined this development. LVC adopted through its International Coordinating Committee a “Declaration of the Rights of Peasants – Women and Men” in 2009 (Vía Campesina 2009 - <http://viacampesina.net/downloads/PDF/EN-3.pdf>). Furthermore, following consultations with LVC as well as other nongovernment organizations and experts, the United Nations Human Rights Council Advisory Committee on the Advancement of the Rights of Peasants and Other People Working in Rural Areas has endorsed the adoption of an international human rights instrument on the rights of peasants and other peoples working in rural areas by the Human Rights Council and provided a model Declaration on the Rights of Peasants (UN Human Rights Council 2012 – <http://www.righttofood.org/wp-content/uploads/2012/09/A-HRC-19-751.pdf>).

Public policies for food sovereignty generate much enthusiasm within Vía Campesina, although they usually fail to cover crucial dimensions such as trade, access to land, seeds, marketing or state support. Such policies also generate frustration because of the gap between the instruments that their implementation would require and their often declaratory nature: ‘A few countries make legislative efforts but it looks more like a communication exercise. Is there really any change in agricultural policy?’ [Interview with LVC support staff] (p. 852)

This point concerning the limited scope of national food sovereignty policies echoes another important finding she made: the recent shift in the discourse to “localizing” production and consumption may in fact be compromising the political and redistributive elements of the food sovereignty concept, which demand a fundamental change in institutions in order to counter the neoliberal project. An important challenge she highlighted is the food sovereignty movement’s ability to maintain and strengthen alliances with different sectors of transnational society by keeping the concept and discourse of food sovereignty applicable to those outside the peasant movement.

While the push for international policies to achieve food sovereignty has diminished, proposals for national level policies have been met with success, evidenced by the cases of Venezuela, Mali, Senegal, Nepal, Bolivia, Ecuador, and Nicaragua (see Araújo 2010; Araújo and Godek 2014; Beauregard 2009; K. Peña 2013; Wittman, Desmarais, and Wiebe 2010), as well as current proposals in Costa Rica, the Dominican Republic, Peru, and El Salvador (see, for example, L. Peña 2013 and Servindi 2013). However, studies note that the successful inclusion of food sovereignty in these policies has not come without struggle and/or compromise on the part of the social movement and CSOs that support them, as evidenced in the cases of Ecuador, Mali, and Nicaragua (Araújo and Godek 2014; Beauregard 2009; Wittman, Desmarais, and Wiebe 2010).

Wittman, Desmarais, and Wiebe (2010) observed that “social movements face some very real obstacles in their attempts to implement food sovereignty” (p. 8).

Several contributions to the literature have sought to identify factors that hinder the food sovereignty agenda at a broad level, with Windfuhr and Jonsén (2005) and Suppan (2008) making notable contributions. Their discussions largely – though not entirely – juxtapose the food sovereignty framework against features of the dominant agriculture and food system. Windfuhr and Jonsén (2005, 31–4) identified six obstacles facing the food sovereignty agenda:

1. the dominant development paradigm based on the neoliberal economic model;
2. the market-based, productionist approach to food security that privileges modern technology over traditional agricultural knowledge;
3. lack of clarity over the use of the term “sovereignty”;
4. privileging local and national policies in a moment of increasingly international policy and global governance;
5. coherence and timeliness of proposed international instruments to support food sovereignty; and
6. a confusing use of the concept of rights that is at the same time political and legal.

Suppan (2008) focused more on issues that relate to the campaign for a “Second Green Revolution,” supported by powerful organizations including agribusinesses, the World Bank, the Bill and Melissa Gates Foundation, and the Rockefeller Foundation. Specifically, he mentioned four major challenges, echoing several of Windfuhr and Jonsén’s observations:

1. the current international trade regime privileges market policies over policies to promote food security, rural development, and rural livelihoods;
2. the increasing privatization and commodification of knowledge, technological innovation, and genetic resources;
3. linked to point two, the narrowing of access to community resources through expropriation, patenting, and privatization; and
4. the continued legitimacy of productionist approaches.⁹

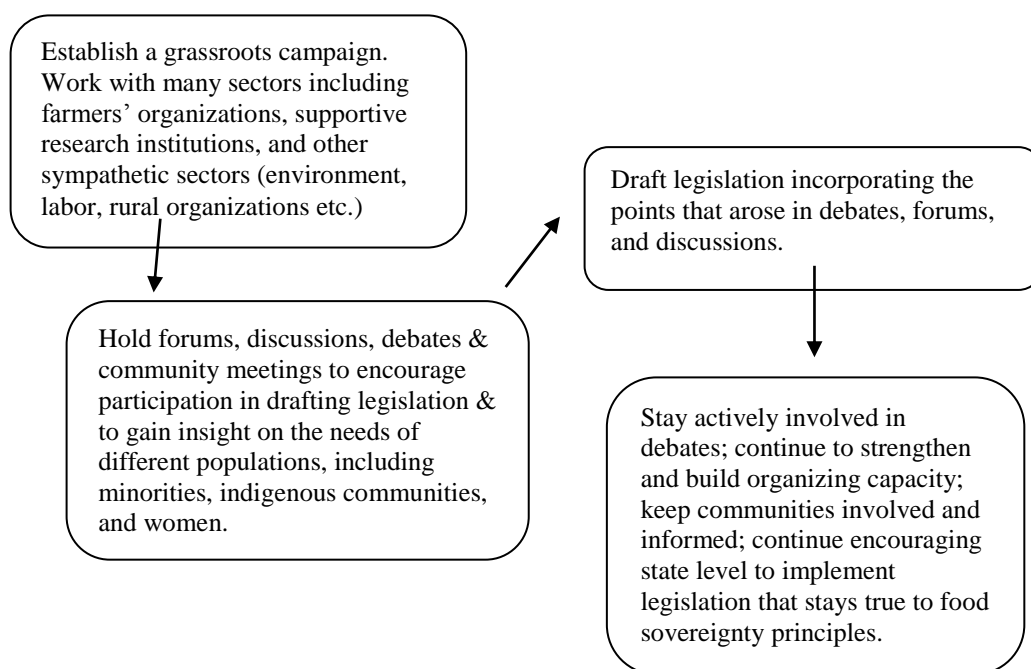
Wittman (2012) further added to this analysis, arguing that, “[l]ocal and national food sovereignty has been threatened by the dismantling of national agriculture systems and dependence on export-oriented, and highly volatile, commodity production systems” (p. 9).

Another more recent group of studies has examined national policies that incorporate food sovereignty, focusing more specifically on aspects of the process of making these policies as well as the factors that advance and/or challenge both the inclusion of food sovereignty in these policies as well as their implementation. Beauregard’s (2009) thesis was a seminal contribution to this area as it was one of the first to examine national food sovereignty policies, detailing the case studies of Venezuela, Mali, Ecuador, and Bolivia as well as a discussion of the major organizations promoting food sovereignty in the United States and Canada. While limited empirical research was conducted for this study, it was very important for moving the focus of research to national policies. One of the important contributions that this thesis made was with respect to the policy-making process. Beauregard made a formative step towards

⁹ It is important to note the date of his publication as the discourses concerning the productionist paradigm began to shift in favor of agroecology following the 2007–2008 food crisis; however, the debate over the role of science, as discussed above, still makes Suppan’s point valid to an extent.

conceptualizing how national policies that incorporate food sovereignty are constructed based on her findings from the cases of Mali and Ecuador. Figure 2.1 is an adaption of the chart that she included in her study, which highlights the bottom-up nature of food policymaking and suggests both the importance of deliberation to the initial formulation of food sovereignty policies and that of maintaining involvement in policy debates in order to preserve the sanctity of food sovereignty in legislation, both of which are discursive processes.

Figure 2.1. Beauregard’s “Trends for Organizing for State-Level Incorporation of Food Sovereignty” (Adapted from Beauregard 2009, 67).



Other studies have made important contribution to the study of national agrifood policies that incorporate food sovereignty as well. Montano’s (2009) graduate research paper, which looked at the political economy of food security in Nicaragua and included a discussion of food sovereignty in Nicaragua as well as a brief discussion of Law 693 (the Law of Food and Nutritional Sovereignty and Security) and several government programs supporting the law. A graduate thesis by Moncayo Márquez (2009) examined

the transition in diets in city of El Alto, Bolivia, in the context of expanded national food sovereignty policies and their potential for a renewing a turn towards the consumption of native, nutritious, and agroecologically produced foods by analyzing different factors that supported food sovereignty at the local level, especially policies to enhance nutrition. A contribution by Araújo (2010) discussed the region of Latin America and included brief case studies of Brazil, Nicaragua, and Bolivia, identifying factors that serve to deepen and obstruct food sovereignty. Two additional studies of the Nicaragua case followed. The first was by a team of graduate students who, with the support of the FAO, analyzed the policy process of formulating and implementing Law 693 by testing a FAO policy analysis framework in order to identify additional actions and recommendations to strengthen the FAO's work in Nicaragua on food security. This study, based on empirical research conducted in Nicaragua, was heavily oriented towards food security policy with very limited emphasis on the food sovereignty dimension of the law.¹⁰ A second study of Nicaragua's Law 693 was by Araújo and Godek (2013) and examined the origins and policy-making process of the law, the institutional framework of the law, and factors that advance and hinder food sovereignty in Nicaragua, paying particular attention to the implications for deepening democracy. Tables 2.2 and 2.3 summarize the findings of the

¹⁰ This was further reflected by the very limited representation of study participants belonging to food sovereignty advocacy organizations in Nicaragua and the very heavy representation of FAO staff and participants in FAO programs. This study was generously shared with me by the authors with the permission of the FAO, but, according to the study's authors, to their knowledge, the study was never shared publically by the FAO (email communication, 13 June 2012). An important part of the study briefly discussed differences in how food sovereignty was understood by different actors vis-à-vis food security and further emphasized that this remains a "largely unexplored" area of inquiry (Drolet et al. 2011, 45).

Table 2.2. Factors that Support the Adoption of National Food Sovereignty Policies

Factor	Source
Historical tradition of participatory policymaking involving peasant/farmer organizations as well as broader civil society organizations (CSOs)	Araújo and Godek (2014)
Participation of food sovereignty advocates in the drafting of food sovereignty policy proposals through deliberative and consultation processes at multiple scales	Araújo and Godek (2014); Beauregard (2009); Wittman and Desmarais (2013); Wittman, Desmarais, and Wiebe (2010)
Participation of food sovereignty policy advocates in negotiation of policies for food sovereignty	Araújo and Godek (2014)
Workshops, meetings, and forums that teach the broader community (including government officials and representatives) about proposed food sovereignty policies and their rights	Beauregard (2009)
Alliances between advocates of food sovereignty policies and local/national government officials and legislators	Araújo and Godek (2014); Beauregard (2009)
Strong national presence of and solidarity between pro-food sovereignty farmer/peasant organizations	Araújo and Godek (2014); Beauregard (2009)
Coalitions between peasant/farmer organizations and the broader local/national CSOs (i.e., strong food sovereignty coalitions)	Araújo and Godek (2014)
Local/national government support for farmer and peasant organizations	Araújo and Godek (2014); Beauregard (2009)
Existing policies/government programs that protect and/or support small producers, agroecology, local food systems, local food security, food sovereignty, and/or peasant/farmer rights	Araújo and Godek (2014)
Alliances between local/national food sovereignty policy advocates and broader regional, international organizations (government or civil society) (e.g., ALBA, Vía Campesina)	Araújo (2010); Araújo and Godek (2014)
Evidence of strong “political will” at national level	Beauregard (2009)

Table 2.3. Factors that Challenge the Adoption of National Food Sovereignty Policies

Factor	Source
Confusion about the concept of food sovereignty (especially vis-à-vis food security), different interpretations of food sovereignty, and/or lack of appropriation of the concept	Boyer (2010); Wittman and Desmarais (2013); see also Drolet et al. (2010)
Failure to consult food sovereignty advocacy organizations or attempts to exclude them from fully participating in the policy-making process	Beauregard (2009)
Changes to proposed food sovereignty legislation once it enters the formal legislative process	Beauregard (2009)
Failure to build a strong food sovereignty movement at the national level or encourage the appropriation of the concept	Boyer (2010)
Lack of support by government leaders, officials, or elected representatives at any point in the policy process	Beauregard (2009); Wittman, Desmarais, and Wiebe (2010)
Strong presence of national political interests that support pro-market policies and principles antithetical to the food sovereignty paradigm (e.g., agrochemicals, biotechnology)	Beauregard (2009)
Simultaneous development of policies antithetical to food sovereignty while food sovereignty proposals are in the policy process	Wittman, Desmarais, and Wiebe (2010)
Pre-existence of free trade agreements or free market policies	Araújo (2010); Araújo and Godek (2014)
Strong presence of or intervention in policy debates by international actors (e.g., transnational agribusiness, international financial institutions)	Araújo (2010); Beauregard (2009)

above studies with respect to the factors identified by the authors that served to challenge and advance food sovereignty in the policy-making process.

Food Sovereignty and Food Security in Nicaragua

One of the earliest contributions to emerge out of Nicaragua on the subject of food sovereignty was a small book published in 2002 by Orlando Nuñez Soto titled *Soberanía Alimentaria y Economía Popular (Food Sovereignty and Popular Economy)*, which explored the subject of food sovereignty and coupled it with food security (“food security and sovereignty” or “food sovereignty and security” – both terms are used in the book) (Nuñez Soto 2002). Nuñez explored the link between food sovereignty and the popular economy, discussing the history of how the agroexport approach had weakened the sovereignty of the nation and how this was being repeated with recent trends in globalization, particularly free trade agreements. He put forth a strategy, based on external debt forgiveness and internal debt restructuring, tax and budgeting reform, and agrarian reform to achieve food sovereignty and security, and he also outlined a further strategy for the “rehabilitation and capitalization of the peasant and indigenous economy.”

More recent contributions to the subject of food sovereignty and food security in Nicaragua, especially with the passing of Nicaragua’s Law 693, examined other dimensions of the subject. Several studies were noted above that examined the law (Araújo 2010; Araújo and Godek 2014; Drolet et al. 2011; Montano 2009), while other studies examined food security and the right to food in Nicaragua more generally. A study by Sahley et al. (2005) examined food security governance in Nicaragua, outlining

different food security policies, the capacity to implement them, and respective challenges. Another notable study in the area of food security policy was done by the FAO (2006b) and also examined the governance dimensions of food security, looking at the roles of various actors who occupy the terrain. McBain Haas and Leonard's (2007) study of the right to food in Nicaragua examined Nicaragua's legal framework for the right to food as well as public policies, noting the initiative for a food and nutritional sovereignty and security law, which was moving through the policy process at the time.

Several publications have looked at food sovereignty more explicitly. A contribution by Cañada (2006) examined the challenges facing rural communities in Nicaragua and linked this with the potential of food sovereignty as an alternative pathway to food security, identifying several Nicaraguan groups that were already working towards food sovereignty goals. SIMAS (2010) produced a publication to capture the voices of Central American *campesinos* (peasants) on the subject of food sovereignty and related topics, and included participants from Nicaragua. Cáceres and Lacayo (2010) took up the subject of food and nutritional sovereignty and security in Nicaragua, looking at the background and antecedents to Law 693 and also outlining the major actors in the field of food and nutritional sovereignty and security as well as their respective visions. A very recent publication by Müller (2013) discussed the role of the FAO in the policy-making process of Law 693, highlighting how the organization was able to successfully influence the process and weaken the imperative of food sovereignty initially proposed in the draft laws by civil society.

In addition to the studies mentioned above, several other studies have examined aspects of Law 693, namely assessing the implementation process. Lorio (2011) analyzed

the process of implementing the law, concluding that implementation was advancing, albeit slow and unevenly. Another study of the implementation of the law by FENACCOOP (2011) examined not only the advances being made but also complementary sectoral policies and programs of different government ministries to examine how they were supporting the institutions created by the law and also looked at advocacy for the implementation of the law.

Conceptual Framework

As mentioned above, food sovereignty is a relatively new subject of study and empirical research is in its nascence. Over the last several years, the subject of the institutionalization of food sovereignty through policymaking is one area of the study of food sovereignty that has attracted new research (e.g., see Araújo 2010; Araújo and Godek 2014; Beauregard 2009; K. Peña 2013; Wittman, Desmarais, and Wiebe 2010) and these studies offer conceptual orientation for the present study. However, as much of this literature was emerging at the same time as this study was being conducted, the development of the conceptual framework for this study was on-going and it was continually updated and nuanced as new ideas and concepts emerged in the study of food sovereignty.

The following presents a narrative of the conceptual framework using the research questions explored in this study as an organizing framework and drawing on knowledge gathered from previous studies and my own prior (preparatory) research. Following the narrative, the conceptual framework is presented in Box 2.2, which identifies categories based on the research questions and descriptors for each of the categories.

Question One: When and under what circumstances did a movement for food sovereignty as an alternative approach to fulfilling the right to food and achieving food security emerge in Nicaragua?

This first question aimed to detail the origins, emergence, and consolidation of the Nicaraguan movement for food sovereignty. As such, the conceptual category assigned to this question was “Development of the Nicaraguan Movement for Food Sovereignty.” A critical part of answering this research question involved ascertaining when the concept of food sovereignty appeared in Nicaragua. Important studies on the history of food sovereignty have assisted in elaborating the historical development of the food sovereignty concept and locating its roots in encounters²⁰ between Central American peasant activists (including Nicaraguan activists) in the 1980s and 1990s (Desmarias 2002, 2007, 2009; Edelman 1998, 2008, 2013; Martinez-Torres and Rosset 2010; Rosset and Martinez-Torres 2013).²¹ As such, in order to examine the emergence of food sovereignty as a concept in the Nicaraguan context, it was first important to reach back into the history of Nicaragua to examine the shared experiences of those who participated in the regional encounters and *diálogos de saberes* as well as the conditions that gave rise

²⁰ Rosset and Martinez-Torres (2013) referred to these encounters as “diálogos de saberes,” which they defined as “[a] collective construction of emergent meaning on dialog between people with different historically specific experiences, knowledges, and ways of knowing, particularly when faced with new collective challenges in a changing world. Such dialog is based on exchange among differences and on collective reflection, often leading to emergent re-contextualization and re-signification of knowledges and meanings related to histories, traditions, territorialities, experiences, knowledges, processes and actions. The new collective understandings, meanings and knowledges may for the basis for collective actions of resistance and construction of new processes” (p. 4). I find this point to be salient for several reasons, the most important of which is that it illustrates the nature of such encounters as sites of deliberation and points to the emergence and evolution of shared discourses of understanding and meaning construction between participants of these encounters.

²¹ Notwithstanding Edelman’s (2013) finding that one of the first uses of the term was in a Mexican government program in the early 1980s and the term was subsequently used by those who were involved with or studied the Mexican program, including Mexican peasant activists who were knowledgeable of the program.

to their participation, a point which was also emphasized by the participants in this study when asked about when the concept emerged in Nicaragua.

Second, it is also important to highlight that while Nicaraguan organizations participated in the transnational encounters with other peasant movement organizations in the years prior to the emergence of LVC and LVC's introduction of the concept at the 1996 WSF, the period following LVC's formal presentation of the concept rendered another important stage in the development of a Nicaraguan movement for food sovereignty. Prior studies of national policies that incorporate food sovereignty indicate that peasant and civil society organizations and social movements played key roles in developing and promoting food sovereignty policies in all known cases (see, for example, Araújo and Godek 2014 and Beauregard 2009). In the case of Nicaragua, the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN), a network of various peasant and civil society organizations, was a key supporter of Law 693. Here the main objective was to map out the actors in the movement, detail the relationships among them and to other actors in agrifood policy, explore their conceptualization of food sovereignty, and identify the factors that enabled (or hindered) the growth of the movement.

Question Two: What was the process by which Law 693 was drafted, negotiated, and approved?

This second question sought to detail the process by which Law 693 was made. The conceptual category for this question was the "Process of Making Law 693." At the time of the design of this research project, the case of Nicaragua's Law 693 had not yet been explored; however, in recent years, more cases have been examined in subsequent

studies, including one contribution to the topic by Saulo Araújo and myself (Araújo and Godek 2014) and another contribution by myself (Godek 2013), both of which were informed to varying extents by data collected via this dissertation research, as well as contributions by Cáceres and Lacayo (2010), Drolet et al. (2011), and Montano (2009). Addressing this research question required exploring the drafting of the initial proposal for Law 693, its introduction to the Nicaragua's Asamblea Nacional (National Assembly, the legislative branch of the national government), and the negotiation and debate of the bill before its approval in June of 2009. In particular, it was important here to not only detail the chain of events that led to the passing of Law 693 but also to identify the different actors who participated in the policy-making process and their role(s), perspectives, and actions, as well as other factors that influenced the policy-making process, including events, developments, and debates both within and outside of the Nicaraguan context.

Question Three: What was the outcome of the policy-making process?

The third question aimed to detail the outcome of the policy-making process. As such, the category assigned to this research question was “Outcomes of the Negotiation and Approval of Law 693.” Being that the study was inductive, such outcomes and the resulting implications were very difficult to identify prior to data collection. However, Claeys (2012) provided some guidance here from her research that found that food sovereignty policies have often failed to include essential dimensions of the food sovereignty framework, which has thereby raised the question of the impact of such policies and their potential to create lasting agrifood policy change. Thus, in addressing this question, examining the content of the approved law compared to that of the

proposed bill was deemed a critical part of analyzing the outcomes of the policy-making process as well as the events and developments that occurred throughout the policy-making process that influenced the final outcome of the law. Furthermore, other potential areas for consideration included the opinions of agrifood policy actors concerning the policy-making process and approved law.

Question Four: What factors supported and challenged the inclusion of food sovereignty in food policy legislation?

The goal of this fourth question was to identify the factors that assisted in supporting the inclusion of the concept of food sovereignty and its principles in the law and those that obstructed its inclusion. Hence, the category assigned to this research question was “Factors that Advanced/Obstructed the Concept of Food Sovereignty in Law 693.” As detailed above, a number of recent studies provide conceptual guidance on factors that have served to strengthen the inclusion of food sovereignty in agrifood policies as well as factors that have served to weaken the incorporation of the concept and/or its principles. Based on an evaluation of the factors found in the existing literature, I divided such factors into four sub-categories: historical, context-dependent factors; food sovereignty movement dynamics; policy-making process dynamics; and external dynamics. Historical, context dependent factors include national traditions as well as pre-existing policies or discourses that are either compatible or incompatible with food sovereignty and its principles. Food sovereignty movement dynamics include the extent to which there is a shared, coherent understanding and the collective appropriation of the concept of food sovereignty and its principles among food sovereignty advocates; the extent to which there is solidarity between advocates of food sovereignty; support

for/opposition to the movement from other agrifood policy actors (e.g., the government); and the extent to which the food sovereignty movement is able to mobilize support for food sovereignty from the broader public. Policy-making process dynamics refer to a number of different factors, including the participation and consultation of food sovereignty advocates in the formulation and negotiation of policies that include food sovereignty; common understanding of the meaning of food sovereignty and its principles among agrifood policy actors; position of government leaders, officials, or elected representatives on proposed food sovereignty policies (or policies that are compatible with food sovereignty principles); position of other policy actors on proposed policies that incorporate food sovereignty and its principles; simultaneous development of national policies either compatible or incompatible with food sovereignty and its principles; the existence of compatible or competing approaches to ensuring the right to food and food security; and the relationships between and among different agrifood policy actors during the process of making policies that include food sovereignty and its principles. Finally, external dynamics refers to both the position of actors external to the national context (e.g., individual states as well as regional/international/transnational organizations, bodies, or institutions) on policies seeking to incorporate food sovereignty as well as their involvement in the national process of making policies that incorporate food sovereignty, and, additionally, the international context at the time of the policy-making process. Inherent to these four categories are instances of political opportunities and challenges that can advance or hinder the successful integration of food sovereignty into agrifood policies. I anticipate that new categories and/or considerations will be added to those previously identified in the literature.

Box 2.2. Conceptual Framework

Development of the Nicaraguan Movement for Food Sovereignty

- Historical emergence of food sovereignty concept in Nicaragua in 1980s and 1990s
- Post-1996 growth and consolidation of food sovereignty movement in Nicaragua
 - Actors in the Nicaraguan movement for food sovereignty and the relationships among them
 - Conceptualization of food sovereignty
 - Factors that advanced or hindered the growth of the movement

Process of Making Law 693

- Steps of the process as they occurred (drafting/formulation of bill, introduction to National Assembly, debate/negotiation, approval)
- Actors participating in the policy-making process and their role(s) in the process
- Different perspectives held among participants and how this informed their actions
- Broader sources of support for and/or opposition to the approval of the law, both within and outside of the Nicaraguan context

Outcomes of the Negotiation and Approval of Law 693

- Content of the law
- Opinions of agrifood policy actors of the policy-making process and approved law

Factors that Advanced/Obstructed the Concept of Food Sovereignty in Law 693

- Historical, context-dependent factors
 - National traditions compatible/incompatible with food sovereignty and its principles
 - Pre-existing policies and/or discourses compatible/incompatible with food sovereignty and its principles
- Food sovereignty movement dynamics
 - Shared, coherent understanding and collective appropriation of food sovereignty concept and framework among food sovereignty advocates
 - Solidarity between food sovereignty advocates
 - Support/opposition to the movement by other agrifood policy actors
 - Movement's ability to mobilize support from broader public for food sovereignty
- Policy-making process dynamics
 - Participation of food sovereignty advocates in policy-making process
 - Common understanding of the meaning of food sovereignty and recognition of its principles in the broader agrifood policy field
 - Position of government on proposed food sovereignty policies
 - Position of other policy actors on proposed food sovereignty policies
 - Simultaneous development of policies consistent or conflicting with food sovereignty and/or its principles
 - Existence of compatible or competing approaches to ensuring the right to food and food security
 - Relationships among and between agrifood policy actors during the policy-making process
- External dynamics
 - Position of external actors on proposed food sovereignty policies
 - Involvement of external actors in food sovereignty policy-making process
 - Developments at the international level at time of policymaking

Chapter Summary

This chapter presented an overview of the literature on recent agrifood studies, the area of study in which this dissertation is situated. In particular, it examined the recent literature on broader changes in agrifood systems as well as food security policy debates, underscoring how these have become increasingly more divided in recent years. The review then shifted focus to the subject of food sovereignty, which provides an alternative framework for food security policymaking that emphasizes sustainable, democratic, and equitable approaches to organizing agrifood systems. After detailing the origins and concept of food sovereignty, as well as its policy framework and recent contributions to the growing literature on the subject, the study looked more deeply at the literature on the institutionalization of food sovereignty. In particular, the literature on existing studies of national food sovereignty policies was analyzed, including several on Nicaragua. Although one study of Nicaragua's law reflected significant empirical research (Drolet et al. 2011), the focus of the study did not look closely at the issue of food sovereignty in the law nor did it examine the intricacies of the policy-making process very closely. A review of other existing literature on food sovereignty and food security in Nicaragua shows that, although valuable contributions exist and several studies of the implementation of the law have been undertaken, the process by which the law was made has been understudied.

The final part of this chapter presented the conceptual framework used in this study, which was revised and updated with developments in the literature as the study progressed. This discussion of the conceptual framework considered each of the research questions that this dissertation addresses and identified categories for each of these

questions as well as descriptors based on the literature to be used to guide the analysis of the data collected in this study. The chapter which follows presents the method used to collect and analyze the data that was used to carry out this study and address the research questions.

Chapter Three

Method

The purpose of this study was to examine the process by which food sovereignty is incorporated into national food policies by analyzing steps of the policy-making process – policy formulation, negotiations, and approval – in order to identify factors that supported and challenged the inclusion of food sovereignty and reflect on the resulting implications. The study specifically examined the case of Nicaragua’s Law 693, Ley de Soberanía y Seguridad Alimentaria y Nutricional (Law of Food and Nutritional Sovereignty and Security, hereafter Law 693). The main questions guiding this research were as follows:

1. When and under what circumstances did a movement for food sovereignty as an alternative approach to fulfilling the right to food and achieving food security emerge in Nicaragua?
2. What was the process by which Law 693 was drafted, negotiated, and approved?
3. What was the outcome of the policy-making process?
4. What factors supported and challenged the inclusion of food sovereignty in food policy legislation?

The following chapter describes the method of investigation. It begins with a discussion of the rationale for both the research and methodological approach. It continues with an overview of the research design, a presentation of the data collection methods, and a discussion of data analysis and synthesis. The chapter closes with

discussions of ethical considerations, issues of trustworthiness, and limitations of the study.

Rationale for Qualitative Research Approach

As Berg (2007) explained, with its inherent focus on quality, or “the what, how, when, and where of a thing – its essence and ambience,” qualitative research concerns the “meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things” (p. 3). It is “grounded in the lived experiences of people” (Marshall and Rossman 2006, 2) and stresses the social construction of reality (Denzin and Lincoln 2003). In contrast to quantitative study, which emphasizes the “quantity, amount, intensity, or frequency” of phenomena and the “measurement and analysis of causal relationships between variables,” qualitative research emphasizes “the quality of entities and on processes and means that are not experimentally examined or measured (if measured at all)...” (Denzin and Lincoln 2013, 8; see also Berg 2009). For this study, a qualitative research approach was chosen because of its appropriateness in addressing the objectives of the research, which were concerned with describing phenomena – the “what, how, when, and where” of the development of Nicaragua’s movement for food sovereignty and various processes that led to the passing of Law 693. As such, one of the major objectives of the study was to “reconstruct” the story of Law 693, and as the researcher, I aimed to do this as much as possible from the viewpoints of the participants and the meanings they assigned to specific events and developments, which reflects the firm grounding of this study in constructivist worldviews (Berger and Luckmann 1966).

Case Study Methodology

Qualitative case study analysis was the chosen as the most suitable methodology for the present study. Case study analysis “involves the study of an issue explored through one or more cases within a bounded system (i.e., a setting, a context)” (Creswell 2007, 73). More specifically, qualitative case study analysis emphasizes holistic description and explanation of complex contexts, issues, relationships, and the interactions between them (Merriam 1998; Stake 2003). Merriam (1998, 19) further explained the utility of the approach:

A case study design is employed to gain an in-depth understanding of [a] situation and meaning for those involved. The interest is in process rather than outcomes, in context rather than a specific variable, in discovery rather than confirmation. Insights gleaned from case studies can directly influence policy, practice, and future research.

Case study analysis is a highly flexible method of research that is compatible with a variety of data collection and analysis methods, which has made it a very common and popular approach to qualitative research (McNabb 2003; Merriam 1998). There are different approaches to case study analysis that are differentiated by the size of the case study (single versus multi-case study analysis) as well as by the purpose and/or objectives of the research study (see, for example, Berg 2009; George and Bennett 2005; Merriam 1998; McNabb 2003; Stake 2003).

Case study analysis was the chosen methodology for this study because of its appropriateness to researching the subjects under investigation, namely the process by which national policies that include food sovereignty policies are made and the factors that serve to strengthen or hinder the incorporation of food sovereignty. There are several features of case studies that were mentioned above in brief that made this approach

particularly suitable for the present study. I elaborate on these in the following. First, as Lang and Heiss (1990) pointed out, case study analysis is well-matched to studying processes and interactions “...which cannot be studied effectively except as they interact and function within the entity itself” (p.86, cited by McNabb 2003, 359). Merriam (1998) also discussed the suitability of case study analysis for analyzing processes. Drawing on the work of Reichardt and Cook (1979), she emphasized two ways process can be a focus of case studies: for describing and monitoring a particular phenomenon and for causal explanation.

Second, and building on the element of explanation, scholars increasingly have underscored the capacity of case study analysis to contribute to theory development (Berg 2009; George and Bennett 2005; Merriam 1998). While case studies can provide the opportunity to use, test, or refine pre-existing theories, they can also be used to inductively gain new insights, identify new variables, and examine causal mechanisms/paths (George and Bennett 2005), thereby contributing to the generation of new theory. This heuristic function of case studies has been discussed in the literature on case study analysis and theory development. In particular, Merriam (1998) classified these types of case studies as “interpretive” or “analytical” case studies and notes that when there is a lack of existing theory concerning the particular subject of the study, then the “case researcher gathers as much information about the problem as possible with the intent of analyzing, interpreting, or theorizing about the phenomenon” by “[taking] the data and [developing] a typology, a continuum, or categories that conceptualize different approaches to the task” (p. 38–39).

Some scholars have considered this heuristic feature of case study analysis from a more interpretivist angle that emphasizes interpretive processes, the making of meaning, the role of ideas, and such. Berg (2009) argued that case study analysis is useful for informing theory due to its focus on more deeply understanding phenomenon, similar to Geertz's (1973) notion of "thick description," and its potential to highlight the interpretative process by which individuals, both on their own and collectively, make sense of reality (Berg 2009).¹ Stake (2003) discussed the storytelling feature of case studies, mentioning that "...the ethos of *interpretive* study, seeking out emic meanings held by people within the case, is strong" (p. 144). This observation of Stake's connects to a further benefit of case study analysis, which is that it accommodates "multi-perspectival analyses," meaning that "the researcher considers not just the voice and perspective of the actors, but also of the relevant groups of actors and the interaction between them...They give voice to the powerless and voiceless" (Tellis 1997). This is essential in terms of capturing the story from different angles and giving value to a range of actors and their experiences.

Suitability to studying processes, usefulness for undergoing heuristic inquiry, and capacity to accommodate interpretivist work, as well as flexibility with regard to methods of data collection and analysis, were all important features of case study analysis that made it the ideal choice of methodologies for this study. The focus on process and heuristic inquiry were clearly important with regard to the research objectives, but the third factor, compatibility with interpretivist work, was also very important to this study, namely because of the conceptual nature of food sovereignty as one that challenges

¹ Berg (2009), citing Weick (1995), defined "sensemaking" as "the manner by which people, groups, and organizations make sense of what they see and hear, how they perceive and interpret this information, and how they interpret their own actions and go about solving problems" (p. 285).

dominant ideas and beliefs and documented controversy over features of its framework in other instances of policymaking in which attempts were made to include food sovereignty. Thus, it was very important to work within a methodology that would accommodate interpretive approaches to analysis.

On a final note, this study represents single-case study analysis. Some scholars (many coming out of the positivist tradition, which this study did not adopt) have critiqued the use of (single-) case studies in terms of their limitations insofar as not being sufficiently generalizable (Berg 2009) and face challenges of nonrepresentativeness and selection bias (Merriam 1998; Siggelkow 2007). In response to the issue of lack of generalizability, Berg (2009, 330) stated,

...For many, the question is not even necessary to ask. This is because there is clearly a scientific value to gain from investigating some single category of individual, group, or event simply to gain an understanding of that individual, group, or event. For those with a more positivist orientation who have concern about the generalizing to similar types of individuals, groups, or events, case methods are still useful and, to some extent, generalizable.

Siggelkow (2007) also cautioned against dismissing the single-case study, stating that, “A single case can be a powerful example” (p. 20) and, with respect to nonrepresentativeness and selection bias, further added that it can often be advantageous to select cases to study that are unique in order to uncover new knowledge that may not be retrievable from other cases. George and Bennett (2005) echoed this heuristic function of single-case studies stating that they can be useful for theory development. Furthermore, I argue that single-case study analysis was justified for this case due to its exploration of an emerging topic for which little empirical study existed at the onset of the research (and indeed at the time of the writing) and proved useful in terms of

developing the field of inquiry and providing formative empirical research from which to grow the field.

Research Design Overview

The case study design approach of this study was both exploratory and explanatory. As Streb (2010) explained, exploratory case study research is often carried out on emerging topics for which there is little empirical research and/or a lack of prior theory. On the other hand, explanatory research is generally carried out to discover causal explanations for some social phenomenon (Berg 2009; McNabb 2003; Yin 2003). Due to the fact that little empirical research on the institutionalization of food sovereignty into national agrifood policies had been conducted at the time of this research, it was necessary to conduct exploratory research to lay the ground for the explanatory component of this study, which sought to determine the causal relationships between the factors that both led to the passing of Law 693 and also the factors that either advanced or limited the inclusion of food sovereignty in law.

In the sections that follow, I describe the methods of data collection and data analysis; however, before proceeding with these discussions, I first provide details about the Institutional Review Board's approval of the study, the on-going literature review, and the research site.

Institutional Review Board

Prior to the data collection stage, I completed my Human Subjects Certification and secured approval from the Institutional Review Board (IRB) at Rutgers University. Approval to continue the study was subsequently renewed for each year of research and

analysis that followed, as per the requirements of the IRB.² IRB approval required submitting a summary of the research project, a separate appendix concerning studies involving international research, and copies of all interview protocols, written and oral consent forms, and letters of institutional cooperation in both English and Spanish, with the latter being the primary language in which the study was conducted. With respect to the translation of interview protocols, written and oral informed consent forms, and letters of cooperation, these documents were initially translated to Spanish by two Spanish speakers that were friends of mine in the United States – one native and one non-native speaker – and then sent to a colleague in Nicaragua for review to be sure that the language used in the interview protocols was comprehensible to and appropriate for Nicaraguan Spanish speakers before they were submitted to the IRB for approval.

Literature Review

The literature review that informed this study was on-going throughout the course of data collection and analysis. Initially, topics of particular interest included multi-scalar shifts in agrifood systems as a result of globalization, alternative approaches to organizing agrifood systems (including food sovereignty), and agrifood and agrarian movements. Throughout the research process, study participants and document review highlighted other subjects that pertained to the elements of the study, and thus the initial areas of interest were expanded to include framework laws for the right to food and food security, Nicaraguan history with respect to food and agriculture policy and the role of mass organizations and social movements, and additional empirical and non-empirical works and studies related to food sovereignty and policymaking. Continuous review of

² See Appendix C for the most recent letter from the IRB dated March 18, 2013, granting continued approval for the study.

the academic literature and correspondence with colleagues who work on similar subjects also helped me to identify recent contributions to the scholarship on food sovereignty, food security, the right to food, and other related themes that were relevant to this study in both English and Spanish.

Research Site

Data collection and analysis for this study was conducted on-site in Nicaragua. Nicaragua is a country famed for its Revolution that began in 1979 (which was indeed the longest revolution in Latin America apart from that of Cuba), its bountiful natural resources, and its rich traditions of music and poetry. Economically, it is one of the poorest nations in Latin America, class disparity is apparent, and there is noticeable poverty. Politically, the nation has endured its share of repression and conflict, and while the political violence of the past that characterized the dictatorship and the civil war during the Revolution is no longer the case, there is still a fair amount of political contention and protests are common.

The research conditions can be described by some as trying at times – infrastructure can be limited, transportation uncertain, and communications sometimes tricky with outages occurring in some areas more than others. Due to such challenges, which are not common but also not unexpected, at times there are delays and rescheduling, as many people travel to capital, Managua (where the majority of interviews were conducted for this study; see below), for work from cities in other parts of the country. Thus, a certain flexibility is necessary for conducting research. Furthermore, the culture varies geographically, across class, and by ethnicity, and this too requires a certain reading in order to effectively and respectfully engage with local

people. Another cultural challenge is that of the gendered dimension. Though there have been widespread campaigns to deepen equality between men and women, *machismo*, or male chauvinism, is still widespread and sexual harassment is far from uncommon, and this can be particularly difficult for Nicaraguan and foreign women alike.

Data Collection Methods

Data was collected and triangulated via three methods. The primary method consisted of in-depth, semi-structured, open-ended interviews with selected participants that agreed to participate in the study. The secondary methods of data collection included document review and, to a lesser extent, participant observation in selected conferences and meetings. These methods are described in detail in the following.

Interviews

Interviews with key informants was chosen as the primary method for this study based on the value of this method in terms of both acquiring a range and breadth of information at one time and learning about the meanings that people assign to events or developments that occur around them or in which they are involved (Marshall and Rossman 2006) as well as this method's suitability to studies that aim to examine complex processes and social change (Mason 2002). Another advantage of interviewing is that the researcher can control the line of questioning (Creswell 2003) and easily follow-up on commentary or solicit additional information. Finally, interviews are particularly useful for exploratory research as they yield necessary basic information about a subject or process, thus obtaining "thick description" (McNabb 2003). The choice of using in-depth, semi-structured, open-ended interviews was made in order to not only provide an opportunity for greater depth and description but also to allow for greater

flexibility during the interview to explore unanticipated topics if they emerged over the course of the interview. The following section describes the sample of interview (study) participants and the method by which they were recruited for the study, the schedule of interviewing over the course of the fieldwork, the interview protocols employed in the study, and the interview process.

Sample. The sample of interview participants for this study was selected using purposeful, or purposive, sampling. As a commonly used sampling strategy in qualitative research, purposeful sampling aims to identify individuals who can provide a deeper understanding of the phenomenon under study (Creswell 2007). More specifically, this study employed a criterion-based, snowball sampling strategy, meaning that a few participants who met certain criteria were initially invited to participate in the study and then, upon joining the study, asked to suggest or refer other individuals who also met these criteria. The criteria used to select study participants was based on their experience and work with the subjects under investigation, namely the development of a food sovereignty movement in Nicaragua and the process by which Law 693 was made. Initially, I identified three categories of potential study participants: Food Sovereignty Advocacy Experts, Representatives of Food and Agriculture Policy Institutions, and Policymakers and Government Representatives. Participants were recruited from these three groups in order to gain insight from actors who played different roles, and thus had different perspectives, in the agrifood policy field. Snowball sampling assisted in further widening the sample to include a broader range of individuals who may not have been identified otherwise.

I began the recruiting process with previously established contacts in the Asociación de Trabajadores del Campo (Rural Workers Association, or ATC). Representatives of the ATC that I initially interviewed either recommended other individuals to interview that fit the above criteria or I requested the contact information of individuals whose names were raised over the course of the interview and who fit the above criteria. This pattern of identifying potential study participants was repeated throughout the course of fieldwork.

With regard to methods of contacting potential study participants, in some cases I asked potential study participants in person to participate in the study if, for example, I met them at an event. In other cases, I either phoned or emailed the potential participant and invited them to participate in the study.³ Overall, 44 individuals were asked to participate in the study. Of this number, 32 participated in the form of an interview, four individuals declined to participate, seven did not respond to the email or phone message requesting their participation in the study, and I was unable to connect with one participant following agreement to participate in the study. Statistically, 73% of those invited participated in the study, 9% declined, 16% did not respond to the invitation, and 2% agreed to participate but were unreachable. Interviews were conducted until I was confident that I had acquired the necessary information to address the research questions guiding this study, and this was indicated by repetition throughout the interviews of major events, themes, and developments. In June–July of 2013, I made one final attempt to contact my “wish list” of participants I would have liked to have interviewed for the study and then closed this phase of the data collection.

³ See Appendix D for several examples of emails that were sent to individuals to request their participation in the study.

Conducted Interviews. In total, 31 in-depth, semi-structured, open-ended interviews were conducted with 32 study participants over the course of the fieldwork.⁴ Interviewing was on-going between and occurred beginning in late July of 2011 and mid-June of 2013. Several interviews were conducted in two sessions. All but two interviews were digitally recorded with the consent of the study participant (one study participant declined to have their interview recorded and another study participant preferred to write his responses to the interview questions and submit them to me via email). Interviews lasted between 30 minutes and 3 hours depending on the participant. In total, 44 hours of interviews were recorded with an average length of 1.5 hours per interview (excluding the two interviews that were not recorded). All interviews with the exception of one were conducted in Spanish.

Interview Protocols. Three interview protocols were developed, one for each of the three groups listed above: Food Sovereignty Advocacy Experts, Representatives of Food and Agriculture Policy Institutions, and Policymakers and Government Representatives.⁵ The initially proposed research questions served as a basis for the development of the protocols and each protocol was individualized based on the type of information I expected to collect from each group of participants. A summary of the information solicited via the interview protocol for each of the three groups of participants is summarized in Table 3.1 below.

Interview Process. Upon receiving confirmation from individuals invited to participate in the study that they were willing to participate, a place, time, and date for the interview was arranged with the participant. In some cases, interviews took place at the place of

⁴ A list of all interviews conducted, organized by category of study participant, is included in the references.

⁵ These interview protocols in English and Spanish are available in the Appendix E.

work of the individual or in a public setting (e.g., café). Two exceptions to this were one interview that took place at the home of one of the participants and another that took place via Skype. When possible, participants were emailed the informed consent form and the interview protocol prior to the interview for their review in order to more efficiently utilize the time we had for the interview, as I was conscious of the fact that the participants were dedicating time from often busy jobs and other commitments to participate in the study. While the participants were not compensated for their participation in the study, I often brought some cookies, pastries, or other food as a token of appreciation to share with the coffee that was almost always offered to me upon my arrival, or paid the check if we were at a café.

In all cases, upon convening the interview, participants were given the informed consent form to review (or read the oral informed consent form), asked if they had any questions about the form, and three kinds of consent were requested from the participant – consent to participate in the study, consent to digitally record the interview, and consent to reveal the participants name in the final documents of the study. All participants were reminded that their participation, the digital recording of the interview, and the revealing of their identity in the final documents were all completely voluntary. They were also asked to contact me if they changed their mind at any time about if and how they wanted their identity revealed. Participants who chose not to have their identity revealed were asked if and how they would like to be identified in the following documents (e.g., as anonymous or by their organizational affiliation, etc.) and I noted this on the informed consent form. Participants were also informed that they were not required to answer any questions and to let me know if they indeed wanted to skip a question.

Table 3.1. Information Solicited in Interview Protocol by Group

Group	Solicited Information
Food Sovereignty Advocacy Experts	<ul style="list-style-type: none"> • Origins of the food sovereignty movement in Nicaragua <ul style="list-style-type: none"> - Emergence of the concept - Organizations active in the movement and the relationship between them - Advocacy for food sovereignty • Building of the food sovereignty movement in Nicaragua <ul style="list-style-type: none"> - Growth of the movement - Significant events and actions to build the movement - The formation and role of the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) - Influential documents and materials used to promote food sovereignty created by food sovereignty advocates - Other organizations/groups/initiatives that supported food sovereignty (apart from those in the movement) and those opposed to food sovereignty • Policy initiatives for food sovereignty <ul style="list-style-type: none"> - Events/circumstances leading to the introduction of the proposal for a food sovereignty law - Policymakers who supported/opposed the bill for a food sovereignty law
Representatives of Food and Agriculture Policy Institutions	<ul style="list-style-type: none"> • Position in institution • Knowledge of food sovereignty and how/where they learned about it • Documents/materials received from organizations promoting food sovereignty • Participation of institution in food policy initiatives • Factors that both advanced and hindered the efforts of food sovereignty advocates
Policymakers and Government Representatives	<ul style="list-style-type: none"> • Position/occupation • Knowledge of food sovereignty and how/where they learned about it • Documents/materials received from organizations promoting food sovereignty and whether or not there were believed to be influential • When and by who the bill for the food sovereignty law was introduced • Reaction of National Assembly deputies to the introduced bill and whether the bill was supported/opposed and why • Significance of food sovereignty for the law and for Nicaraguans • Process by which the law was made (steps) • Documents or materials prepared and distributed by deputies that either supported or opposed the food sovereignty law • Participation by international organizations in policy-making process of law • Most significant factors that led to passing of law and factors that challenged the law

Following the signing of the informed consent forms, the interview commenced. The interview protocol employed for each interview was determined by the identity of the study participant as per the three groups described above. Initially, I followed the structure of the interview protocol. In fact, at the beginning of my fieldwork, I was quite resistant to deviating from the interview protocol; however, there were a few interviews at the beginning of the fieldwork that spontaneously commenced and typically this occurred as we were signing the informed consent forms and the participant began commenting on the law or some aspect of food sovereignty. In these initial interviews, rather than stopping the participant and re-guiding them back to the structure of the interview protocol, I opted to deviate from the interview protocol as it became clear to me that not only did the participants feel comfortable beginning the interview by telling me about their experience and what they knew about the law and/or food sovereignty more generally, but that this strategy also yielded richer data and allowed the study participant the opportunity to express themselves in an less structured, uninterrupted way. Discovering the value of this approach, which I found most participants adopted straight-away – they were in general very passionate about the subject and excited to share their experiences, observations, and opinions about the topic, I adopted a different strategy of simply letting the participant share what they knew, noting when they addressed one of the interview questions on the interview protocol used (which depended on which group of participants they fell into), and probing for more information when a timely moment passed or, if I felt interrupting would disturb the natural flow of the conversation, I would note any follow-up questions I had. Once we arrived at the end of the more unstructured part of the interview, and if there was time, I asked questions that were listed on the

interview protocol that were not yet addressed by the participant as well as any follow-up questions I had. As mentioned above, the more unstructured strategy undoubtedly allowed me to gather data that I would have otherwise not acquired, and thus it proved invaluable. Adopting this more unstructured approach did not mean that questions listed on the interview protocol went by the wayside, as they were still addressed over the course of the interview with responses either emerging out of the unstructured dialogue or by my posing them directly.

Once the interview ended, I asked the participant to please contact me if they had any questions and I also asked them if I could contact them if I had any questions. I followed up the interview with a thank-you email expressing my gratitude for their participation in the study and reminding them that they could contact me at any time if they had further questions about the study or chose to withdraw from the study. If the participant had suggested other potential study participants, I also asked them for the contact information if they had not given it to me already. Likewise, if the participant had mentioned any documents or other materials related to the subject of the study and had not already given them to me, I also inquired of these. Over the course of the study, I stayed in touch with several participants who had let me know that I could contact them with any questions I had, and as a result there were a number of personal communications with these participants of which I kept records. This was very helpful during the data analysis stage because if I had any questions or something was not clear, I was able to communicate with the study participants to clarify ideas or verify other facts. On another note, because I began data analysis prior to closing the interview phase of the data collection, if topics I had identified as areas in need of more information came up over

the course of these later interviews, I was able to inquire more deeply about these topics with these study participants and this aided in filling gaps in the previously collected data.

Following the interviews, the recordings were transcribed. I completed several of the transcriptions myself; however, in light of the time investment – which was intensified by Spanish being my second language – I opted to recruit a local, Nicaraguan research assistant to be part of the research team and assist me with transcriptions. Over the course of the data collection and processing, two Nicaraguan women worked with me. The benefit of working with local assistants was their familiarity with the research context and local customs and dialects, and thus soliciting their assistance helped to limit errors in the processing of the data. Both were instructed to indicate in the transcription any words or other section of the interview that was not comprehensible and the minute/second at which the incomprehensible portion of the interview could be found. Following the transcription of the interviews into Spanish, I reviewed the transcriptions for accuracy and translated them to English.

In early October of 2013, I reached out to all study participants either by email or in person to inform them of the status of the study, share with them the internet link to the first major document emerging from the study – a paper I contributed to the “Food Sovereignty: A Critical Dialogue” conference held at Yale University in September of 2013, thank them again for their participation in the study, and re-iterate my availability should they have any questions or concerns about the study.⁶ For those participants who had consented to a digital recording of their interview, I attached the interview transcript

⁶ See Appendix F for a sample letter.

in Spanish (or, in one case, English) and encouraged the participant to contact me with any clarifications of any points made in the interview or additional information that might be useful for the study. I sent an email to 29 of the participants for whom I had email addresses. For two cases, the email address was undeliverable, though I was able to secure the new email address for one of these participants. For the three cases for which I did not have an email address, I attempted to hand deliver the transcript and printed letter. I only succeeded in delivering one of these packages as one of the participants was no longer working for the same institution and I was unable to locate the third. Sharing back the transcripts and touching base with the study participants was an important step of the process in terms of sharing the progress of the study with the participants and also confirming and clarifying information.

Precautions were taken to protect the confidentiality of the participants throughout the data collection process. First, all interview digital recordings, transcripts (Spanish and English), and the master interview list were saved on my personal, password-protected computer. Each interview was assigned a number and thus both the digital file with the recorded interview and the file with the transcribed interview were labeled according to the number of the interview. A master interview list that linked the interview number with the study participant was kept in a separate location on my computer. The digital recordings of the interviews were also saved in a password-protected Google Drive account in order to both have a back-up of the files as well as feasibly share them with the research assistants. Interviews in need of transcription were emailed from the Google Drive account to the research assistant's personal email account. The research assistants were both familiar with confidentiality in research studies, informed of the confidentiality

of the present study, and agreed to uphold ethical standards. They were also instructed to delete emails pertaining the study from their personal email accounts. Furthermore, all informed consent forms were in my possession in my residence at all times and kept in an area of my home that was not accessible to guests or visitors. Here it is important to mention that most of the study participants agreed to have their identity revealed in the final documents of the study. Of the 32 study participants, 26 gave consent to have their identity revealed in the final documents of the study, five declined consent to have their identity revealed in the final documents (and of these, all gave instructions on how to cite them in the final documents), and one participant requested to remain completely anonymous.

Document Review

The main secondary data collection method employed in this study was document review. This method is often used in case study research to complement information gathered via interviews or observation (McNabb 2003). In this study, the collection of documents was particularly important not only in terms of introducing another method of data collection, but also because perspectives, ideas, and meanings are reflected in documents, as well as recorded facts, events, and developments. These documents were used to both corroborate facts and findings from the interviews as well as gather additional data. In the following I describe the sample of documents that were collected as well as the means by which they were collected.

Sample. The main types of documents that I was most interested in collecting were those that had anything to do with food sovereignty in Nicaragua and also any documents pertaining to the law. As long as the documents fit this criteria, no materials were

excluded – I collected brochures, magazines, pamphlets, reports, proposals, books, flyers, newspaper articles, announcements, emails, and legislative and government documents, such a copies of the proposed bill for the law and legislative motions. Ultimately, out of those documents collected, 37 documents were included in the study.⁷ For reasons of confidentiality and ethics, this list does not include copies of emails that were forwarded to me by research participants, but these emails are cited in the findings as they were drawn upon and referred to as “personal communications.”

Method of Collection. Documents collected in this study were identified in three ways:

1. Study participants were asked during the interview to identify any documents that were produced by advocates of food sovereignty as well as those who may have opposed the concept as well as any documents pertaining to food sovereignty or the law that they felt were significant. If these participants had access to the documents they identified, I asked them to share them with me. If the participants were willing to share them, they were either delivered to me personally or by email.
2. One participating organization allowed me access to limited portion of their document archives (e.g., magazines and reports). Documents that were deemed significant were given to me by the organization.
3. I either collected or was given documents at various events I attended.
4. Non-participants in the study who were familiar with my research shared pertinent documents with me.

⁷ These documents are denoted in the references by an asterisk (*).

5. I identified further documents through my own research via the internet and visits to libraries (namely that of Universidad Centroamericana, which graciously granted me access to their collection in March–April 2013), for example.

Participant Observation

Observation is an unobtrusive method useful for triangulation, often valuable in conjunction with interviewing, and provides easy access to information as it frequently allows for the using of data that has already been collected by someone else (Marshall and Rossman 2006). Over the course of the fieldwork, I attended 10 conferences and meetings to which I was invited and at which the subject of food sovereignty and, to a lesser extent, Law 693 were subjects of discussion, among other related topics. At these events, I was able to observe how actors in the field of food and agriculture policy interacted and gave meaning to the ideas and issues on which they worked. I was also able to meet and invite key informants to participate in the study as well as collect documents.

These events were helpful for understanding the politico-socio-cultural context in which policy activities are carried out in Nicaragua as well as build relationships with individuals and/or organizations working on food sovereignty and food security issues in Nicaragua, many of which participated in the study, as well as regional and international organizations also working in the area of food and agriculture. More specifically, these events were particularly helpful for gathering information about actions taken to implement the law since its approval in June 2009 as well as gaining a better understanding of how various actors interpreted the concept of food sovereignty and its relationship to the right to food and food security. While I was invited to more events

than I was able to attend over the course of the fieldwork for this study, I was able to attend a significant number of functions.⁸

I attended two of these events as a representative of La Vía Campesina and the remaining events as an independent researcher. In all cases, my invitation to the event was facilitated by study participants or, in one case, by a colleague with whom I work professionally. At each event, I took notes related to the content of the material being presented and ensuing discussions, as well as with regard to those in attendance, the organizations with which they were affiliated, and the relationships between them. I was less concerned with mannerisms and behaviors exhibited by presenters and those in attendance.

Data Analysis

Data analysis was carried out in different stages and using different methods of data analysis. These method were chosen based on both the nature of the research questions as well as developments in study of the institutionalization of food sovereignty detailed in the burgeoning literature on the subject. As mentioned in the previous chapter, the literature on the institutionalization of food sovereignty was expanding during the period of time during which this study was carried out. Thus, the conceptual framework was updated and revised to take into account findings and developments reported in other studies. With regard to methods of data analysis more specifically, two data analysis methods were chosen: process-tracing and discourse analysis. Before describing these methods of data analysis and process by which they were used to analyze the data, I first discuss a bit of the background as to how I selected these methods of analysis for this

⁸ See Appendix G for a list of these events along with the location and sponsoring/collaborating organizations. Copies of the agenda for each event are included as well.

particular study by returning to the agrifood and food sovereignty literature, particularly that on institutional change and the role of discourse.

Analyzing Institutional Change and Alternative Agrifood Approaches

As per the literature discussed in the previous chapter, alternative agrifood movements have sought to forward new ways of structuring agrifood systems based on shared values of ecological stewardship, social and cultural justice, food democracy, and the re-embedding of local agrifood systems and economies, and are viewed as counter-movements to the dominant, productivist, neoliberal model. One of the areas they have focused on is the institutionalization of alternative agrifood approaches through policy change. One important, and indeed seminal, study by Allen (2004) introduced discourse as an important factor in studying agrifood movements and their initiatives towards effecting institutional change. She provided a persuasive argument for employing a discursive approach to studying agrifood movements because of the “centrality [of discourse] in the constitution and efficacy of social movements” and further stated that “[d]iscourse is not only constitutive of social movements; it is also one of the primary tools movements employ to work toward social change” (p. 6). In her discussion of the importance of discourse for social movements, she drew on Fairclough (2001) by emphasizing how discourse represents a source through which to maintain power in institutions and society. Citing Wallerstein (1990), she pointed out that the “ability to define situations” is a key source of power in society and thus sees struggles over discourse to be important spaces for social movements to initiate societal and institutional change, thereby fulfilling one of their key functions, which in Allen’s words is “to challenge and ‘rehabilitate’ social institutions, to ‘reform’ public space so that new ideas

and relationships can develop” (p. 6). Allen, in resonance with other scholars who work on discourse and institutions, described the relationship between discourse and social movements as being dialectical, “...as movements reshape institutions, institutions also reshape movements” (p. 7). Allen’s (2004) approach to elucidating the linkages between discourse, practice, and institutionalization is an important innovation in agrifood studies not only because it represents a new approach but also because it focuses on describing the distinct discourses of agrifood movements and it opens up the discussion as to *how* agrifood movements can effect broader societal change and challenge the embedded dominant agrifood discourse. However, one of the limitations of her study is there is little emphasis on detailing the causal processes by which alternative agrifood discourses are most likely to produce institutional change.

Taking into account Allen’s (2004) argument for a focus on discourse for examining the capacity of agrifood movements to effect social change, recent innovations in the literature on the institutionalization of food sovereignty discussed in the previous chapter – namely Boyer (2011), Claeys (2012), and Wittman and Desmarais (2013) – have also looked to discourse as a factor in determining the potential of food sovereignty to be institutionalized and their studies have focused on two areas: discursive challenges and the capacity of food sovereignty advocates to broaden the legitimacy of food sovereignty as a viable alternative. All of these studies make valuable references to the strength and capacity of the food sovereignty discourse to effectively present a legitimate alternative to achieving food security and the right to food. In particular, they underscore confusion over the concept (especially vis-à-vis food security and how it conceptualizes the guarantors of rights) and the potential for a multiplicity of interpretations and

understandings of what food sovereignty represents, both of which can serve to undermine the formulation and approval of national policies that include food sovereignty. In other words, these studies suggest that if definitions and elements of food sovereignty are not agreed upon nor the concept seen as a legitimate alternative to achieving food security, the likelihood of formulating and approving policies that include food sovereignty principles as encompassed in the broader food sovereignty policy framework is significantly diminished. This is linked to the ability of the broader food sovereignty movement, in the form of education and advocacy, to strengthen the force of the food sovereignty discourse and encourage its appropriation by actors outside of the movement. If food sovereignty advocates are not focused on achieving these goals within the local and national context, then the probability of legitimizing food sovereignty and realizing its appropriation by both its movement constituents and the broader public, the latter of which is critical for its inclusion in national policies, is significantly reduced.

In light of the findings described above with respect to the role of discourse in analyzing the capacity of the food sovereignty movement to effect institutional change, I chose discourse analysis as one of the methods by which to examine the collected data. However, in light of other factors that were identified in the literature as being considerations when examining the institutionalization of food sovereignty, as discussed in the literature review and detailed in the conceptual framework, I also chose process-tracing as another method. Both of these methods are compatible with qualitative case study analysis and can be usefully brought together to deepen analysis (Lupocivi 2009). Employing them both can help to circumvent the challenges often associated with studies that employ discursive approaches to studying policy-making outcomes, namely

identifying the causal mechanisms that connect ideas expressed through discourses to the outcomes of policy-making processes (Campbell 2002). While the strength of discourse analysis is in its capacity to articulate social constructions, the strength of process-tracing is in its capacity to identify new variables and the causal relationships that lie between them (Lupocivi 2009; see also George and Bennett 2005 on process-tracing). In the field of policy analysis, this is often accomplished through the analysis of policy documents and other texts that reveal policy debates and histories (Campbell 2002).

Methods of Data Analysis and Justification

Process-tracing. George and Bennett (2005) described process-tracing as a within-case study method of analysis that “attempts to trace the links between possible causes and observed outcomes” (p. 6). The benefit of using process-tracing as a method of data analysis for this study was that it provided a method by which to approach the inductive process of determining the causal relationships and, more specifically, process-tracing “can assess to what extent and how possible outcomes of a case were restricted by choices made at decision points along the way” (George and Bennett 2005, 213).

Of the types of process-tracing George and Bennett (2005) outlined, this study used two: “detailed narrative” and “analytical explanation.” First, with regard to detailed narrative, George and Bennett defined this as “the simplest variety of process tracing...[which is]...a chronicle that purports to throw light on how an event came about...[and] is highly specific and makes no explicit use of a theory or theory-related variables” (p. 210). They further explained that the utility of such “atheoretical narratives” is that they “suggest just enough about the *possible* causal processes in a case so that the researcher can determine what type of process-tracing would be relevant for a

more theoretically oriented explanation” (p. 210). Atheoretical narratives allow for the expression of the “thick description” characteristic of qualitative research, and this was useful for addressing research questions 1, 2, and 3. In order to move from the atheoretical narrative to the stage of theory development, which in this case involved identifying factors that advanced or obstructed the inclusion of food sovereignty in Law 693, I determined that the most relevant type of process-tracing for producing a theory was analytical explanation, which “converts a historical narrative into an *analytical* causal explanation couched in explicit theoretical forms...[t]he extent to which...can vary” (p. 211).

Discourse Analysis. Discourse analysis, broadly, is “the study of language-in-use” (Gee 2011, 8). Discourse theory and analysis has an important place in post-positivist, interpretivist approaches to policy analysis that emphasized the role of ideas, meaning, discourse, and deliberation in policymaking, described in the literature as the “argumentative turn” (Fischer 2003; Fischer and Forrester 1998; Fischer and Gottweis 2012; Howarth and Stavrakakis 2000). The study of discourse is a broad area of scholarship and indeed there are multiple ways of defining the concept of discourse and doing discourse analysis in policy studies (Fischer 2003). The approach that I chose for this study was that of Dryzek (1997), who defined discourse as “a shared way of apprehending the world,” further stating that,

[Discourse is] embedded in language [and] enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts. Each discourse rests on assumptions, judgments, and contentions that provide the basic terms for analysis, debates, agreements, and disagreements...The way a discourse views the world is not always easily comprehended by those who subscribe to other discourses. (p. 8)

Dryzek's (1997) approach to discourse analysis focuses on studying the emergence of discourses and analyzing the effects of discourses on institutions (policies) in instances where there are multiple, competing discourses. This approach fits the focus of this study in terms of analyzing the emergence and institutionalization of food sovereignty in Nicaragua and also in light of the alternative posed by food sovereignty to other approaches to food security, namely the dominant approach discussed previously. Dryzek (1997) identified four main elements of discourses: basic entities recognized or constructed (ontology of the discourse or how it "sees" the world); assumptions about natural relationships; agents and their motives; and key metaphors and other rhetorical devices (p. 18). He also identified five means by which to evaluate the effects of discourses, which include: politics associated with the discourse, effect on policies of governments; effect on institutions; arguments of critics; and flaws revealed by evidence and argument (Dryzek 1997, 20).

Dryzek (1997) broadly informed the analysis in this study to assist in distinguishing between the different ideas and meanings that were expressed by study participants primarily, but also how they were inscribed in written texts that were analyzed as part of the data analysis process (described below). This approach was particularly useful for examining the extent to which ideas and beliefs held by food sovereignty movement advocates overlapped or conflicting with pre-existing discourses, the extent to which participants in the food sovereignty movement had similar interpretations and conceptual understandings of food sovereignty, and finally to examine the different beliefs and perspectives of actors in the broader agrifood arena in order to assess the extent to which their ideas and conceptualizations about not only food

sovereignty but also approaches to addressing food security in general overlapped with those of food sovereignty advocates.

Stages of Data Analysis

As described in the previous section above, this case was both exploratory and explanatory. Research questions 1 and 2 sought to describe phenomenon and thus were more exploratory in their orientation. Question 3 both had exploratory and explanatory dimensions and Question 4 were decidedly more explanatory in the sense that it sought to uncover causal explanations for phenomenon. The three stages of data analysis that I undertook were:

1. Coding of the data through the identification of categories reflected in the data with the purpose of organizing the information collected during fieldwork.
2. The construction of narratives to:
 - Describe the emergence of food sovereignty in Nicaragua and the growth of the movement that supported it (Research Question 1)
 - Describe the process of formulating, negotiating, and approving Law 693 (Research Question 2)
 - Describe the outcomes of the law (Research Question 3)
3. Identification of the factors that served to advance or obstruct the inclusion of food sovereignty in the law (Question 4)

These three stages of data analysis are described in the following along with the methods utilized in each of the stages are explained in the following.

Stage 1: Open-coding of Data. A large volume of data was collected from the interviews, documents, and, to a lesser extent, participant observation. In order to organize and manage this data, I first employed an open-coding system to identify categories reflected in the data. Coding is “the process of applying some conceptually meaningful set of identifiers to the concepts, categories, and characteristics found in the data” (McNabb 2003, 390) and open-coding is defined as the “free assignment of data to what the researcher sees are the naturally appearing groupings of ideas in the data” and is typically the first step of data analysis (McNabb 2003, 390, citing Lee 1999). Open-coding is an iterative process often used in grounded theory approaches (Bloomberg and Volpe 2008) in which new categories are discovered as the data is analyzed and are refined throughout the process of data analysis. Because the nature of research questions 1 and 2 were geared towards providing chronological, historical accounts of processes, I first analyzed the data in terms of extracting events and developments (and their descriptions) and putting them into chronological order in a table according to major developments or events. Throughout the process of developing this table, new categories emerged and were added as needed to accommodate emerging data. In addition to the chronological component of this table, I also identified other emerging categories that were reflected in the data from each interview, using the conceptual framework as a reference point.⁹

Stage 2: Construction of Narratives. Two interconnected narratives were constructed from the coded data, one addressing research question 1 and the other for research questions 2, using the detailed narrative approach to process-tracing. These are presented in Chapters 4 and 5 of the study, respectively. With regard to research question 1, it was

⁹ See Appendix H for several sample pages of coded data.

found through the interviews and preliminary data analysis that the emergence of the movement for food sovereignty in Nicaragua had its roots in historical events and developments, and most study participants identified these events as occurring in the years leading up to the Revolution (1979–1990), during the Revolution, and throughout the 1990s. Thus, I found it necessary to supplement the collected data with appropriate literature in order to effectively write the narrative.

For research question 2, the chronology of events developing during the coding process was drawn upon and the narrative was developed based on this chronology and supplemented with additional detailed information from other categories that emerged during the coding process as I deemed necessary for creating the level of rich, thick description characteristic of qualitative case study research. Direct quotations from the interview were widely incorporated throughout the narratives in order to preserve the voices of study participants to the greatest extent possible, given that the vast majority had already been translated from Spanish, and also give a greater discursive dimension to the findings. At the end of each narrative, I provided a summary of the major events and developments that led to the outcome. Here process-tracing was used to analyze the convergence of independent variables and causal chains that led to the major outcomes described in each of the narratives.

For research question 3, I analyzed the different versions of the law as well as drew upon the content of interviews, particularly the opinions of study participants concerning the final version of Law 693, in order to identify outcomes. Finding that one of the significant outcomes of the policy-making process were distinct interpretations of food sovereignty and its relationship to food security, it was here that I employed

discourse analysis in order to more closely examine how study participants made sense of food sovereignty and how this more broadly affected the policy-making process and outcomes.

Stage 3: Identification of Factors that Advanced or Obstructed the Inclusion of Food Sovereignty in Law 693. Analytical process-tracing and discourse analysis were employed to analyze the both the data contained in the detailed narratives. Process tracing was employed to assess change over time and identify variables and causal relationships that led to outcomes. Discourse analysis was employed to examine the emergence and shift in ideas and interpretations and how they overlapped and conflicted, as well as explore why certain ideas were more successfully institutionalized than others – in other words, the forces and power behind the institutionalization process that inherently had to do with relationships between relevant actors as well as the relationships of relevant actors to broader developments both within the outside of the Nicaraguan context. The information that was uncovered through this process was compared and contrasted with developments in the literature, as per the conceptual framework, and findings were reported as being either consistent with those found in the literature or as being new factors emerging from this study.

Ethical Considerations

It is the responsibility of researchers to uphold ethical standards when conducting any research study (Berg 2009; Marshall and Rossman 2006; Mason 2002; McNabb 2003; Stake 2003). It is important that researchers are cognizant of their ethical responsibilities at every stage of the research process – from research design to reporting the final study findings to storing information post-study – and demonstrate both their

awareness of ethical considerations as well as that they have taken measures to uphold ethical practice. This is especially true for qualitative researchers who engage in fieldwork with their research subjects or participants in natural settings and also often ask questions about personal opinions, circumstances, and other information that could be deemed sensitive. As Stake (2003) observed, “Qualitative researchers are guests in the private spaces of the world. Their manners should be good and the code of ethics strict” (p. 154). Important ethical issues for qualitative researchers include those of risk or harm to research participants or subjects, consent, privacy, and storage of data (Berg 2009).

Although this study did not anticipate any risk or harm to study participants, a number of measures were taken to protect participants and their rights in the study. First, as described above, I complied with all IRB standards and guidelines for conducting study, including securing IRB approval for the study and for each subsequent year the study. Second, I made every attempt throughout the research process to comply with the wishes of study participants, conduct the study with ethical integrity, and adhere to the terms of use of data as outlined in the informed consent documents. As described above, precautions were taken during the data collection stage to limit any risk to study participants, adhere to informed consent procedures, and protect the privacy of the participants and the confidentiality of the collected data. While the majority of research participants voluntarily consented to revealing their identity in the final documents of the study, I opted not to share the identity of the participants but rather identify them by their position (representative, official, deputy, etc.) and the organization they represented at the time of the interview, unless they indicated to me otherwise. Furthermore, with regard to sensitive or confidential information, if a participant indicated that certain information

was off-the-record, meaning not to be used for the study, I complied accordingly and, if any information was questionable or I perceived it as being potentially harmful, I acted conservatively and did not include it. Following the data collection and analysis and the writing of the dissertation, the collected data and consent forms were stored in compliance with the terms of the IRB (period of 3 years minimum) and use of the collected data for subsequent publications was carried out in accordance with the established terms of this research project.

Issues of Trustworthiness

Instead of the traditional standards of validity and reliability typically used in assessing quantitative/positivist research, this study adopted trustworthiness as a means by which to evaluate the quality or rigor of the study. Lincoln and Guba (1985) argued that qualitative studies ought to be evaluated differently because of their distinctiveness from quantitative studies. Several criteria commonly used for assessing trustworthiness include: credibility, dependability, and transferability. I discuss these three criteria in relation to the study below.

Credibility

Credibility refers to the extent to which the researcher's reported findings represent reality – whether they are seen to be valid from the perspective of the researcher, study participants, and reader – and represents an alternative to the positivist criteria of internal validity (Bloomberg and Volpe 2003; Fischer 2003; Merriam 1998; Shenton 2004). There are a number of strategies discussed in the literature to ensure the credibility of a qualitative study (Baxter and Jack 2008; Bloomberg and Volpe 2008; Lincoln and Guba 1985; Shenton 2004). The strategies that I employed were as follows:

- Research methods: I adopted well-established research methods consistent with qualitative case study methodology for this study. I triangulated the sources and methods of data collection with the objective of exploring the subjects under investigation from multiple angles and creating a more representative portrayal of existing perspectives. I also attempted to recruit study participants who represented different organizations, held diverging perspectives, and played different roles in the agrifood policy field.
- Research site: Following two months of initial fieldwork in 2011, I relocated to Nicaragua in early 2012 to complete the data collection, analysis, and write the dissertation. Residing in Nicaragua for the duration of the study facilitated extended engagement with the research site and enabled me to both gain a deeper understanding of the context in which this case study took place and to build trust with study participants.
- Willingness of participants: In order to ensure that study participants were willing partners, I informed all participants prior to the interview that their participation in the study was absolutely voluntary.
- Member checks: With the goal of correcting any errors or misrepresentations in the interview data, I made a good-faith effort to share back interview transcripts with study participants and invite them to clarify and/or build upon the content of the interview. I also shared a conference paper on the subject of the study with study participants. I asked permission from the study participants to contact them following the interview if I had any questions and did at times communicate with those who agreed when I wanted to clarify information. I also conveyed my availability to study

participants to address any questions, concerns, or other matters related to the study they had.

- De-briefing: I frequently discussed developments in the research and the findings with peers and colleagues (mostly in Nicaragua but also with several outside of Nicaragua), as well as study participants. These discussions were extremely useful for providing feedback, clarifying information and any misunderstandings, and broadening perspective. One of the members of my dissertation committee was locally-based in Nicaragua and had first-hand knowledge of and experience with the case study under investigation, and we spoke frequently about the study.
- Use of direct quotes: I made a concerted effort to use direct quotes from interviews and documents to the fullest extent possible in the findings for several reasons. First, to allow the voices of the participants and authors to emerge. Second, and on a related note, to limit the extent to which I interpreted the sentiments and ideas contained in the texts of the interviews and documents.
- I co-authored a book chapter (Araújo and Godek 2014) for an edited volume with a colleague on the subject of this dissertation, which was published in early 2014.

Transferability

Transferability is equivalent to the positivist concept of external validity or generalizability; however, as Shenton (2004) explained, “[s]ince the findings of a qualitative project are specific to a small number of particular environments and individuals, it is impossible to demonstrate that the findings are applicable to other situations and populations” (p. 69). Thus, the concept of transferability is more concerned with the degree to which the findings of a study situated in a particular

context can be transferred to another particular context (Bloomberg and Volpe 2008) and in order to do this, it is necessary for the researcher to provide as much information as possible about the context in which the study is situated so that the reader can make a sound judgment about the extent to which the findings can be transferred (Shenton 2004). The ways I addressed transferability in this study are as follows:

- I provided (historical) background and other details to ground the study and set clear boundaries in terms of the study's generalizability to other contexts.
- I provided rich, thick descriptions of the processes under investigation in order to give readers as realistic portrayal as possible of these phenomena.

Dependability

Dependability refers to “whether one can track the processes and procedures used to collect and interpret the data” (Bloomberg and Volpe 2008, 78). It parallels the positivist concept of reliability, though it takes issue with the idea that the same results could be obtained through the same procedures because of the dynamic nature of natural settings (Shenton 2004, citing Marshall and Rossman 1999). Dependency stresses the importance of consistency between findings and collected data (Lincoln and Guba 1985). The strategies used to address dependability in this study included:

- Providing a thorough and detailed account of data collection and analysis procedures.
- Making both raw and coded data available to others for inspection, including sample pages of coded data available in Appendix H.

Limitations of the Study

This study faced some important limitations, which included those related to my own limitations as the researcher as well as those related to the study design and

implementation and the research context. These limitations are detailed in the following and strategies that were used to overcome these limitations, or minimize their impact, are explained.

Limitations of the Researcher

In qualitative research, the researcher is typically the primary instrument of data collection and analysis. Thus, the research process has the clear potential for bias as a result of researcher subjectivity (Merriam 1998), which can clearly affect the process of collecting and interpreting data. One of the important limitations of the study with regard to subjectivity and potential bias is that I identify myself as a food sovereignty activist. To reduce such bias in the research process, I clearly stated my assumptions about the study upfront. I also engaged in de-briefings with peers, colleagues, advisers, and research participants, as described above, to assist me in refining my interpretations of the data and identify oversight or potential areas of bias. I also made a concerted effort to move towards the goal of “strong objectivity,” which “[r]equires the researcher to be cognizant and critically reflective about the different ways her positionality can serve as both a hindrance and a resource toward achieving knowledge through the research process” (Brooks and Hesse-Biber 2007, 15).

A second important limitation of mine for the study was that I conducted the study mainly in Spanish, which is my second language. Thus, there was potential for misinterpretation of information during the data collection and analysis stages of the research process, which could affect the quality of the data and the findings of the research. In order to address this issue of language, as described above, I enlisted the support of native-Spanish speakers to develop the interview protocols and oral and

written informed consent forms. I also recruited local research assistants to help with the transcription of interviews to minimize errors and shared back the transcripts with study participants to solicit any feedback or clarifications on the content. Furthermore, I asked native Nicaraguan Spanish speakers to clarify terminology I found to be unfamiliar. Finally, to minimize errors in translations, I went over translated interviews multiple times to identify errors and make necessary corrections.

Limitations of Study Design and Implementation

The first important limitation of the study design is that it did not include a pilot study to test and refine research instruments and procedures. Unfortunately, once the fieldwork commences, it is quite difficult to re-implement a pilot study. While I did not have any significant problems in the data collection, small issues did arise, such as some study participants not understanding exactly what some questions were asking without a re-framing of the question. While this did not necessarily affect the response of the study participant, a pilot study – or collaborative question writing with a native Nicaraguan Spanish speaker – would have been an advantageous formative step. It also would have been helpful for revising the interview protocols to include questions that I would not have known to ask except by testing out the process.

A second limitation of the study design and implementation is related to that of interviewing. Most of the study participants were meeting me for the first time at the scheduled interview. While the snowball sampling method helped in terms of strengthening trust, as many participants recommended and/or introduced me to other potential participants who were colleagues, there is potential that some participants either withheld certain information or they tried to overcompensate in order to give me answers

that they thought I was seeking. In order to mitigate these limitations of interviews, I did my best to create an ambience of comfort, trust, and professionalism. I also reminded participants that every step of the interview process was voluntary and that if they did not feel comfortable discussing an issue, answering a question, or they wanted to stop the interview, then to please let me know.

A final limitation with regard to the study implementation was what I deem an under-representation of certain institutions in the sample of interviewed participants., particularly that of government officials, national food and agriculture policy institutions, and representatives of the private sector (I discuss this more below, specifically with regard to government representatives as this was linked to features of the study's context). While it certainly would have been preferable to include more individuals representing these institutions and sectors, key participants that were directly involved in the process of making Law 693 were interviewed for the present study. In other words, the study included and captured the voices of individuals who were highly involved in making the law, the negotiations, and producing the final outcome. That being said, I do not negate that the study would have been strengthened by the voices of additional government officials from the National Assembly and government ministries, representatives of nationally-based food and agriculture policy institutions, the private sector, and international NGOs who financially and logistically supported the Nicaraguan movement for food sovereignty and advocated for the law.

Limitations Posed by Study Context

A final set of limitations of this study was the study context. Here there are several important points to make. First, I discovered that the best way to recruit

participants was indeed through prior contacts and Nicaragua is very much a culture of knowing the right people. While my contacts made very sincere attempts to connect me to higher level policy actors (particularly government representatives and policymakers), it was challenging to access these individuals. I made genuine attempts to gain access and invite these individuals to participate in the study, but in the end there was less representation of government actors than I would have liked. Furthermore, some government representatives who were invited to participate in the study declined participation stating that they were prohibited from giving interviews as per government policy. Whether or not this was indeed the case could not be confidently confirmed; however, this also touched on another limitation of the study. The quality of information about the government – particularly information that might critique the government – was a particularly sensitive area of inquiry and one that some study participants acknowledged openly while others were more guarded. Despite my best efforts to gain access to information in order to sufficiently construct an accurate portrayal of actions and relationships among and between relevant actors, these observations and conclusions are based on the information I was able to access, and I cannot confidently say that I was provided with the entire story all the time due to the politics of policy. However, in closing, I do want to add that I have no reason to believe that the information I was given was in any way insincere or non-representative of the lived experiences of participants.

Chapter Summary

This chapter presented the method of the study. It discussed the rationale for choosing a qualitative, case study methodology, highlighting the complementarity of this approach for the heuristic and interpretive orientation of the study. It continued by

outlining the research design and discussing the steps carried out prior to data collection and analysis, including securing IRB approval. Here the discussion also focused on the importance of on-going engagement with the literature as well as describing the research site.

Next, the data collection methods (interviewing, document review, and observation) and methods of analysis (process-tracing and discourse analysis) were discussed in detail and the way in which each was employed was explained. Here the discussion of the analytical methods deepened regarding the noted usefulness of discursive approaches for investigating food movements, linking this with the present study. Furthermore, particular attention was paid to showing how the study's objective and the research questions were addressed throughout the research process.

Following the discussion of the steps of the data collection and analysis, the chapter turned to ethical issues, describing how they were considered and handled. It then continued with a discussion of the measures taken to enhance the trustworthiness of the study by considering credibility, transferability, and dependability as alternative categories used in qualitative approaches to evaluate the rigor of the study. Finally, the chapter closed by identifying important limitations of the study and explaining how attempts were made to mitigate them.

Chapter Four

The Emergence and Growth of the Nicaraguan Movement for Food Sovereignty

The purpose of this dissertation was to analyze the process by which food sovereignty is incorporated into national agrifood policies and identify factors that serve to advance or obstruct the inclusion of food sovereignty in these policies. This study specifically examined the case of Nicaragua's Law of Food and Nutritional Sovereignty and Security. The call for a food sovereignty law in Nicaragua initially emerged from Nicaraguan peasant and farmer organizations belonging to La Vía Campesina (LVC), which was supported by a broader social movement of civil society organizations (CSOs), universities, and international nongovernmental organizations. It was from the efforts of this movement that the initial draft proposal for the law was written and succeeded in being introduced to the National Assembly in 2006. However, before examining this process, as well as the policy-making process that resulted in the approval of the law, both of which are the subjects of the next chapter, it is critical to take a step back to look at the development of the concept of food sovereignty in Nicaragua and the movement that emerged to support it in order to understand the basis for the law and its significance. As this chapter details, this was a process that was shaped and influenced by historical events and developments occurring at both the national level and international level.

In telling the story of the rise of the food sovereignty movement in Nicaragua, the following chapter is divided into three parts.¹ The first looks at developments that occurred in the 1980s, which laid the foundations for the development of the movement.

¹ A timeline of major events and developments, including those discussed in the present chapter (Chapter 4), is presented in Appendix I.

As will be discussed, different ideas, movements, and alliances emerged during this period that provided the basis for further mobilization in the 1990s. The second part looks more closely at this succeeding decade, highlighting in particular the effects of the end of the Revolution (1979–1990) and the subsequent change in government. It also details the emergence of LVC, the role of Nicaraguan organizations in this process, and how they began to introduce food sovereignty to Nicaragua, thereby mobilizing the Nicaraguan movement. The third and final part of this chapter examines the consolidation of the Nicaraguan food sovereignty movement, at which point the concept became more widely known and adopted by CSOs, which came together with Nicaraguan peasant and farmer organizations to form the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN).

Roots of Food Sovereignty in Nicaragua²

The roots of food sovereignty in Nicaragua and its movement lie in the nation's history. Indeed the basis for food sovereignty, as reflected by the comments of study participants in the interviews, cannot be separated from the history of food and agriculture issues, the ideologies and experiences of people, and broader political and economic developments that highly influenced and continue to influence agriculture and food politics in Nicaragua. While the intent here is to focus on some of the more recent events and developments that occurred during the Nicaraguan Revolution (1979–1990), it is important to first provide some background to situate the social and agrarian struggle that was reflected in the Revolution, which was noted as being one of the most important

² The section relies quite heavily on the literature in order to provide necessary background to the findings reported below. Readers are encouraged to visit this literature for more detailed information.

antecedents to food sovereignty,³ as well as features of the Revolution that were also identified as being salient by study participants.

The Revolution, Peasant Organizations, and Food Security

In tracing the conceptual development of food sovereignty in Nicaragua and movement surrounding it, several features of the Revolution are particularly important. First, the historical social and agrarian struggle of peasants. Rural struggle can be traced back well over a century, including Sandino's own popular nationalist movement in the 1920s and 1930s against U.S. intervention and imperialism to recover national sovereignty and establish an egalitarian society, supported by of thousands of peasants (Vanden and Prevost 1993). This struggle remerged with the Revolution as the destitution of the rural population under the Somoza dictatorship – one characterized by political repression, lack of access to productive resources, land dispossession, proletarianization, migration, and heightened poverty and food insecurity (see Deere and Marchetti 1981, Frenkel 1991) – fostered “the conditions for a broad-based class alliance against the regime” and the peasants were indeed a fundamental force in the insurrection (Austin, Fox, and Reinhardt 1985, 16).

A new wave of peasant mobilization occurred in the 1970s with its roots in the Sandinista movement's strategy of mobilizing the masses. The peasantry was considered to be a critical sector for the insurrection and transformation envisioned by the Revolutionary project and the Frente Sandinista de Liberación Nacional (Sandinista National Liberation Front, or FSLN) sought to forge and strengthen the worker-peasant alliance for the success of the Revolution, reflecting both the ideological bases of

³ Interview with MAF representative, 27 July 2011.

Sandino⁴ and Marxism-Leninism from which the FSLN derived their political philosophy (Gilbert 1988; Vanden and Prevost 1993). Upon assuming leadership of the government, one of the fundamental goals of the Sandinistas was to “transform the relationship between the rural labor force and the dominant agroindustrial/export system from one of exploitation to one of collaboration in a national development project” (Austin, Fox, and Kruger 1985, 16).

Peasant organizing strengthened with the formation of two important mass organizations: the Asociación de Trabajadores (Rural Workers Association, or ATC) and the Unión Nacional de Agricultores y Ganaderos (National Union of Farmers and Ranchers, or UNAG). Founded in 1978 by farmers, the ATC came to play an important role in the insurrection (Luciak 1995). In 1981, owing to internal, irresolvable differences between members of the ATC, which included at this time included rural workers and agricultural producers, UNAG was established by the FSLN as a mass organization for producers (Austin, Fox, and Reinhardt 1985; Luciak 1995). Mass organizations were believed by the FSLN to be a critical component of the formation of a popular democracy from below, and as such both the ATC and later UNAG were given representation in the “quasi-legislative,” appointed body, the Consejo del Estado (Council of the State), alongside other mass organizations, political parties, and private sector organizations, and in this way both engaged in formal policymaking (Vanden and Prevost 1993).

Both the ATC and UNAG worked to defend the rights of their constituencies and deepen agrarian reform as it was rolled out over the initial years of the Revolution, which was an extremely important dimension of the revolutionary project. While the ATC and

⁴ This is emblematically represented in one of Sandino’s most famous quotes: “Solamente los obreros y campesinos irán hasta el fin” (“Only the workers and peasants will go to the end”).

UNAG both pushed for agrarian reform, their work differed as per the constituencies they served.⁵ As the ATC represented landless rural workers, much of their focus was on securing land for their constituents and unionizing landless agricultural workers, particularly on state-owned farms (Luciak 1995; Serra 1985). UNAG, as the representative of private small and medium producers, focused efforts on access to productive resources for producers (e.g., land, credit, and technical assistance) as well as organizing producers into cooperatives (Ruchwarger 1987). Both organizations joined with other mass organizations in fostering socioeconomic projects, supporting national defense, and facilitating direct and participatory democracy through not only their positions in the Council of the State as representatives of the popular majority but also within their organizational ranks and relationships with the communities in which they worked (LaRamée and Polakoff 1997; Serra 1985).

The second factor that must be taken into account is the priority of food security during the Revolution. At the onset of the Revolution, the Sandinistas inherited a significant food insecurity problem, in part attributable to the lack of production in the years of insurrection but more deeply a result of the structural conditions of the Somoza dictatorship and its approach of export-led development. Thus, one of the immediate and most critical goals of the Revolutionary government was reviving production. While food self-sufficiency was not necessarily the strategy of the Revolutionary government at the beginning, it became a goal immediately following the suspension by President Ronald Reagan of a US wheat shipment in April of 1981 (Austin and Fox 1985; Collins 1985).

⁵ See Deere and Marchetti (1981) for a discussion of the ATC's early organizing and actions; Ruchwarger (1987) for a discussion of UNAG's work; and Deere, Marchetti, and Reinhardt (1985), LaRamee and Polakoff (1997), Luciak (1995), and Serra (1985) for descriptions of the role of the ATC and UNAG in the Revolution.

This was further compounded in the years that followed by the onset of the counter-revolution in 1982, which sought to undermine food security as one of its strategies, especially in conflict-ridden war zones in rural areas (see Guharay and Ruiz 1997), and later by the US-imposed economic blockade in 1985.

Food security, for the new government, was directly linked to its fundamental goals of strengthening national sovereignty and creating a “New Economy” that would lead to a more egalitarian society (Biondi-Morra 1993).⁶ The Sandinista government began to introduce policies aimed at eradicating hunger and strengthening national food security in the early 1980s. In 1981, following the suspension of the US wheat shipment, the government began formulating a strategy to achieve food self-sufficiency, and, in 1983, coined by the government as the “Year of Struggle for Peace and Sovereignty,” the Programa Alimentario Nacional (National Food Program, or PAN) was officially created via government decree.⁷ As Cáceres and Lacayo (2010) explained, PAN was “the first government initiative in Central America that included a structural vision of the food question,” further stating that, “With PAN, for the first time, the Nicaraguan state legally and institutionally committed itself to the right to food, which had been recognized by the Declaration of Human Rights in 1948” (p. 35).

The overarching goal of PAN was to, “[achieve] food security for the Nicaraguan people through self-sufficiency in basic grains and the creation of a distribution and commercialization system based on the interests and participation of the masses” (Austin

⁶ See page 31 of Biondi-Morra (1993) for an excellent description of where food security fit within the overall framework of national goals and the role, objectives, and strategy of MIDINRA to achieve these goals.

⁷ A copy of the decree can be found at:

<http://legislacion.asamblea.gob.ni/normaweb.nsf/b92aaea87dac762406257265005d21f7/0c77cf2c718ab6df062570cb0059215c?OpenDocument> (Accessed 14 November 2013).

and Fox 1985, p. 405, citing PAN 1981). Owing to the importance of the priority of food security, the vice-minister of the Ministerio de Agricultura y Desarrollo Rural (Ministry of Agriculture and Rural Development, or MIDINRA), was put in charge of PAN.⁸ The main strategy of the Sandinista food security project was to increase both the availability of food as well as physical and economic access, and this was accomplished through an elaborate system of programs and initiatives. The state-owned, food-marketing enterprise, the Empresa Nicaragüense de Alimentos Básicos (Nicaraguan State Enterprise for Staple Foods, or ENABAS), took a four-pronged strategy of managing imports, domestic procurement, wholesaling, and managing retail food outlets to create more economic access (Austin and Fox 1985; see also Austin, Fox, and Kruger 1985).⁹ The availability of food was addressed primarily through increased production according to the PAN food security strategy, which argued that “...food security would only be achieved in the medium run by increasing yields and extending basic grain area to higher quality lands, a process directly linked to agrarian reform” (Austin and Fox 1985, 408). Land reform was thus accompanied by other measures to accelerate production, particularly modern agricultural technology combined with technical assistance and credit (Austin and Fox 1985; Biondi-Morra 1993). Finally, it is also important to mention here that the Nicaraguan office of the Food and Agriculture Organization of the United Nations (FAO) was established in 1982 and provided assistance to the Sandinista government in their

⁸ Interview with FAO official, 6 July 2012. He further explained that MIDINRA “was a *very* powerful ministry, after the budgets of the Ministry of Defense and the Ministry of the Interior, the budget of the Ministry of Agriculture was third highest.” He further state that, “...almost the entire agroindustrial sector, all of this, was contained in this super ministry. I have not known another ministry anywhere else that had all of this, except the ministries of extinct socialist countries...but here everything was encompassed in this ministry.”

⁹ Retail food outlets included state-owned People’s Stores, state supermarkets, privately-owned neighborhood shops approved by the state, and Workplace Commissaries organized by unions to increase access to food and this supplemented by price controls, subsidies, and expansion of employment (particularly in the public sector) (Austin and Fox 1985; see also Austin, Fox, and Kruger 1985).

quest for food security and with PAN, not in the form of food assistance at this time but rather studying the phenomenon of food security and creating reports and other forms of documentation.¹⁰

Revolutionary Nicaragua, Transnational Exchange, and Movements

The atmosphere of Revolutionary Nicaragua, in a sense, must be looked at as a site of the evolution and sharing of revolutionary and innovative ideas and experiences amidst increasingly challenging conditions. A defining feature of the nation was the mounting challenges that it faced in growing its revolution, the most important of which were the counter-revolution and the economic blockade, both of which fundamentally led to the downturn in the national economy that characterized the second half of the 1980s. A critical development that emerged was the necessity for productive resources. The Sandinistas, like the Somoza regime, subscribed to the productivist model of agricultural production based on Green Revolution principles, and the adoption of modern technological inputs was encouraged by state policy (Biondi-Morra 1993; Austin and Fox 1985). While the state farms, which were the product of the nationalization of properties once belonging to the Somoza family and their elite supporters, were modernized production operations, the challenge of agrarian reform was the adoption of this technology by peasants, who were being organized into cooperatives (one of the functions of the ATC and UNAG). One of the main factors that hindered this process was a lack of knowledge and/or training on how to use the technology. This situation was explained by one study participant:

¹⁰ Interview with FAO official, 6 July 2012.

...because during the Revolution, in the 1980s, policies were in favor of the rural sector in terms of land tenure and agrarian reform. Land tenure was accompanied by a technological package [of] tractors, chemical inputs, hybrid seeds – the same story but with the exception that this beneficiary had no education nor skills to carry out this package. So, tractors that were broken were left lying in the fields, many times we did not apply the inputs that were given – we took them to the market [to sell] – we did not apply them in the fields and the seeds, well, they were used and planted but without fostering skills. I am not saying that the farmer was ignorant, but he was made to work the land with only an *espeque*¹¹ and the land and not with a package, which required more advanced knowledge to be able to use the entire package.¹²

The counter-revolution and the economic embargo further complicated the difficult task of encouraging the adoption of modern productive technology among peasants in rural areas. One participant explained that,

[Because of the war] resources could not be brought to the farms and, furthermore, there were shortages at certain times, and if there were [resources], they were brought for the state enterprises...but in other zones...they could not bring inputs because they were war zones.¹³

Another participant explained the impact of the embargo further on the availability of agricultural inputs:

This economic blockade paralyzed some areas of the country where there was traditional production or agro-export production. For example, we produced cotton, so the blockade forced us to reduce the number of applications [of pesticides] that were made to cotton and other things. Things like this happened.¹⁴

Food, as one study participant explained, became “a serious issue” and the government tried to manage the situation in different ways, particularly through agricultural modernization to increase production, notable of which, according to interviews, were large-scale irrigation projects.¹⁵

¹¹ An *espeque* is an artisanal tool that peasants use in Nicaragua to plant.

¹² Interview with Biolatina representative, 30 May 2013.

¹³ Interview with Biolatina representative, 30 May 2013.

¹⁴ Interview with ATC representative, 9 August 2011.

¹⁵ Interview with SIMAS representative, 9 March 2012.

During this time, the nation was also characterized by increasing exchanges between Nicaraguans and the foreigners who came to the nation to both witness the state and party-supported national experiment in agrarian reform and food self-sufficiency and express their solidarity with the Revolution. With its emphasis on social transformation and the building of “an agricultural system of economic and democratic justice, of participation, promotion of horizontal values,” international exchanges began to take place,¹⁶ as explained in the following:

All of this, of course, was an attraction and many people from the region and the world came to Nicaragua to live that experience, to know it, to study it during the 80s and 90s. Exchanges were produced and they were exchanges mainly with peasant organizations in Central America...¹⁷

These exchanges were the vehicles through which ideas and dialogue emerged between foreigners who came to Nicaragua, not only those of other peasant organizations, as stated in the quote above, but also representatives of international cooperation organizations who came to Nicaragua to support the Revolution. This occurred within the broader context of the Nicaraguan international solidarity movement. Countless *extranjeros* (foreigners) came to Nicaragua and this particularly became the case in the mid-1980s with the escalation of the US-supported counter-revolution and economic blockade imposed by the US and the subsequent economic downturn, all of which generated increased international sympathy and solidarity with Nicaragua.

It was in this context that the first ideas for food sovereignty and LVC emerged. Through exchanges with foreigners, ideas that were circulating within the Nicaraguan

¹⁶ Edelman (1998) also commented on this phenomenon, observing that UNAG became one of the most consolidated peasant/farmer organizations in Central America, regularly welcoming visitors from other regional farmer organizations to share experiences, and thus serving a hub of activity for activism and knowledge-sharing.

¹⁷ Interview with ATC representative, 9 August 2011.

Revolutionary context began to evolve and have more shared meaning. Among these was the concept of sovereignty and how it was applied to food. One study participant dates the emergence of the concept of food sovereignty back to the early 1980s,¹⁸ while several others to the mid-1980s. One study participant reported that,

The first ideas, at least that I heard, were in 84-85 with the triumph of the Revolution and exchange with Cubans, Brazilians, some Hondurans. We were speaking of the term ‘food sovereignty,’ but later we fell into a period of time in which everything that the government wrote and said was food security. We continued struggling because food security is one thing and food sovereignty another. Because the difference is that, [with] food security, food is brought to you where you are. It comes from where it comes. It’s what the Alliance for Progress does. It is sent to you and there it is. Neither the quality nor where it comes from matters, but this makes you dependent because you lose your production capacity, while sovereignty, for us is deciding what you want to eat, choosing your production system, and having possibilities of producing, of having the basics, the essential things in your locality, in your place. This is sovereignty for us – that you do not depend on wheat that comes from Russia.¹⁹

Another participant further highlighted the importance of the concept of sovereignty to the Nicaraguan context during the Revolution and how it was applied to food, stating that,

...sovereignty was a big word for us at that time because it was sovereignty of the country, it’s a counter-revolution, so sovereignty was a very easy word to use. *Soberanía* [sovereignty], *soberanía* [sovereignty], as Sandino said to us *soberano* [sovereign], *soberanía* [sovereignty]. Some people just applied it to *soberanía alimentaria* [food sovereignty]. It’s a freedom to grow your food and everything...²⁰

Parallel to these emerging ideas of food sovereignty within the broader context of the meaningfulness of the idea of sovereignty within the Revolutionary context (and indeed historically), and of the challenges posed by the Revolution with regard to production and access to resources, the formative ideas for LVC also surfaced in

¹⁸ Interview with SIMAS representative, 9 March 2012.

¹⁹ Interview with UNAPA representative, 16 August 2011.

²⁰ Interview with SIMAS representative, 9 March 2012.

exchanges between a Dutch cooperation agency and peasant organizations. A representative of the ATC explained that the situation of external debt that Nicaragua facing during the 1980s coupled with the economic embargo and costs of fighting the counter-revolution resulted in the mobilization of both peasants and “*compañeros*”²¹ who came from different parts of the world,” in particular a Dutch cooperation agency, AGRITERRA that focused on the issue of land as a necessity.²² It was further explained that,

After, [the idea about land] was reconsidered and it was considered that neither the land nor agriculture was the subject. The individual was the subject and [it was] individuals were going to be the ones to rescue knowledge from the peasant sector. We needed a path for this peasant and there emerged Vía Campesina. It was working – this was product of a state of scarcity because at this time we were in the ‘Nicaragua Must Survive’ campaign. It [was] an international campaign...Limitations [resulting from the blockade] were giving us this concept [of food sovereignty] and it was very much coined by the Dutch, or rather a Dutch bank called Rabobank...and like this the first steps were taken in the construction of this concept that it was not only land or agriculture – it is the man that lives there, who lives there, who is the subject, the peasant, native knowledge, and the possibility of being knowledgeable about their environment – of assessing it. This means supporting a path, and it was La Vía Campesina that resulted.²³

A UNAG representative also referenced the initial actions to establish LVC and the involvement of the Dutch, stating:

I remember a Dutch man that was here in 1983 to 1999 in UNAG...he promoted the founding of Vía Campesina in Holland. This emerged in Holland in exchanges that were organized by different partner NGOs for the development of an association to strongly raise the voices of farmers, as they had been raising them for many years – like 44 or 45 – to argue a better price for farmers. At that time there was a foundation that was the only registered institution for fair [trade] coffee and that included producer organizations from the south with commercial links with companies in the north, so they were the Dutch. So we began work in

²¹ In this case, the translation would be “partners” or those who supported and accompanied the mobilization.

²² Interview with ATC representative, 9 August 2011.

²³ Interview with ATC representative, 9 August 2011.

Central America on how to begin coordinating in the south. So, the foundation was with the ATC and UNAG.²⁴

Another important development in this period was the emergence of different debates over production models, particularly with respect to the Revolution's emphasis on agricultural modernization. As one study participant explained, on the one hand this system was justified by some, who argued that, "it doesn't matter because we need food because it is a wartime"; however, as the participant further explained, "All this generated lots of people [saying] that this is not the way to go about producing food. What about *campesino* [peasant] agriculture? What about agroecology?"²⁵ Faced with the challenges of accessing technological inputs, new approaches to production began to be investigated, as explained by another participant:

So, the non-existence of many pesticides, both for cotton and other crops, forced research centers to look for ways to combat [diseases and pests] and to seek native knowledge and this led us to the necessity of producing more native knowledge than importing intermediate goods for production.²⁶

With respect to these new modes of production, two movements in the latter half of the 1980s were both influential in the debate and practice of alternative approaches to agriculture, the philosophies and actions of which were reported to have influenced the evolution of the food sovereignty concept and LVC. Common to both of these movements was their adherence to principles of agroecological and sustainable agriculture.²⁷ The first of these was Campesina a Campesino (Farmer to Farmer; hereafter

²⁴ Interview with UNAG representative, 7 June 2012.

²⁵ Interview with SIMAS representative, 9 March 2012.

²⁶ Interview with ATC representative, 9 August 2011.

²⁷ It must be pointed out here, however, that the movement for agroecology and sustainable agriculture dates back to the early 1980s in Nicaragua, as described by one study participant (interview with SIMAS representative, 9 March 2012) and reported in Cáceres and Valverde (2011), who state that, "Between 1982-84 the promotion of agroecological and organic agriculture as a mode of agricultural production began, driven primarily from the efforts of international nongovernment organizations, small producers

referred to as CaC). In 1987, with the support of other organizations, UNAG began work to establish a CaC project based on principles of agroecological agriculture and traditional peasant knowledge disseminated through farmer exchange, which led to a broader CaC movement in Nicaragua housed under UNAG.²⁸ This movement first came to Nicaragua in 1986 in the midst of the difficulties from the economic blockade and burgeoning international solidarity with Nicaragua, as explained in the following:

So, the heat of all of this led to the developing of an interesting experience because in Guatemala there existed an experience of transferring knowledge between rural communities and this knowledge and this experience was reproduced in Mexico. From Mexico, people in solidarity with Nicaragua brought this experience because methods were used that – it is a little like Popular Education – only applied to the links in peasant production and the rural market and of rural intermediate goods that are not finished goods – like how to make fertilizer, etc. This agroecological approach was brought to Nicaragua from Mexico and from Nicaragua it was taken up by the Cubans at the time of what they call the ‘special period.’ In Cuba the Campesino a Campesino movement was converted into state policy...²⁹

Another CaC/UNAG representative further recounted the story of the movement’s growth in Nicaragua:

In 1986 UNAG met an organization in Mexico. They were working in the Vincente Guerrero zone. So some [members of] UNAG went there...they learned about the work that was being done there, like soil [and] water conservation, worked with promoters, the methodology of Campesino a Campesino. They decided to send a group of peasants from Boaco, Santa Lucia, and Pochocuapa. The peasant group went to Mexico for 8-10 days...and later came back to create a farmer experiment and the program in Nicaragua began in 1986 and those of us from San Ramon visited Boaco [and] Santa Lucia and we learned about their work and we met some producers to train and they later became producers. The methodology has been through exchange, exchange, farmer experimentation...³⁰

organized in national NGOs, trade unions, cooperatives, and certification and marketing agencies. All of these efforts, although disperse, [are] those that have promoted the growth of the subsector” (p. 7).

²⁸ See Holt-Giménez (2008) which provides a rich and descriptive study of the Campesino a Campesino movement.

²⁹ Interview with ATC representative, 9 August 2011.

³⁰ Interview with CaC/UNAG representative, 7 June 2012.

The second movement to emerge in the late 1980s was the Movimiento Ambientalista Nicaragüense (Nicaraguan Environmental Movement, or MAN). MAN emerged in 1989 as the result of what one study participant described as being the “crystallization of many years of seeing how existing environmental disasters were caused and brought to public attention,” and, in recounting the emergence of the movement, the participant further explained:

Remember that Nicaragua at that time had the sympathy or solidarity or political militancy, a young revolution, a revolution made by young people, a guerilla that had been in the *campo*³¹, so there was much passion in everything; therefore, here you encountered all the nationalities of the world working in the *campo* and logically creating an environmental movement. Us as well – we were nourishing ourselves inside this environmental movement of struggles that they had in other countries. If, for example, in Europe the struggle was that of nuclear plants, for us it was the fight against cutting down trees and not polluting water sources...our problem here was that of not polluting water, of not cutting down trees, and protecting the resources that secured our future.³²

In relating the history of MAN, it was explained that this had to be viewed in the context of the legacy of agro-export development and the introduction and promotion of Green Revolution technology to stimulate production both before and during the Revolution. Several key environmental issues were cited as having emerged during the Revolution, as mentioned above, including cutting down forests to create space for agricultural production and water pollution (from the manufacture and use of agrochemicals). In addition to these, the use of improved seeds, which required more agricultural inputs (e.g., water and agrochemicals), and huge irrigation projects that were implemented during the Revolution with assistance from Cuba and Mexico, among other countries, were also among those concerns addressed by the activists and different

³¹ Countryside or rural area.

³² Interview with Biolatina representative, 30 May 2013.

professional associations that comprised MAN.³³ In opposing the industrial model of agriculture that characterized Nicaragua and was argued to be the culprit of environmental degradation, MAN, according to one study participant, “had to be proactive,” and further stating that,

...if we opposed this conventional production model of the Green Revolution, we had to show alternatives, and these alternatives came within all and many institutions, like the case of UNAG through the Campesino a Campesino movement.³⁴

The Rise of Food Sovereignty

While several study participants reported first hearing the term food sovereignty in Nicaragua in the 1980s, this period was described more as one during which the formative ideas around the concept were emerging and nurtured with the ideas and values of the Revolution, the exchanges between Nicaraguan peasant organizations and those based internationally as well as international NGOs and cooperation agencies, and the emergence of movements like CaC and MAN with their focus on ecological agriculture. The 1990s, on the other hand, was when the concept began to take greater form, namely with the emergence of LVC in 1993 and discussions and debates within the space of the organization. A number of important developments led to strengthening the call for food sovereignty. This resulted from changes following the end of the Revolution as well as other international developments that were unfolding in the early 1990s. The following section examines these developments, beginning with a discussion of the changes

³³ Including the Asociación de Biólogos y Ecólogos de Nicaragua (Nicaraguan Association of Biologists and Ecologists) and the Federación de Juristas Democráticos de Nicaragua (Nicaraguan Federation of Democratic Lawyers) (Interview with Biolatina Representative, 30 May 2013).

³⁴ Interview with Biolatina representative, 30 May 2013. It was further explained in the interview that both UNAG and MAN came together to forge one of the first organic coffee projects on “the slopes of the Mombacho volcano” to experiment with organic coffee, and this project was then extended to the north of Nicaragua in 1989.

resulting from the Sandinista loss in 1990 and the onset of neoliberalism that accompanied the new government.

End of the Revolution, Neoliberalism, and New Challenges for Peasants and Farmers

The 1990 General Election in Nicaragua witnessed a historic change – Comandante Daniel Ortega, the president of Nicaragua throughout the Revolution and the Sandinista candidate, lost the election to Violeta Chamorro of the Unidad Nicaragüense Opositoría (United Nicaraguan Opposition, or UNO), which was composed of a coalition of opposition forces and also the favorite of the United States. Despite controversy over the election, the Sandinistas peacefully handed over the government to the opposition under Chamorro's leadership. Many owe the Sandinista's loss to both the economic disillusionment felt by the people in the latter years of the 1980s when the economy spiraled out of control (with inflation rates reaching 33,000% in 1988) and the Sandinista's responded with fiscal austerity, which resulted in damaging their standing among Nicaraguan citizens, as well as the extension of the military draft due to increased Contra attacks orchestrated by the US under the Bush Administration in 1989 (Vanden 1997).

Upon assuming power, the Chamorro government sought to make good on its campaign promise of fostering economic stability and thus began to take immediate measures to address the economy through a neoliberal approach, embracing Washington Consensus policies (fiscal austerity, trade liberalization, and privatization, coupled with currency devaluation). Structural adjustment proceeded with the signing of a Stand-By agreement with the IMF in 1991, laying the groundwork for the two subsequent Enhanced Structural Adjustment Facility agreements that followed in 1994 and 1998,

respectively. This turn towards neoliberal economic policies initiated a process of rolling back significant reforms made during the Revolution – with fiscal austerity, the social programs that were introduced during the Revolution disappeared, privatization of national enterprises and the land market ensued, and a renewed focus on liberalization and market-based economic growth became the central development model.

The new social and economic policies of the Chamorro government, as they began to be introduced in 1990 and strengthened throughout the duration of the administration and those that followed, had significant implications for the peasant and rural sector. While such consequences have been documented in the literature (see, for example, Enríquez 2010 and Jonakin 1997), study participants identified a number of impacts in interviews. In addition to the cutting of social welfare programs and government-sponsored social benefits (i.e., education, healthcare, transportation, food programs, etc.), access to productive resources diminished with the disappearance of agrarian reform programs established under the Revolution. Several resulting implications were also cited, including the weakening and disappearance of cooperatives, reduction in the amount and availability of credit,³⁵ and the concentration of land.

Furthermore, while the availability of productive inputs was a challenge during the Revolution. As discussed above, market liberalization favoring international exchange, coupled with currency devaluation, led to making productive inputs very expensive, thus limiting the ability of especially peasants and small producers to economically access these needed inputs.³⁶ The logic of the market-based approach led to what is referred to among Nicaraguans as the “dislocation of the agricultural sector,” as

³⁵ “Credit only went to people who could afford it” (Interview with FAO official, 6 July 2012).

³⁶ Interview with SIMAS representative, 9 March 2012.

the focus shifted to the external market and not the internal market, thus Nicaragua “began to try and import and not stimulate rural production.”³⁷ The result of which was “the phenomenon of migration” as “certain rural population centers moved closer to urban areas [and] other sectors began to migrate to Costa Rica and others to El Salvador and others to the United States.”³⁸ Another effect of neoliberal reforms was a change in the division of labor, as explained in the following:

...we entered a difficult period. We still remember the neoliberal orders that stripped peasants and agricultural workers of their main role as producers and suppliers of food for the people. In exchange, they suggested that we leave the country or that we dedicate ourselves to producing brooms, tiles, and other nontraditional items for export. This is to say, the Nicaraguan producer of primary material, the Nicaragua farmer and peasant, by the stroke of a pen, was ignored without receiving training to reintegrate themselves into production or the service sector within the international division of labor.³⁹

As a result, peasant and rural organizations, which had played important roles in the Revolution, faced new challenges with the onset of the neoliberal government and the policies that it introduced that stood to reverse the advances made in the agrarian sector, especially for peasants and small and medium producers, during the Revolution. In response, new peasant and rural organizations emerged in an attempt to defend the principles and rights of the peasant and rural masses. These included the Federación Nacional de Cooperativas Agropecuarias y Agroindustriales (National Federation of Agricultural and Agroindustrial Cooperatives, or FENACOOOP) and the Unión Nacional Agropecuaria de Productores Asociados (National Union of Associated Agricultural Producers, or UNAPA). FENACOOOP was established in 1990 and focused on defending and strengthening the cooperative sector. UNAPA was created 1992 in response to land

³⁷ Interview with MAF representative, 27 July 2011.

³⁸ Interview with MAF representative, 27 July 2011.

³⁹ Interview with ATC representative, 3 April 2013.

re-distribution reforms made by the Chamorro government that adversely affected peasants, thereby bringing together small producers to defend peasant production and also focus on strengthening the significantly weakened cooperative sector.⁴⁰ In addition to these organizations, the Grupo para la Promoción de Agricultura Ecológica (Group for the Promotion of Ecological Agriculture, or GPAE) was formed in 1994 and initially had some 70 member organizations from the rural and civil society sectors.⁴¹ UNAG continued its CaC program and also participated in the founding of one of the first instances of transnational peasant organizing, the Asociación de Organizaciones Campesinas de Centroamérica para la Cooperación y el Desarrollo (Central American Association of Rural Organizations for Cooperation and Development, or ASOCODE) in 1991. UNAG, as described by Edelman (1998), was the most consolidated of the Central American peasant organizations at this time and played a central role in ASOCODE, housing the organization's first regional headquarters.⁴²

⁴⁰ Personal communication with MAF representative, 7 February 2013. As UNAPA (N/d) reports, UNAPA was created by an initiative of the ATC, with whom the organizations remains affiliated. Here it is also important to introduce an important distinction in the Nicaraguan peasant/farmers movement. As Vasquez explains in Holt-Giménez et al. (2011), "In Nicaragua, there is a difference between the agrarian activist sector and those known as sustainable farmers; one of the reasons is the different origins of each of these sectors: the so-called agrarian activists or farm advocacy leaders have a rights-based motivation, while sustainable or agro-ecological farmers centre their objectives and tasks on purely productive techniques of agriculture as an alternative to conventional agriculture. Demands made by agrarian activists are usually politically pressing. In contrast, agro-ecological advocates promote more gradual processes like learning and traineeship, while confronting the conventional agriculture model for farming activity, which refuses to change despite the alternative changes made on the farms of thousands of smallholder families. Another element to consider in the nature of these movements is the role of foreign aid in the agendas and processes that agro-ecological advocates promote. The agro-ecological movement in Nicaragua owes its development to the protagonism of the different NGO actors and farm organisations involved" (p. 212). In this sense, organizations like UNAG and the ATC and UNAPA must be seen as more activist while CaC, as Vasquez later points out, should be seen as a sustainable farmer organization. This explains more convergence of some peasant/farmer organizations with CSOs/NGOs than others.

⁴¹ Interview with GPAE representative, 15 August 2012. This study participant further noted that membership decreased over time to 37 members in 2003.

⁴² As discussed in Chapter 2, the basis for the founding of ASOCODE was the common acknowledgement that peasant organizations in the Central American region faced similar challenges, including, but not limited to, the effects of violence and conflict that characterized the region in the 1980s; the implications of market-led reforms on rural communities, peasants, and production; the effects of agricultural

A deepening challenge that began to be noted was that of food security, as one study participant explained in the following: “After the Sandinista Revolution, [the market] was opened. And in this sense the state played a role in the 1980s and the state played another role in the 1990s. So it is here where we began to see difficult processes in the population with access to food.”⁴³ During the Revolution, as another study participant stated, despite the economic crisis that characterized the second half of the 1980s and taking into account the food security focus of the Revolutionary government described above, “Within this entire context, the people with the most limited resources always had access to food at a price that they could more or less manage”; however, in the 1990s, this changed, as the participant further explained:

...the focus of the governments that we had [in the 1990s] was to export more, that’s what it was, but export more to make the country a little more solvent. So the production of food was not seen as sufficiently profitable. Why? Well, corn, rice, and beans were at this time for an important segment of families, meaning they were around almost 2 million Nicaraguans, growers of basic grains. So, in poor technological conditions, meaning degraded seeds, tired soils, meaning not the best. In some cases the people were growing with hybrid seeds that were not technologically managed well, so low productivity.⁴⁴

Against this background of limited access to productive resources (especially for peasant producers), the phenomenon of rural migration, poor agricultural productivity in the peasant sector, and the orientation towards market-led development focused on exportation and international trade, Nicaragua began to import food. As one study participant reported,

Beginning in 1993, Nicaragua began to import food. In our country – an agricultural country, being an agricultural country, its population masses being completely rural, and so it began to import food – import rice, import corn, import

modernization and Green Revolution technologies on both production and environmental quality; and the marginalization of grassroots groups from policymaking (Edelman 1998; see pp. 37–38 of Chapter 2).

⁴³ Interview with UNAG representative, 7 June 2012.

⁴⁴ Interview with FAO official, 6 July 2012.

beans. Beginning in 1993. It's to say that the effect of opening the market that the government at this time began, in general [this] began to affect the small producer.⁴⁵

In light of the increasingly difficult food security situation marked by challenges in accessing food as well as poor agricultural productivity, a UNAG representative reflected on different approaches were taken to address the situation: one on the part of international organizations, nongovernment organizations (NGOs), and international cooperation agencies and another on the part of peasant organizations:

So, programs were created with the support of the FAO, with the support of many international cooperation organizations, whether official or bilateral, or we say, through mechanisms of NGOs, or nongovernment organizations, that contributed with agricultural development programs. In this sense, to permit the population with more direct access in case of food shortages. From there a discussion began as to whether a rural family could live on \$1 per day, on \$2 per day, or \$1.50. In this way, various mechanisms were created to understand this situation of food production and food supply.

Other movements of organizations from Brazil, Central America, the Caribbean, Europe, the United States, and Africa created a worldwide mechanism for dialogue, management, and advocacy that is now known as *Vía Campesina* that lobbies in northern countries together with the countries of the south, like organizations of the North and organizations of the South, and they began to debate whether the issue of food security was sufficient. So, it was taking up an idea, more than policy but rather like a more ideological connotation represented by the voices of different organizations about the problem, that food security is nothing more than a very specific aspect of food and that the bigger problem is sovereignty.⁴⁶

The Founding of La Vía Campesina and the Early Articulation of Food Sovereignty

The birth of LVC and its assessment of the problem of food security – which laid the basis for the articulation of the concept of food sovereignty – occurred in the context of “advancing globalization...[and] as the approach of the global struggle.”⁴⁷ The movement emerged within the space created by transnational peasant organizing in the

⁴⁵ Interview with MAF representative, 27 July 2011.

⁴⁶ Interview with UNAG representative, 7 June 2012.

⁴⁷ Interview with UNAG representative, 7 June 2012.

early 1990s in Latin America. Nicaraguan peasant and farmer organizations played a fundamental role in this process, particularly the ATC and UNAG. As described above, Nicaraguan organizations began to mobilize transnationally alongside other peasant and farmer organizations, which can be seen in one sense as having its roots in the transnational exchanges that occurred in the 1980s, a process that was deepened in the 1990s.

Several important international developments that occurred in the early 1990s were cited as factors that spurred the mobilization of peasants. These included the commemoration of Columbus' arrival to the Americas and also the convening of the Rio Earth Summit, both of which occurred in 1992. Connecting these events to transnational peasant activism, it was explained that:

Two things happened at the beginning of the 1990s. The celebration of Christopher Columbus' arrival to the Americas. The Latin American nations inspired by the neoliberal wave with the exception of Cuba prepared to celebrate this historic moment, 500 years since the beginning of a savage colonization that eradicated from our countries all the culture of millennia. Parallel to the official acts, the rural movements, the afro-descendants, and especially indigenous communities, with much reason, united to commemorate 500 years of resistance, [and] to this popular sectors were added. Different rural organizations congregated on the occasion of the Rio Earth Summit in 1992. Here there was an official meeting and other parallel meetings. The rural sectors and indigenous met in Vitoria in the state of Espiritu Santo in Brazil.⁴⁸

The exchanges between peasant organizations at the Rio Earth Summit led to the formation of a regional peasant network, the Coordinadora Latinoamericana de Organizaciones del Campo (Regional Coordination of Latin American Rural Organizations, or CLOC) in August of 1992.⁴⁹ This was another early instance of

⁴⁸ Interview with ATC representative, 3 April 2013.

⁴⁹ Interview with ATC representative, 3 April 2013. CLOC went on to become a member of LVC as a network that represented Latin American peasant organizations at the regional level. In this sense,

transnational peasant organizing in which Nicaraguan peasant organizations strongly participated.

While the Rio Earth Summit had yet to pass, and with it the emergence of CLOC, it was within this context that an important event took place that led to the creation of the LVC: An international meeting was convened by UNAG in Managua, Nicaragua, in late April of 1992 – about two months before the Rio Earth Summit – in commemoration of the organization’s 10-year anniversary. It was at this meeting that “peasants from Latin America and Europe...took advantage [of this opportunity] to reflect on the situation of the peasantry and bring work agendas closer together and to identify a way to take action together.”⁵⁰ From there the entire process to give form to LVC was initiated, as explained by one study participant who noted the significant role of Nicaragua in this process:

Nicaragua is practically the founder of Vía Campesina and La Vía Campesina began to be spoken about here in 1992 and in 1993 Vía Campesina was formed in Belgium, but it emerged from a discussion in Nicaragua because here they convened a meeting – for the anniversary of one of the farmer organizations of Nicaraguan producers. Many campesinos from around the world were invited to this meeting by this organization and the entire debate began [around] alternatives because the problems were the same. The campesino had a lot of problems that did not differ no matter whether they were from Europe, Asia, Africa, or America. The problems were the same.⁵¹

Common problems facing peasants and rural communities included “the collapse of the Green Revolution, the worsening [condition] of peasant agriculture, the emergence of agribusinesses, the absence of Agrarian Reform, and the impoverishing of thousands of

membership in LVC must be looked as comprising layers with LVC at the transnational level comprised by regional networks of national organizations, like CLOC, and also national organizations.

⁵⁰ Interview with ATC representative, 3 April 2013; Also see the “Managua Declaration,” the primary document that emerged from this meeting (Vía Campesina 1992).

⁵¹ Interview with ATC representative, 4 August 2011.

peasant families in the world.”⁵² The discussions around these common challenges, “led to the search for a different route”⁵³ to address them. It was in the context of these discussions in 1992 and the search for alternatives that the formative discussions about food sovereignty began, even if it was not coined as such at the time.⁵⁴ Furthermore, at the time during which these debates and exchanges that led to the founding of LVC were taking place, there was another important process being carried out, and that was the Uruguay Round of GATT negotiations. As discussed in Chapter 2, the issue of the liberalization of agriculture was a featured subject of these negotiations. While the Uruguay Round was still underway at the time that LVC was formed, a MAF representative explained that,

We as La Vía [Campesina] were not far from this reality and approach. So, it was the need that arrived to our organizations of trying to create, of articulating an instrument at the international level that could be an international arm and that could be an approach in this forum – and this was what brought La Vía Campesina to create itself and articulate itself at the international level.⁵⁵

As documented in the literature and also explained by study participants, the outcome of the 1992 Managua meeting was the official founding of LVC in 1993 at a meeting in Mons, Belgium.⁵⁶ Following the creation of LVC, discussions concerning alternatives to address the challenges facing peasants and rural communities continued at

⁵² Interview with ATC representative, 3 April 2013. See also Desmarais (2007) for an in-depth look at the founding of La Vía Campesina; however, as was pointed out by participants in this study, this version of the history is contested by some Latin American members of LVC as not being accurate. In reviewing the list of people who she interviewed for her study, while there were several interviews with representatives of Central American organizations (namely Rafael Alegría in Honduras, another technical assistant to LVC in Honduras, a representative of ASOCODE/LVC in Guatemala, and a representative of a Costa Rican peasant organizations), Latin America – apart from Mexico – is highly under-represented in the sample. The curious lack of representation from this region, particularly in light of the roots of the transnational movement being located in Latin America, is thus noted as a gap in the history that perhaps explains the controversy over her version of the history and warrants further investigation.

⁵³ Interview with ATC representative, 3 April 2013.

⁵⁴ Interview with ATC representative, 4 August 2011.

⁵⁵ Interview with MAF representative, 27 July 2011.

⁵⁶ See the “Mons Declaration” (Via Campesina 1993).

the 2nd International Conference of LVC in Tlaxcala, Mexico, in April of 1996, just six months or so before the 1996 World Food Summit (1996 WSF) in Rome, Italy.⁵⁷ It was here that important discussions of the limits of the dominant agrifood system and the concept of food security were more deeply addressed and were, over the months that followed, articulated into a platform that was introduced at the 1996 WSF, as an ATC representative explained in the following:

In the midst of these debates, VC delegates proposed openings and solutions. This was about halfway through 1996, in Tlaxcala, Mexico, at the Second International Conference of the recently organized *Vía Campesina*, with representation from 69 organizations from 37 countries, from the 18th to the 21st of April. It permitted a profound analysis of the nature of *Vía Campesina*, of its dynamic and proposals. It was evident that food production required direct action, that food was a weapon in the hands of an empire and that satisfying the necessity of feeding the planet was urgent, and food security programs were very uncertain, lacked a productive logic, and were rather directed towards humanitarian ends. The model of agroexport production needed to be contrasted with a different agrifood strategy, more focused on the local, satisfying the local demands and not focused on exportation. Moreover, it was important to achieve access to land and territory through a real and effective Agrarian Reform. The discussion closed with these points of reflection, and *La Vía Campesina* continued with the debate as in the coming months the World Food Summit was going to be held in Rome from November 13th to 17th. At this time, civil society held a parallel meeting. There *La Vía Campesina* shared its analysis, which at the beginning was not approved by attendees, who continued to defend the proposal of food security.⁵⁸

However, as another ATC representative explained, while the literature often cites the concept of food sovereignty as being introduced at the 1996 WSF, the concept was still being developed within the peasant movement – rather it was more precisely the issue over the trade-based approach to food security, supported by the FAO at the time, and its effects on the sovereignty of people:

The issue that was brought to Rome was not exactly food sovereignty. What was brought to Rome was the discussion about food security and sovereignty, which was a product of the famous meetings of the WTO, because the WTO always

⁵⁷ See the “Tlaxcala Declaration of the *Vía Campesina*” (*Vía Campesina* 1996a).

⁵⁸ Interview with ATC representative, 3 April 2013.

argued that it was food security – the World Trade Organization – that had to create food reserves for food security, no matter what happened, there was reserves, that countries according to their external debt could turn to these reserves – this is what was said, meaning trade. Vía Campesina always argued that the WTO should not get involved in agriculture and to take away subsidies for rich countries – that was the approach. What was brought to Rome were two things: that battle of ideas between what the WTO said and what Vía Campesina said, but the idea of food sovereignty was developing within the peasant movement as a right of survival, of subsistence and as a fight against readjustment and as a fight against transnationals that had been installed in Costa Rica for a long time, since before 90. Costa Rica is into monocultures, tourism, etc., while we [Nicaraguans] were in armed struggle. El Salvador adopted the dollar and also Ecuador, Panama as well. All these economies were suffering a dislocation of agricultural production...The concept of sovereignty was already underway among the people – we are no longer sovereign, we were dominated, we were invaded. What was brought to Rome was the debate between the concept of sovereignty and food security. That was what was brought up. Because, moreover, the FAO is a community of experts, but they respond to government ministers and the governments who were precisely applying the food security package at the time and this is what they were applying. Here what arrived were the two concepts, one pushed by peasant movements and another pushed by the officers of all that had historically been indoctrinated by the WTO.⁵⁹

In this sense, the 1990s has to be seen as a period in which the concept of food sovereignty was emerging, taking shape, and being developed within the organizations that participated in LVC as well as in the transnational spaces in which these organizations came together. As a MAF representative described, what transpired at the 1996 WFS was the forging of a common understanding within LVC around certain issues: “[to take] the agricultural system out of negotiations, a demand to rescue our own culture, that the world crisis that was producing...a global crisis...”⁶⁰ and further explained that the product of these discussions and the proposals made by LVC led to the convening of the World Forum on Food Sovereignty in 2001, held in Havana, Cuba. This was the first major conference that addressed food sovereignty after the LVC introduced the term at the 1996 WFS (discussed further below).

⁵⁹ Interview with ATC representative, 9 August 2011.

⁶⁰ Interview with MAF representative, 27 July 2011.

A final factor to note is that, during the 1990s, the international seat of LVC was located in Honduras under the direction of Rafael Alegría,⁶¹ and this in turn positioned the Central American region as a key contributor to the evolving discourse of food sovereignty at the international level, as explained in the following:

Rafael Alegría became the head of La Vía Campesina. Because of this, documentation, reflections, points of view, considerations, meetings, exchanges, debates, youth, women, indigenous, meaning different perspectives were always sent from Nicaragua and Central America to the interior of the [transnational] peasant movement... This is what happened, for this they say ‘birds of a feather flock together,’ and finally what is common to all is to eat, reactivate the family and peasant economy. What is common to all is to improve, to be able to live, reforest, to have water, demand irrigation and assistance policies for the technological development of peasant knowledge – access to scholarships, access to credit – these common interests were feeding the international concept of sovereignty.⁶²

Food Sovereignty in Nicaragua and the Early Movement

While some study participants traced the emergence of ideas and the coining of the term “food sovereignty” to the mid-1980s in Nicaragua, the concept did not begin to take greater shape until the 1990s. This was attributed to not only developments in the international realm and transnational peasant organizing but also to factors firmly grounded in Nicaragua’s historical experience.⁶³ As UNAG representative explained: “...each country had to define the concept, their own roots. Because in the United States or in Europe, they do not have the same roots as they have in Nicaragua.”⁶⁴ Likewise, the movement for food sovereignty in Nicaragua was described as emerging from a

⁶¹ Rafael Alegría was the spokesperson of the International Operational Secretariat (IOS) of La Vía Campesina from 1997 to 2004 when the IOS was located in Tegucigalpa, Honduras. The IOS location rotates regularly among different global regions. It was first based in Belgium, then Honduras followed by Indonesia, and it is currently in Zimbabwe.

⁶² Interview with ATC representative, 9 August 2011.

⁶³ Interview with ATC representative, 9 August 2011.

⁶⁴ Interview with UNAG representative, 12 June 2012.

“combination of local, national, and international contributions.”⁶⁵ In sum, the development of both food sovereignty and its movement in Nicaragua have to be seen in light of specific events and developments at the local and national level in Nicaragua as well as the transnational level, all of which were informing each other.

The concept of sovereignty, as discussed above, was particularly meaningful in the Nicaraguan context, as it had both historical significance with regard to Sandino’s struggle in the early part of the 20th century and was again re-invoked during the Revolution, and both these instances emphasized national autonomy. As such, in discussing the emergence of the concept of food sovereignty in Nicaragua, MAF representative explained at length, stating:

Many explained the concept [of food sovereignty] here after the 1990s with national sovereignty, the issue. Here it had been evolving a lot. Much of this had to do with what occurred in the 1980s, with the social phenomena in Nicaragua in the 1980s. That many thought the concept of national sovereignty, national sovereignty, local sovereignty, and from there is where productive sovereignty took shape – productive sovereignty, territorial sovereignty. Sovereignty is more linked maybe to rights, that after – in these negotiation processes in which Vía [Campesina] emerged, it has taken form as the concept of the capacity that you have in each place, of being have to have autonomy to do thing, of producing, developing your own logic of production...

So this concept of sovereignty has evolved within the coming of this awareness of working in a locality – of advancing, we say, in the same, on the ground, in the territory. So, the concept of food sovereignty has also been emerging, explained as a right, explained, we say, as a human right that synthesizes, that forms part of...of what you do – everything that is demanded is summarized in the concept of sovereignty...The way in which it was accepted at the international level was Vía Campesina. And as an inclusive concept of struggle that became known in 1996 – the concept of food sovereignty – but it evolved here as well – surely in other organizations in Latin America that have gone through a process – the people say sovereignty. This concept that Vía Campesina now knows as sovereignty and hunger. We began to develop it from afar, in Chile, Ecuador, Mexico, and other countries are going to say the same.

⁶⁵ Interview with UNAPA representative, 16 August 2011.

For us in Nicaragua, the concept evolved from 92 because the people said national sovereignty – suddenly they said, man, we need that like now...we need that here, local sovereignty, we need economy, we need territorial sovereignty. Here the issue of the local began to be discussed in 90 to 92 to create consciousness.⁶⁶

This focus on sovereignty in the Nicaraguan context was explained as being attributable to different conditions and developments that deepened throughout the 1990s in Nicaragua and “came to reinforce the ideas of food sovereignty.”⁶⁷ These conditions and developments were mainly due to the consequences of market-led, neoliberal reforms, some of which were touched on in the discussion above: the re-concentration of land as the agrarian reforms of the Revolution began to be dismantled; priority of export markets over peasant production; migration both to urban centers and other countries (which led to the separation of families and the abandonment of children as parents went to work in other places); unemployment; dominance over supply chains by transnational businesses, like Walmart; the introduction of *maquilas* (manufacturing operations in free trade zones); and changes in spending and consumption habits due to social and market reforms.⁶⁸ As discussed above, these factors had strong social and economic implications for peasants and peasant production as well as access to food, as the logic changed from one of producing one’s own to relying on imported food to meet the food security needs of the Nicaraguan population.

Furthermore, in response to the growing issue of food insecurity during the 1990s, the FAO and other international cooperation agencies began to introduce humanitarian aid programs that applied models to “encourage some alternatives for food, to secure food” but these programs represented “the same response that they had always had but

⁶⁶ Interview with MAF representative, 27 July 2011.

⁶⁷ Interview with ATC representative, 9 August 2011.

⁶⁸ Interviews with MAF representative, 27 July 2011, and ATC representative, 7 August 2011.

localized at the micro level that, for example, some projects that in a general way made it possible to provide people in a certain community with inputs...they were assistance programs” and they did not take into account aspects of the local or national context.⁶⁹ In this sense, such programs and initiatives failed to consider the cultural specificities of the Nicaraguan context and this, combined with open markets that introduced non-native foods to the Nicaraguan market, created a focus on the rescue of native food cultures.

The evolution of the concept of food sovereignty in Nicaragua thus occurred parallel to its development within LVC, a process to which Nicaraguan organizations also contributed. Linking the adoption of the concept in Nicaragua to the articulation of the concept by LVC, it was explained by a representative of the ATC that,

The concept was taken up by Vía Campesina and in our case we began to use the term and Vía Campesina’s proposal as our own because it was part of the internal debate that we had in Nicaragua beginning with the many trade agreements, through which came many imported products and the rural sector was significantly weakened. The countryside practically had no alternative, beginning with when food came from outside the country. We saw that it was necessary to reenergize Nicaraguan production, but with proposals and alternatives that were from the grassroots.⁷⁰

As a result, throughout the 1990s, a number of actions were taken to promote food sovereignty, namely with the strategy of introducing the concept through practice.⁷¹ These initiatives were largely reported to have been undertaken by the ATC, UNAPA, CaC, municipal governments, NGOs, and, upon its creation, Mesa Agropecuaria y Forestal⁷² (Agriculture and Forestry Roundtable, or MAF). Important to note here is that

⁶⁹ Interview with ATC representative, 2 April 2013.

⁷⁰ Interview with ATC representative, 4 August 2011.

⁷¹ Interviews with ATC representative, 4 August 2011, and ATC representative, 9 August 2011.

⁷² MAF was formed in 1998-2001 period by six rural organizations as a response to developments in the 1990s that affected rural and peasant producers, particularly land tenure, and also represented a national effort on the part of rural organizations to deepen reconciliation between peasants and producers who fought on opposing sides during the counter-revolution in the 1980s (Interview with UNAPA representative, 16 August 2011; see Huerta 2002). These organizations included the ATC, UNAPA,

UNAG, which housed the CaC program, left LVC in 1995-1996 period.⁷³ One study participant explained that UNAG “separated itself from food sovereignty because it got involved with the IFAP [International Federation of Agricultural Producers⁷⁴] and entered the politics of Monsanto and other companies, and for that reason left the issue of food sovereignty.”⁷⁵ Furthermore, according to several study participants, CaC weakened in the 1990s, especially with the effects of market liberalization,⁷⁶ but it was nonetheless strongly noted as one of the organizations that contributed to building the concept and the movement for food sovereignty in Nicaragua.

FENACOOP, the Federación de Dueños de Bosques (Federation of Forest Owners, or FEDUBONIC), the Asociación de la Resistencia Nicaragüense Israel Galeano (Association of Nicaraguan Resistance Israel Galeano, or ARNIG), and the Cooperativa de Retirados de Oficiales de Ejército (Retired Army Officials Cooperative, or CNOR). Regarding its founding date, study participants report that the organization was established in 1998-1999; however, according to an article in the ATC’s magazine, *El Machete*, the organization was formed in several stages, first being called the Coordinadora Agraria Nicaragüense in 2000, then renamed the Coordinadora Agropecuaria y Forestal in 2001 (see Huerta 2002), and finally emerging as MAF (see Mesa Agropecuaria y Forestal 2003). As several study participants explained, one of the main issues that brought these groups together was that of the right to land.

⁷³ The exact date is unknown but study participants stated it was in 1995 or 1996. Most probably this occurred in or shortly after 1996, as UNAG was one of the signatories on the 1996 Tlaxcala Declaration of LVC, which was the result of the April 1996 2nd International Conference of La Vía Campesina (see Vía Campesina 1996a).

⁷⁴ IFAP was an international agricultural producer organization that was more aligned with the conventional model of agricultural production, had strong ties with international institutions (such as the World Bank and the FAO), and was more for large producers. Peasant organizations, on the other hand, represented landless and small/medium producers.

⁷⁵ Interview with ATC representative, 9 August 2011. This participant further explained that, “It happens that in a certain moment economic movements exist in which the people come to feel they are middle class, and now as middle class, the people locate themselves in the development of agribusiness and other things. This is what happened with UNAG...Until three years ago, UNAG was with IFAP, but when IFAP fell apart, UNAG came back to the topic of food sovereignty, although really they are like a class component that is more aligned with the path of agribusiness...But we say they are oscillating. They are more in business.”

⁷⁶ Interviews with ATC representative, 16 August 2011, and another ATC representative, 9 August 2011. Both of the representatives described the weakening of CaC in the 1990s with the first attributing this to the dependence of the organization on funding from international cooperation agencies, while the second stated that the weakening of CaC was due to structural adjustment and further explained that, “Because obviously there was an entire invasion of dirty products. There was an entire disarticulation of agriculture, of the laboratories. There were many things, subsidized products. Terrible things happened. For example, the pact between the chicken breeders and the sorghum producers. The sorghum producers collapsed. When the sorghum producers collapsed, there was a chicken invasion from the United States and thus the chicken breeders collapsed. All of these failures led to the disappearance of thousands and thousands of small producers and peasants, of artisans...”

A variety of different initiatives were cited as having introduced principles and objectives of food sovereignty through practice. Of those described, organizations like the ATC promoted the “economy of the patio,” which sought to strengthen the self-sufficiency of families through production for self-consumption and wise resource use and the Bono Productivo Alimentaria (Food Production Vouchers, or BPA) programs in municipalities with the support of certain mayors to help strengthen the food security of families.⁷⁷ There was also a continued focus on agroecology with the CaC program and exchanges with other peasant organizations such as the Asociación Nacional de Agricultores Pequeños (National Association of Small Farmers, or ANAP), in Cuba, which had been able to institutionalize the CaC into national policy.⁷⁸ Part of the focus of these programs was a re-emphasis on the use of native seeds, rather than improved varieties (e.g., hybrid seeds), as well as more locally-adapted breeds of animals.⁷⁹ The importance of these activities for food sovereignty was captured in the following:

[The] programs like BPA, rescue of seeds, Campesino a Campesino – all of these practices are those that were weaving the productive side, but in turn the productive part was involving the conceptual part [of food sovereignty] and the fabric of the small peasant market. After this, emerging municipal governments inclined to support these initiatives were involved, cooperation agencies that helped to fuel these initiatives, helping with workshops and exchanges.⁸⁰

The establishment of MAF in the 1998-2000 period created a further space to promote food sovereignty, as an ATC representative explained:

⁷⁷ As one study participant explained, “And then with some mayors, who were a factor that was promoting the municipal market for farmers to take their products so that the local market could buy them there. Some aid agencies helped to coin the Bono Productivo Alimentario and also found that the voucher had more chance if it was given to the working mother... They succeeded in pushing in the direction of mother’s receiving this voucher, in these municipalities during the 1990s. And a number of ideas were gathered that demonstrated that besides the food in the house, a surplus was gradually generated to go to the market. So, this also allows transformation into routes for food preservation. That helped a lot” (Interview with ATC representative, 9 August 2011).

⁷⁸ Interviews with ATC representative, 9 August 2011, and UNAPA representative, 16 August 2011.

⁷⁹ Interviews with ATC representative, 9 August 2011, and another ATC representative, 2 April 2013.

⁸⁰ Interview with ATC representative, 9 August 2011.

...in the case of Nicaragua, we began to argue that it was necessary to take action to, first, position the subject of food sovereignty in the environment, and this part we first did within the organizations that are part of Mesa Agropecuaria y Forestal. Mesa Agropecuaria y Forestal in Nicaragua is an entity that brings together all the peasant organizations. Here is where [food sovereignty] began to be spoken about, but also it was said that not only were we going to promote the term. We needed to teach it to our peasant movements, who began to make changes, began to develop small experiences where we were able to say ‘Yes to food sovereignty,’ ‘Food sovereignty is possible if we produce *sano*,’⁸¹ but making ourselves clear that this was something that could be done. It was an entire process of beginning small pilot projects...⁸²

Furthermore, as noted in several quotes above, NGOs and international cooperation agencies also played an important role in fostering food sovereignty in practice and growing the movement, as an ATC representative further described:

When the entire debate about food sovereignty began, it was put in practice with the collaboration of NGOs. At this time, when the term emerged, quite some time ago, we didn’t have countries with governments who reasonably thought about strengthening development in the countryside. Thus, many NGOs were given the task of executing small rural production pilot projects to encourage local exchange. Thus it was here that this term was strengthened...⁸³

A final noted source of support during the 1990s that helped grow the movement were a “stream of young environmentalists,” sectors of the middle class who supported farmers markets and other consumers, religious groups and churches, and also musical artists, such as the duo, Guardabarranco, who sang about food sovereignty and environmental issues.⁸⁴

Despite the actions being carried out and support from different national and international social actors, few study participants from organizations outside of those that belong (or have belonged) to LVC (ATC, UNAPA, MAF, and UNAG) reported hearing

⁸¹ *Sano*, literally translating to “healthy” or “safe,” is an adjective that is commonly used in Nicaragua to describe production that reflects principles of sustainable agriculture, does not use chemicals or other toxic inputs, typically seeks to use native seeds, and incorporates, more broadly, principles of agroecology.

⁸² Interview with ATC representative, 4 August 2011.

⁸³ Interview with ATC representative, 4 August 2011.

⁸⁴ Interview with ATC representative, 9 August 2011.

the term food sovereignty or being familiar with the concept before the late 1990s and early 2000s. According to one study participant,

Food sovereignty was not one of the high priority issues in 1996, 1997, 1998 at the international level. Other food security issues were discussed but were not discussed in constant depth. In fact at the national level, terms like food sovereignty did not dominate – it was a term possessed by Vía Campesina at the international level – in fact here in Nicaragua, this term was not known. Food security, many people related this directly to the rules of...at this time, the relationship that existed with much strength was, that the people visualized the term food security with respect to the norms of CODEX of food security, everyone.⁸⁵

This, however, began to change significantly in the early 2000s, particularly with the World Forum for Food Sovereignty, held in 2001 in Havana, Cuba, and convened by ANAP.

Development and Consolidation of Nicaragua's Food Sovereignty Movement

It was expressed by the majority of study participants that the concept of food sovereignty was first introduced and promoted in Nicaragua by Nicaraguan organizations belonging to LVC; however, as stated above, even though the concept was being spoken about both in Nicaragua and internationally and was being promoted through practice in Nicaragua,⁸⁶ both the term and concept relatively unknown outside of LVC circles during the 1990s. This began to change in the late 1990s and early 2000s.

First, it is important to note here that two events were noted by study participants as having highlighted the issue the food security: Hurricane Mitch, which hit Nicaragua in late October 1998, and the Coffee Crisis, which began to take its toll on coffee-export dependent Nicaragua in the 2000-2001 period. Both events demonstrated different dimensions of Nicaragua's vulnerability to not only climate-related crises (Hurricane

⁸⁵ Interview with Centro Humboldt representative, 11 March 2013.

⁸⁶ Interview with ATC representative, 9 August 2011.

Mitch) but also global market fluctuations and heightened dependence on exports (Coffee Crisis).

Briefly, in terms of the effects of both Hurricane Mitch and the Coffee Crisis, both resulted in food insecurity among rural communities dependent on agriculture. The effects of Hurricane Mitch were far reaching for rural producers, especially the most vulnerable (e.g., small farmers and rural workers dependent on agriculture).⁸⁷ This was also the case during the Coffee Crisis, when the world market price of coffee sunk drastically due to a glut of coffee produced in 2000-2001 season (namely from increased production in Brazil, which had record harvests, and programs initiated by the World Bank in Indonesia and Vietnam, which were also very successful this year). With the world price of coffee at a staggering low, the cost of production was not covered by the price and led to record levels of rural unemployment and the collapsing of at least four banks in Nicaragua, which further resulted in scant access to credit for producers and limited economic sustainability for small and medium producers and rural workers. There was mass migration to urban centers, like Matagalpa, as a result of unemployment in the rural communities.⁸⁸ In both cases, food insecurity was a noted consequence, though this was particularly the case for the Coffee Crisis, which, as one study participant described, “sharpened the issue of hunger in the north,”⁸⁹ and another mentioned the hunger

⁸⁷ One study participant explained that, “In 1998, Hurricane Mitch hit Nicaragua, which virtually devastated different parts of the nation. So, as we are an agriculturally country, the land was left uncultivable – a disaster. People from many sectors lost their assets and a number of things. So, in this period a lot of international aid arrived to the country to rescue the assets of families, projects and this and that” (Interview with Food Security Expert, 27 June 2012).

⁸⁸ Interview with official from the Alcaldía de Matagalpa, 6 June 2012.

⁸⁹ Interview with former GISSAN/UNAPA representative, 24 August 2011.

marches of the coffee workers⁹⁰ who, without work or a means to access food, left their communities and came out to the main roads to look for food.⁹¹

Parallel to the unraveling effects of the Coffee Crisis was a critical event for the food sovereignty movement, both globally and also for the Nicaraguan movement, which was the World Forum on Food Sovereignty (WFFS) convened in Havana, Cuba, in September 2001 by the Cuban peasant organization, ANAP, a member organization of LVC. In attendance, according to the Final Declaration of the World Forum on Food Sovereignty,⁹² were some “some 400 delegates from peasant and indigenous organizations, fishing associations, non-governmental organizations, social agencies, academics and researchers from 60 countries around the world” (WFFS 2001), including delegates from Nicaraguan organizations belonging to LVC as well as those from other Nicaraguan CSOs. This was the first major international meeting specifically on food sovereignty since the introduction of the concept by LVC in 1996. At the forum, delegates, through deliberative processes, more deeply defined and developed the concept of food sovereignty and major objectives and demands of the globalizing food sovereignty movement, all of which were detailed in the final declaration of the forum (WFFS 2001). One of the major issues at the WFFS was the implications of

⁹⁰ Interview with ATC representative, 9 August 2011.

⁹¹ An important point here is that studies were done for both the case of Hurricane Mitch and the Coffee Crisis on the types of agricultural production models that sustained these crises. According to the results of studies and testimony by study participants, agroecological systems, which emphasize diversified production based on traditional techniques and low inputs (e.g., agrochemicals and fertilizers) and native varieties of seeds, had demonstrated resilience (Interview with MAONIC representative, 30 August 2011). This is to say that those producers who utilized agroecological methods were less affected by these crises and had higher degrees of food security, and it was reported that they actually assisted in helping to fill the food gap created by these crises in terms of supply to other, more affected communities and families (Interview with CaC representative, 12 June 2012).

⁹² See Appendix J for a copy of the Final Declaration of the World Forum on Food Sovereignty.

neoliberalism for people of Latin America and the struggle against neoliberal policies.⁹³ The result of the forum was to “awaken the people.”⁹⁴ At the time of the WFFS, LVC was already reported to be promoting food sovereignty at the Central American level as well as agrarian reform and counter-migration measures.⁹⁵

In the context of Nicaragua, the WFFS was identified by study participants as being a significant turning point in terms of bolstering knowledge about the concept. Delegates to the forum, including those from LVC organizations as well as the other participating Nicaraguan CSOs, brought the more articulated concept of food sovereignty back with them to Nicaragua and shared it with others. The Declaration of the World Forum on Food Sovereignty and other documents about food sovereignty produced by LVC and other movements that had adopted food sovereignty also began to be circulated among different groups in Nicaragua (via the internet, photocopies, and pamphlets) and were reported to be influential in shaping opinions of members of other CSOs, some of which were directly involved in national-level initiatives to promote food security in Nicaragua.⁹⁶ While the concept of food sovereignty in the early 2000s was certainly not widespread, it was gradually becoming more known among peasant and farmer organizations and CSOs working on food security, agricultural production, and issues involving health, nutrition, and the environment.⁹⁷

⁹³ Personal communication with MAF representative, 7 February 2013.

⁹⁴ Personal communication with MAF representative, 7 February 2013.

⁹⁵ Personal communication with MAF representative, 7 February 2013.

⁹⁶ Interview with former GISSAN/UNAPA representative, 15 August 2011 and Interview with GISSAN representative, 24 August 2011. The GISSAN representative reported that, at the time of receiving the draft of the Declaration of the World Forum on Food Sovereignty, this study participant was participating in the drafting of a five-year plan for food and nutritional security for Nicaragua alongside representatives of, at times, 80 other organizations and that she wanted to raise the issue of incorporating the idea of food sovereignty into the plan but it was too late as the draft of the plan had already been sent to be printed.

⁹⁷ As one study participant stated, food sovereignty began to be spoken about by “us – a few – but some” (Interview with GISSAN representative, 24 August 2011).

In the 2003–2004 period, a key development was an initiative to establish a broader interest group for the promotion of food sovereignty at the national level, which was to include not only peasant and farmer organizations (hereafter referred to as *gremios*⁹⁸), like the ATC, UNAPA, and MAF, but also CSOs working on the issue of food security and sustainable production. According to one study participant, the group emerged as a strategy of LVC to promote food sovereignty and to connect producer organizations and CSOs based on common interests in order to “have a platform – create a link between the productive sectors and [other] sectors – more NGOs, involve professionals, involve universities, involve some agencies.”⁹⁹ The primary organizations that promoted the founding of the interest group were UNAPA and SOYNICA.¹⁰⁰ More specifically, in tracing the emergence of the group, one study participant recalled that Oxfam Belgium sponsored a forum with MAF, as the one of the organizational expressions of LVC in Nicaragua, in early 2004.¹⁰¹ This event was attended by different organizations, including SOYNICA, which had been chosen because of its expertise in nutrition,¹⁰² and it was here that the initiative to create an interest group was formalized.¹⁰³

⁹⁸ “*Gremio*” literally translated to “unions.” In the case of Nicaragua, the more activist peasant and farmer organizations (distinct from the sustainable farmer organizations, like CaC) are commonly referred to as “*gremios*,” and this was noticeable in interviews with study participants, especially when discussing the consolidation of the food sovereignty movement in Nicaragua and the law.

⁹⁹ Interview with MAF representative, 27 July 2011; Personal communication with MAF representative, 7 February 2013.

¹⁰⁰ SOYNICA, or the Asociación Soya de Nicaragua (Nicaraguan Soy Association), is a Nicaraguan NGO with its roots in the years of the Revolution. It was officially recognized in 1989 and throughout its history has been dedicated to issues of nutrition and food security. For more information, see <http://www.soynica.org.ni/>.

¹⁰¹ Interview with former GISSAN/UNAPA representative, 24 May 2013.

¹⁰² Interview with former GISSAN/UNAPA representative, 24 May 2013.

¹⁰³ There was an alternate version of the story of GISSAN given by another study participant. According to this participant, there were about 13 organizations at the beginning. They met at the home of a representative of an international cooperation organization at the end of 2003 in order to consider the idea of forming an interest group rather than a network because, as he explained, “The initial objective was to

On April 1, 2004, the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) was officially established. While there were only a handful of core organizations that participated in the founding of GISSAN, it grew to include some 73 civil society groups in Nicaragua, including *gremios*, NGOs, and universities, with its membership fluctuating in size in the years that followed.¹⁰⁴ According to study participants, the most active organizations in the founding of GISSAN were the ATC, MAF, UNAPA, FENACOOOP, SOYNICA, GPAE, SIMAS (Servicio de Información Mesoamericano de Agricultura Sostenible, or Mesoamerican Information Service about Sustainable Agriculture), LIDECONIC (Liga de Defensa del Consumidor de Nicaragua, or Consumer Defense League of Nicaragua), and the Centro de Investigación y Promoción para el Desarrollo Rural y Social (Center for the Promotion and Investigation of Rural and Social Development, or CIPRES). The stated mission of GISSAN at the time of its founding was as follows:

We are a group of women and men from diverse national and international organizations concerned about food and nutritional insecurity among the Nicaraguan people, and with effective response promote Food Sovereignty through the impact of public policies and the people, in general, emphasizing the role of women in this process. (GISSAN 2011)

GISSAN's stated vision was:

To be a permanent forum, recognized nationally and internationally as a supporter in the struggle for Food Sovereignty, in which proposals for SSAN [the Law of Food and Nutritional Sovereignty and Security] and indicators of advances, support, lobbying, and impact at the municipal, national, and international levels are discussed, formulated, and promoted. (GISSAN 2011)

discuss and analyze. Why? Because we had certain concerns. We needed to ground these concerns.” He reported that representatives of UNAPA and SOYNICA were there and the rest of those present were from international cooperation organizations. (Interview with Centro Humboldt representative, 11 March 2013.)

¹⁰⁴ See Appendix K for membership lists from 2007 and 2009. Unfortunately, a membership list for earlier years was unable to be recovered.

A significant point here that should not be overlooked in the least is the emergence of the term “food and nutritional sovereignty and security,” as reflected in the name of GISSAN.¹⁰⁵ According to interviewees, when GISSAN was initially established, there was a debate over whether or not to include the word “sovereignty” as a reference to food sovereignty in the name of the organization or to solely use the term “food security.” According to a representative of GISSAN, the organization opted to include the word “security” and further explained that this was because,

...there was not a consensus among founding organizations about the word ‘sovereignty.’ Some organizations did not want ‘sovereignty’ to be part of this concept but it was voted on [by member organizations of GISSAN] and it came to be accepted that the organization would be called this. Thus you wrote GISSAN with a double S.¹⁰⁶

This was further reiterated by a former GISSAN/UNAPA representative who stated that at the initial forum convened by Oxfam Belgium and MAF, “...part of the outcomes of this forum was the creation of an alliance that we were going to call the ‘Interest Group for Food Sovereignty,’ but there were people who only worked with food security, so we called it the ‘Interest Group for Food and Nutritional Sovereignty and Security’...” and it was further explained that,

It was hard for many people in GISSAN to understand the idea of food sovereignty. However, they were doing studies of food sovereignty – some of them – the main ones. The person who raised his voice about food sovereignty was [the UNAPA representative] and after many people began to be a part of the food sovereignty process.¹⁰⁷

Through various organizational initiatives, GISSAN and its member organizations campaigned in an effort to raise awareness about the concept and educate the public.

¹⁰⁵ As briefly discussed in Chapter 2, Nuñez (2002) also used the term “food sovereignty and security” or “food security and sovereignty” in his book. In the case of Nicaragua, this was the earliest instance of combining the terms into a single term that was found in this study.

¹⁰⁶ Interview with GISSAN representative, 24 August 2011.

¹⁰⁷ Interview with former GISSAN/UNAPA representative, 24 May 2013.

GISSAN representatives reported that they presented and discussed the concept at different events (including presentations at universities, such as the Universidad Centroamericana, the Universidad Nacional Agraria, and the Universidad Nacional Autónoma de Nicaragua in León), held forums and training workshops, distributed literature explaining the concept and the platform of GISSAN, made television appearances, and held press conferences.¹⁰⁸ Members of the ATC and UNAPA further mentioned undertaking educational campaigns within their broad constituencies, promoting the concept in rural communities where they worked, and also highlighted the teaching of the concept at its *campesino* [peasant] training school, Escuela Obrera Campesina Internacional Francisco Morazán, located in Managua.¹⁰⁹

The creation of GISSAN can be seen as an important step in the consolidation of the food sovereignty movement in Nicaragua. However, it is important to note, the consolidation of this movement occurred within a broader context in which *gremios* and CSOs were tackling related issues, more specifically those of the negotiation of free trade agreements (specifically the Dominican Republic–Central American Free Trade Agreement, or DR-CAFTA), genetically-modified organisms (GMOs), and water privatization. Each of these issues was identified in the platform of LVC in the declarations of its first, second, and third international conferences (Mons Declaration in 1993, Tlaxcala Declaration in 1996, and the Bangalore Declaration in 2000, respectively; see La Vía Campesina 1993, 1996a, and 2000), as well as the statement LVC made at the 1996 WSF (La Vía Campesina 1996b), which is identified as the document that

¹⁰⁸ Interview with former GISSAN/UNAPA representative, 15 August 2011; Interview with GISSAN representative, 24 August 2011.

¹⁰⁹ Interview with ATC/UNAPA representative, 1 August 2011; Interview with ATC representative, 4 August 2011; Interview with UNAPA representative, 16 August 2011.

introduced the concept of food sovereignty to the international community, and the Final Declaration of the World Forum on Food Sovereignty in 2001. In each of these documents, the movements expressed their opposition to neoliberal policies and free trade agreements (FTAs) that sought to liberalize the agricultural and food trade; the control over genetic resources by transnationals (and by extension to GMOs); and the privatization of natural and productive resources, with water being one of these. In Nicaragua, movements of *gremios* and CSOs emerged to tackle each of these issues as they emerged in the Nicaraguan context, and there was much organizational overlap in terms of membership in these movements and the networks of organizations that represented them. The development of these movements assisted in both strengthening and broadening the food sovereignty movement, as these issues were expressly part of the platform of GISSAN¹¹⁰ as well as those of many of its member organizations.

The movement in opposition to DR-CAFTA was region-wide and one in which a broad array of CSOs and *gremio* organizations participated, including LVC organizations. With the promise of DR-CAFTA to expand national and regional economic integration with the United States, thereby deepening the neoliberal project, there was deep concern about the implications of this agreement on agriculture, food security, workers, natural resources, consumers, local economies, and the overall sovereignty of nations to determine their own policies with respect to the issues that DR-CAFTA addressed. More specifically, there was concern raised over the effects of DR-CAFTA on small and medium producers for several reasons. These included the ability of small and medium producers to compete in a more open economic environment that

¹¹⁰ See Appendix L for the platform of GISSAN.

could potentially broaden opportunities for agricultural “dumping” and affect food security, increase the protection of intellectual property rights (e.g., seed patents and medicines), and limit the ability of nations to enforce national environmental policies (see, for example, Mesa Agropecuaria y Forestal 2003, Moreno 2004, and Ricker 2004). In this sense, the issues of transgenics and water privatization have to be viewed within the context of this broader development. There was much mobilization in opposition to DR-CAFTA, including marches and other forms of protest.

The movement in opposition to GMOs, or transgenics, was particularly important. This emerged in the late 1990s with the administration of Arnoldo Alemán and became increasingly more controversial from 2002-2005 under the Bolaños Administration when the DR-CAFTA negotiations were at their height.¹¹¹ Centro Humboldt, a Nicaraguan NGO, had been monitoring the presence of GMOs in corn coming from the US in Nicaragua as well as in the Central American region as a whole and had found transgenics in food aid sent to Nicaragua by the World Food Program (WFP) in 1998.¹¹² Concern over this led to the formation of the Alianza por una Nicaragua Libre de Transgenicos (Alliance for a Transgenic-Free Nicaragua) in 2002, which later changed its name to the Alianza de Protección de la Biodiversidad (Alliance for the Protection of Biodiversity, or APB).¹¹³ In 2002, upon their formation, they publicized a statement

¹¹¹ Interview with Centro Humboldt representative, 11 March 2013. Also, important to note here is that both Alemán and Bolaños were of the right-wing and supported neoliberalism.

¹¹² Interview with Centro Humboldt representative, 11 March 2013.

¹¹³ The alliance initially included UNAPA, Centro Nicaragüense de Derechos Humanos (Nicaraguan Center for Human Rights, or CENIDH), Centro Humboldt, Centro de Información y Servicios de Asesoría en Salud (Center for Information and Advisory Services in Health, or CISAS), FENACOO, Federación de Hoteles y Restaurantes (Hotel and Restaurant Federation, or FETRAHORES-TUC), and LIDECONIC. ADB also helped to found the Alianza Centroamericana de la Protección de Biodiversidad (Central American Alliance for the Protection of Biodiversity) in 2003 (Interview with Centro Humboldt representative, 11 March 2013; see also <http://www.cisas.org.ni/APB-N>, which provides a description and history of the APB).

stating their concerns, position, demands, and proposals, in which they made explicit reference to food sovereignty:

The presence of Genetically-Modified Organisms constitutes a reproachable and inadmissible act for which we express our firm opposition to the introduction of transgenic organisms and derived products inasmuch as it represents an enormous threat to biodiversity, food sovereignty and security, human health, and production systems of Nicaraguan people. (Unión Nacional de Productores Asociados et al. 2002, 17)

Among other demands, they emphasized the need to regulate food aid and prevent the entrance of transgenic material into Nicaragua and proposed doing this through government measures, such as declaring the nation free of transgenic corn and implementing a program to rescue and encourage native seeds (Unión Nacional de Productores Asociados et al. 2002, 17). They encouraged the passing of two proposed national laws as part of their platform: the “Ley sobre Prevención de Riesgos Provenientes de Organismos Vivos Modificados por Medio de Biotecnología Molecular” (Law on Prevention of Risks Arising from Living Modified Organisms by Means of Molecular Biotechnology) and the “Ley de Conservación y Utilización Sostenible de la Diversidad Biológica” (Law of Conservation and Sustainable Use of Biodiversity). This position against transgenic seeds was also expressed by MAF in its statement in opposition to DR–CAFTA, published in 2003, in which MAF proposed “Promoting campaigns in food sovereignty issues against transgenic seeds that enter Mesoamerican countries in diverse ways” and “Promoting campaigns for world heritage seeds to defend native seeds that are not patented by large transnationals” as ways to prevent harm from DR–CAFTA to rural areas (Mesa Agropecuaria y Forestal 2003, 12). It was reported that food sovereignty began to be more known with the broadening of the movement against

GMOs,¹¹⁴ thus suggesting that the link that the APB and organizations like MAF were making between the issue of transgenics and food sovereignty was helping to expand awareness of food sovereignty as a concept.

Parallel to the issue of transgenics, a movement of CSOs emerged to oppose the privatization of water in response to the introduction of a relatively unknown proposal to the National Assembly by the Ministerio de Industria y Fomento (Ministry of Industry and Development, or MIFIC) under the Alemán Administration that sought to give the executive branch of the government the power to grant water concessions.¹¹⁵ The rationale behind a water law was that, under the neoliberal governments of the 1990s and early 2000s, there was move to privatize basic services and this was related to the logic of neoliberal policies and the structural adjustment programs that deepened these policies.¹¹⁶ At this point, electricity and telephone service had already been privatized, and the idea was to then privatize water.¹¹⁷ In 2003, different CSOs mobilized in response to the threat of water privatization: the Red Nacional de Defensa de los Consumidores (National Consumer Defense Network, or RNDC) drafted an alternative proposal for a law; GPAE initiated a nationwide consultation process in 60-some municipalities on the MIFIC and RNDC versions of the proposed law; and the Coordinadora Civil (Civil Coordination, or CC) convened a national workshop to recruit support for the issues, and a variety of other actions were taken to share the results of the consultations with the National Assembly and the public. In 2004, the Alianza por la No Privatización del Agua (Alliance against

¹¹⁴ Interview with CaC representative, 6 June 2012.

¹¹⁵ Interview with GPAE representative, 15 August 2012; Interview with Biolatina representative, 11 June 2013. Also see Coordinadora Civil website for explanation of the Water Privatization Process and the Water Law: http://www.ccer.org.ni/files/doc/1233253591_cronologia_ley_del_agua.pdf.

¹¹⁶ Interview with GPAE representative, 15 August 2012.

¹¹⁷ Interview with SIMAS representative, 9 March 2012.

the Water Privatization) was formed by GPAE and another CSO, the Asociación La Culcumecca, and using the results of the consultations undertaken by GPAE, the Alianza por la No Privatización del Agua drafted a new law proposal which was presented to the National Assembly in mid-2004.¹¹⁸ As stated by several study participants, water privatization was another issue that was closely associated with that of food sovereignty and one of its key principles, agroecological production.¹¹⁹

Thus, the consolidation of the food sovereignty movement has to be seen within the context of increasing mobilization around these other issues that connected to the framework of food sovereignty. Food sovereignty, in this sense, can be viewed as a framework for addressing these other emerging issues and as a new approach to fostering a food system that took into account mounting concerns over the direction of agricultural development and the orientation of the food system and also of policy.

Chapter Summary

This chapter focused on telling the story of the roots, development, and consolidation of the food sovereignty movement as well as the evolution of the food sovereignty concept in Nicaragua. In sum, the 1980s represented a period during which the formative ideas behind the concept of food sovereignty and the basis for the movement were emerging, both of which were reflected in several developments that characterized this period. First, in the Revolution itself with its focus on sovereignty and autonomy, pluralist democracy that emphasized citizen participation at multiple scales of governance, food security through domestic production for domestic consumption, and

¹¹⁸ Interview with GPAE representative, 15 August 2012; see also Coordinadora Civil website for explanation of the Water Privatization Process and the Water Law: http://www.ccer.org.ni/files/doc/1233253591_cronologia_ley_del_agua.pdf.

¹¹⁹ Interview with SIMAS representative, 9 March 2012; Interview with FENACOOP/MAONIC representative, 30 August 2011.

the focus on creating greater access for all to productive resources, especially formerly marginalized peasants and small and medium producers, to stimulate rural and peasant production. Second, the transnational exchanges between Nicaraguan peasant and farmer organizations and other regional and international peasant and farmer organizations as well as international NGOs and cooperation organizations resulted in fostering solidarity between these organizations and the sharing of ideas and information. Third, the emergence of new movements – such as CaC and MAN – and their emphasis on traditional production systems and ecologically-mindful forms of production that took into account the environment and natural resources.

Building on these developments in 1980s, the 1990s saw both the further articulation of the food sovereignty concept and the simultaneous building of a movement around this concept. There are clear links between what transpired in Nicaragua in the 1980s to the concepts included in the food sovereignty framework that began to emerge in the 1990s. These ideas were reflected in both the discourse of LVC from the onset of the movement as well as the ideas and actions of Nicaraguan peasant organizations that promoted food sovereignty in the 1990s. With regard to the founding of LVC, this was a crucial step the process of building a transnational movement around alternatives to the dominant agrifood system predicated on market-based approaches and productivist agriculture, and this process was facilitated and supported by Nicaraguan *gremio* organizations that belonged to LVC, CaC, and other NGOs and agencies of international cooperation that supported the actions of Nicaraguan peasant organizations.

In the case of Nicaragua, it is critical to point out the significance of the change in government to one of neoliberal orientation in 1990, as this surely influenced the

direction and strategy of Nicaraguan peasant organizations and created a profound reorientation of their organizational goals and objectives. The renewed significance of the concept of sovereignty that resulted from the consequences of neoliberal reforms (including food insecurity) and the call for autonomy is an important feature of the struggle in the 1990s and the rationale behind the movement. Furthermore, the strategy of the peasant organizations to foster food sovereignty through practice is another important aspect in the development of the movement. Here it is interesting to contemplate what might have transpired had the Sandinistas won the 1990s election.

As the 1990s came to a close, new issues began to emerge in Nicaragua – increased food insecurity especially resulting from Hurricane Mitch and the Coffee Crisis as well as the struggles against FTAs, transgenics, and water privatization – that were certainly factors that bolstered the concept of food sovereignty, making it an attractive framework to meet the concerns of different peasant and civil society organizations and provide a new alternative. The significance of the WFFS, particularly in terms of the attendance of Nicaraguan organizations and the exchanges that resulted, was a critical event for further broadening the discussion of food sovereignty as an alternative. Finally, the formation of GISSAN and its broad array of member organizations spanning the rural and productive sector, civil society, and universities – many of which also strongly mobilized in opposition to transgenics, free trade agreements, and water privatization – can be argued to be the culminating moment at which the food sovereignty movement consolidated in Nicaragua. However, an important point here that should not be overlooked is the lack of consensus over the term food sovereignty, the confusion that it created, and the opposition to including the term in the name of GISSAN at the time of

the formation of the interest group. This becomes an especially salient consideration in the story of Law 693, the Law of Food and Nutritional Sovereignty and Security, to which the following chapter turns.

Chapter Five

Process of Making Nicaragua's Law 693

Building on the content of the previous chapter, which detailed the history of the concept of food sovereignty and the emergence and growth of Nicaragua's movement for food sovereignty, the present chapter details the policy-making process through which Law 693, Ley de Soberanía y Seguridad Alimentaria y Nutricional (Law of Food and Nutritional Sovereignty and Security, hereafter Law 693), was made. As the chapter describes, the development of the initial draft proposal for a food and nutritional sovereignty and security (SSAN¹) law by two Nicaraguan *gremio* organizations belonging to La Vía Campesina (LVC), the Unión Nacional Agropecuaria de Productores Asociados (National Union of Associated Agricultural Producers, or UNAPA) and Mesa Agropecuaria y Forestal (Agriculture and Forestry Roundtable, or MAF), as will be explained, occurred parallel to the consolidation of food sovereignty movement. The chapter further examines the process by which this draft law was strengthened and then introduced to the National Assembly as well as the policy-making process once the bill was inside the National Assembly. It also includes events and developments at both the national and international levels that were identified by study participants as being influential factors in the legislative process.² As the chapter explains, the process by which the law was made was highly controversial and contested.

¹ The Spanish acronym is used here, which stands for *soberanía y seguridad alimentaria y nutricional*. The proposed law is hereafter referred to as the "Draft SSAN law" to distinguish it from both the version that was approved for debate by the National Assembly (*dictamen*), and the final version of the law (Law 693).

² A timeline of major events and developments, including those covered in the present chapter (Chapter 5), is presented in Appendix I.

Before detailing the process of making Law 693, there is another important story that must be told, and that is of the policy initiatives that began to be undertaken in the mid-1990s to pass a food security law. These occurred parallel to peasant mobilization and the evolution of the concept of food sovereignty. In some cases, especially among study participants outside the Nicaraguan food sovereignty movement, the process of making Law 693 was seen as an extension of earlier initiatives; however, as explained in further detail below, the impetus for the SSAN law and its formulation was a separate initiative. This being said, the earlier policy initiatives were not without their influence and are an important part of the history of Law 693 as well.

Food Security Policy Initiatives in Nicaragua: 1997-2002

As stated in the previous chapter, Nicaragua's first food security policy was introduced by the Sandinista government during the Revolution, the Programa Nacional Alimentario (National Food Program, or PAN). The major objective of PAN was to foster food self-sufficiency in the nation. In 1987, a new constitution was issued under the Sandinista government, Article 63 of which guaranteed, "The right of Nicaraguans to be protected from hunger," and further stated that, "The State will promote programs that ensure the adequate availability of food and the distribution of such."³ As described previously, the neoliberal reforms made in the early 1990s with the new government under Violeta Chamorro had profound impacts for the nation. The new logic of the market and the decreased role of the state led to the abolishing of food and agricultural production subsidies as well as an array of social programs that had been hallmarks of the

³ See the following website for a copy of the 1987 constitution: <http://www.constitution.org/cons/nicaragu.htm> (Accessed 29 November 2013). See the National Assembly of Nicaragua website for the most recent constitution, revised in 2010: <http://www.asamblea.gob.ni/wp-content/uploads/2012/06/Constitucion.pdf> (Accessed 29 November 2013).

Revolution. This led to an increasing situation of food insecurity in the nation, one that was addressed with food aid and food importation. In response to these conditions, Sandinista deputies and officials in the National Assembly, which at this point were no longer in the majority, began to contemplate the introduction of food security legislation to address the situation beginning in 1994.⁴ Former-Deputy Dora Zeledón led this initiative, and as an official from the Food and Agriculture Organization of the United Nations (FAO) explained, Zeledón approached FAO-Nicaragua for assistance with this initiative:

Dora Zeledón came to the FAO to meet with me, with the representative at this time. She asked me to develop the first version of legislation, go to parliament, talk with people and with the deputies, because the law at that time, like the Sandinistas, was the opposition. They wanted the State to ensure food security and the law began there.⁵

In the mid-1990s a critical international event occurred that gave force to national initiatives for food security, which was the 1996 World Food Summit (1996 WSF), in Rome, Italy. Nicaragua participated in the summit and committed to the actions set forth in the two principal documents that emerged from the event: the Rome Declaration on World Food Security and the World Food Summit Plan of Action (see FAO 1996). A major outcome of the 1996 WSF was that it successfully revitalized the issue of food security at the international level and also at the national level of Nicaragua.

Several significant features of the commitments made at the 1996 WSF (see Box 5.1 below) outlined in the World Food Summit Plan of Action were a renewed commitment to Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) that recognizes the right to adequate food and the right of

⁴ Interview with FAO official, 6 July 2012.

⁵ Interview with FAO official, 6 July 2012. It was also reported by another study participant that the FAO paid the costs for the development of the bill as well as those for the broad consultations.

everyone to be free from hunger (FAO 1998; see UN 1976) and also a commitment to pursuing policies that would set the conditions for meeting the rights set forth in Article 11 of ICESCR, namely policies to eradicate poverty and ensure food security in terms of access and availability to food through production and trade (see Commitments Two, Three, and Four).

This focus on policies for ensuring the right to adequate food and freedom from hunger was the impetus for a new focus of the FAO on “framework laws” for supporting these rights.⁶ In 1999, the Committee on Economic, Cultural, and Social Rights (CESCR) introduced the concept of a “framework law” for implementing country-specific strategies for realizing the rights set forth in Article 11 of the ICESCR in paragraph 29 of General Comment 12 (GC 12) regarding the right to adequate food (CESCR 1999).⁷ CESCR further described recommended features of framework laws as well as some guidelines for their formulation:

The framework law should include provisions on its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets; the means by which the purpose could be achieved described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations; institutional responsibility for the process; and the national mechanisms for its monitoring, as well as possible recourse procedures. In developing the benchmarks and framework legislation, States parties should actively involve civil society organizations. (CESCR 1999, para. 29)

⁶ As FAO (1998) pointed out, one of the main obstacles to realizing the right to adequate food and freedom from hunger was the fact that, although some nations had constitution provisions guaranteeing these rights, or related rights, as of 1998, no nation had “expressly adopted national legislation to implement this right” (p. 41).

⁷ In paragraph 2 of GC 12, the rationale behind the development of the document is explained: “Its preparation was triggered by the request of Member States during the 1996 World Food Summit, for a better definition of the rights relating to food in article 11 of the Covenant, and by a special request to the Committee to give particular attention to the Summit Plan of Action in monitoring the implementation of the specific measures provided for in article 11 of the Covenant” (CESCR 1999, para. 2).

Additionally, CESCR stated that, “Appropriate United Nations programmes and agencies should assist, upon request, in drafting the framework legislation and in reviewing the sectorial legislation,” citing the examples of the expertise of the FAO and the United Nation’s Children’s Rights and Emergency Relief Foundation (UNICEF) in their respective specializations (CESCR 1999, paragraph 30). While states were expected to take “whatever steps are necessary to ensure that everyone is free from hunger and as soon as possible can enjoy the right to adequate food,” it was also expected that “[t]he most appropriate ways and means of implementing the right to adequate food will inevitably vary significantly from one State party to another” and that “[e]very State will have a margin of discretion in choosing its own approaches” (CESCR 1999, paragraph 21). Paragraphs 21 to 28 outline the features that such strategies should reflect.

The Initiative for a Food Security Law

With respect to the case of Nicaragua, given the nation’s commitment to the World Food Summit Plan of Action, and the plan’s focus on formulating and implementing national food security policies to support the right to food, it is unsurprising that national food security policy initiatives were most strongly pursued in the period directly following the 1996 WFS. The first of these occurred in the 1997–2001 period, spearheaded by Dora Zeledón with the support of the Frente Sandinista de Liberación Nacional (Sandinista National Liberation Front, or FSLN) Bancada⁸, with which Zeledón was affiliated. Zeledón ([N/d], 1) discussed the impetus behind and the outcome of the initial attempt made to create such a national policy in the following:

⁸ *Bancada* is akin to the political party caucus in the National Assembly.

As the historical background points out, the fight for the law began in 1997 in the National Assembly when the problem of food and nutritional insecurity, especially of children – principally in the dry zones and with more climate problems – was taken into consideration. The necessity of uniting the efforts of all the state institutions and social organizations to comprehensively work on the issue of Food Security was suggested in the National Assembly and thus respond with a comprehensive policy that would guarantee programs and projects; however, the proposal was unsuccessful.

Box 5.1. Seven Commitments of the World Food Summit Plan of Action (FAO 1996)

Commitment One

We will ensure an enabling political, social, and economic environment designed to create the best conditions for the eradication of poverty and for durable peace, based on full and equal participation of women and men, which is most conducive to achieving sustainable food security for all.

Commitment Two

We will implement policies aimed at eradicating poverty and inequality and improving physical and economic access by all, at all times, to sufficient, nutritionally adequate and safe food and its effective utilization.

Commitment Three

We will pursue participatory and sustainable food, agriculture, fisheries, forestry and rural development policies and practices in high and low potential areas, which are essential to adequate and reliable food supplies at the household, national, regional and global levels, and combat pests, drought and desertification, considering the multifunctional character of agriculture.

Commitment Four

We will strive to ensure that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a fair and market-oriented world trade system.

Commitment Five

We will endeavour to prevent and be prepared for natural disasters and man-made emergencies and to meet transitory and emergency food requirements in ways that encourage recovery, rehabilitation, development and a capacity to satisfy future needs.

Commitment Six

We will promote optimal allocation and use of public and private investments to foster human resources, sustainable food, agriculture, fisheries and forestry systems, and rural development, in high and low potential areas.

Commitment Seven

We will implement, monitor, and follow-up this Plan of Action at all levels in cooperation with the international community.

In response to the failure to gain support for the initiative, Zeledón and others decided to pursue a law that would create a legal framework to guarantee food and nutritional

security (SAN⁹) backed by the Sandinista Bancada, as she further explained in the following:

In this respect, in 1997 we promoted the coordinating of efforts to develop the first initiative for a Law of Food and Nutritional Security. We advocated for this alongside the Grupo Propositivo de Cabildeo (GPC), which at that time brought together a good number of organizations working on the issue of SSAN [food and nutritional sovereignty and security].¹⁰

Furthermore, in addition to working with the Grupo Propositivo de Cabildeo (Proactive Lobbying Group, or GPC), Zeledón had also requested assistance from FAO-Nicaragua, as described above.

On September 30, 1998, the bill for a Law of Food Security, developed with the technical assistance of the FAO, was introduced by a group of National Assembly deputies (Zeledón [N/d], 1),¹¹ though it failed to advance to the National Assembly plenary for debate. One former FAO official cited competition with the 1997 Law of Seed Production and Trade bill, which was passed by the National Assembly in December of 1997 and championed by the private sector to which it benefitted, though this is curious as according to other accounts and National Assembly records, the first bill for the Law of Food Security was not introduced until 1998.¹² Also noteworthy is that in this same year (1998) a Plan for Food and Nutritional Security was proposed but never made official (República de Nicaragua 2001, 3).

The failure of the 1998 food security bill led supporters to realize that there was a “need for further study and analysis of the issue in the country...as well as comparative

⁹ Here the Spanish acronym is used. It stands for *seguridad alimentaria y nutricional*.

¹⁰ In the quoted passage, Dora Zeledón includes the term “food and nutritional sovereignty and security”; however, at this point focus was solely on food security. This could be typo in the document from which the passage is quoted.

¹¹ See also the National Assembly of Nicaragua archives for official date of introduction and a list of deputies that introduced the bill, <http://www.asamblea.gob.ni/trabajo-legislativo/agenda-legislativa/ultimas-iniciativas-dictaminadas/>.

¹² Personal communication with former FAO official, 14 March 2012.

law to the extent that the subject of SSAN has been evolving on a permanent basis” (Zeledón [N/d], 1). A two-year study, “La Inseguridad Nutricional y Alimentaria: Un Reto para la Legislación Nicaragüense” (“Food and Nutritional Insecurity: A Challenge for Nicaraguan Legislation”), was undertaken with the GPC and funded by UNICEF to collect pertinent data on food security in Nicaragua, elicit opinions of various organizations and institutions working on the issue, and examine different (international) documents, including the commitments made at the 1996 World Food Summit and the recommendations made by FAO directly to Nicaragua (Zeledón [N/d], 1; Drolet et al. 2011, 17).

Meanwhile, the Grupo Temático de Desarrollo Rural y de Seguridad Alimentaria (Thematic Group for Rural Development and Food Security, or DRYSA) was formed in 1999.¹³ This group was described as “working in close collaboration with those national authorities responsible for rural development and food security” and was chaired by the then-FAO representative (RDFS [N/d]). Its estimated 38 organizational members predominantly included UN agencies and programmes, international institutions and organizations, and international donors, and to a lesser extent national government bodies, civil society organizations (CSOs), and universities (RDFS [N/d]). One of the primary activities of the group was national policy formulation (RDFS [N/d]).

In the 1998 and 1999, parallel to global initiatives by the FAO to promote the adoption of framework laws and, at the national level, deepening food insecurity with the effects of Hurricane Mitch, the 1998 draft of the proposed Law of Food Security was improved upon with the findings of the “Food and Nutritional Insecurity” study. The

¹³ See FAO Economic and Social Development Office (1999) for a discussion of the concept, purpose, goals, and multi-level structure (national, regional, global) of the DRYSAs.

GPC, FAO, and DRYSA all participated in this process as well as two consultants hired by the FAO to make technical revisions to proposal (RDFS 2002). The participatory nature of the process of improving the law allowed for the inclusion of perspectives from a diverse number of government and civil society actors working on food and nutritional security (RDFS 2002).¹⁴ The revised bill was reintroduced to the National Assembly on January 5, 2000, renamed the Ley de Seguridad Alimentaria y Nutricional (Law of Food and Nutritional Security, hereafter SAN Law).¹⁵

Food and Nutritional Security Policy by Presidential Decree: PNSAN

The process of revising the 1998 proposal was also influenced by another, simultaneous development. In 1999, the Arnold Alemán government resolved to formulate a Política Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutritional Security Policy, hereafter PNSAN) (República de Nicaragua 2001, 6). The Secretariat of Social Action¹⁶ was initially assigned the responsibility for the formulation of the policy and the process was undertaken with the participation of various government institutions, international agencies such as the FAO and the World Food Program (WFP), and CSOs working on SAN (FAO 2006b; Lorio 2011, 8).¹⁷

¹⁴ In the “Letter to Pedro Joaquín Ríos Chamorro, Secretario de Junta Directiva, Asamblea Nacional,” dated 5 January 2000 (see Appendix M), Zeledón lists entities that were consulted in the process of revising the Law of Food Security: “the Secretary of Social Action, MINSA [Ministerio de Salud/Ministry of Health], MIFAMILIA [Ministerio de la Familia/Ministry of the Family], MECD [Ministerio de Educación, Cultura y Deportes/Ministry of Education, Culture, and Sports], FAO, UNICEF, UNAG [Unión Nacional de Agricultores y Ganaderos/National Farmers and Ranchers Union], Basic Grain Merchants from different markets in the capital.”

¹⁵ See “Letter to Pedro Joaquín Ríos Chamorro, Secretario de Junta Directiva, Asamblea Nacional,” dated 5 January 2000, that accompanied the updated proposal for the law (Appendix M).

¹⁶ See Alemán (1998) for a discussion of the history and function of the Secretaría de Acción Social.

¹⁷ Interview with FAO official, 6 July 2012. Furthermore, another study participant reported that, during this period, prior to the 2002 World Food Summit +5, the FAO was creating models for framework laws and they joined with the government of Nicaragua to foster such a model policy in Nicaragua (Interview with Centro Humboldt representative, 11 March 2013).

On May 17, 2000, Presidential Decree 40-2000 was issued and called for the formation of two institutions: Comisión Nacional de Seguridad Alimentaria y Nutricional (National Committee of Food and Nutritional Security, or CONASAN) and Comisión Técnica de Seguridad Alimentaria y Nutricional (Technical Committee of Food and Nutritional Security, or COTESAN) (see Alemán 2000a).¹⁸ The purpose of CONASAN was to “prioritize, plan, coordinate, monitor, and evaluate the political strategies and actions that are developed in food and nutrition in Nicaragua,” while COTESAN’s purpose was to conduct research and collect information about SAN in Nicaragua to aid CONASAN (Alemán 2000a). On October 16, 2000, World Food Day, the PNSAN, which “...was designed to establish an instrument that guaranteed the right to sufficient and adequate food, reduce the risk of food insecurity, as well as its basic and underlying causes” (República de Nicaragua 2001, 21), was presented to the President of the Republic by the Secretariat of Social Action¹⁹ and the PNSAN’s accompanying Action Plan was released in 2001.²⁰ One FAO official who worked on the law reflected on the significance of the policy stating that it was “the framework of what could become the law.”²¹ Included in the policy were a number of measures that clearly focused on strengthening production as a means to addressing food insecurity and among these was a measure to accelerate the process of legalizing land with priority to small producers, indigenous communities, and peasant women; a measure to bolster the technical skills of

¹⁸ Interestingly, a second presidential decree was issued was published in *La Gaceta* (Nicaragua’s official diary of legislation) on September 6, 2000, that made several modifications to Decree 40-2000, of which perhaps the most significant of which were: 1) a change in the coordination and presiding over of CONASAN from the Ministry of Health to the President of the Republic and 2) to limit the representation in CONASAN from a multi-stakeholder group, including government ministries and institutions and civil society, to solely delegates from seven government ministries or other institutions (see Alemán 2000a and 2000b).

¹⁹ See Sahley et al. 2005 and Tercero 2000.

²⁰ See Appendix N for a copy of the 2001 PNSAN.

²¹ Interview with FAO official, 6 July 2012.

small and medium producers to increase their productivity; a measure to support producer organizations, and a measure that called for the shortening of the value chain between producers and consumers.

Results of Initial SAN Policy Initiatives

Despite the efforts of promoters of the SAN Law and the good intentions of the PNSAN, both failed in their own ways to effect change. First, with regard to the SAN Law, which incorporated aspects of the PNSAN that were considered relevant (Zeledón [N/d], 1), once the revised proposal was introduced to the National Assembly in January of 2000 by Deputy Zeledón, it was placed on the agenda, sent to the plenary, and referred to the Comisión de Asuntos Económicos, Finanzas y Presupuesto (Economic Finance and Budget Committee) and the Comisión de Producción, Distribución y Consumo (Production, Distribution and Consumption Committee) for review.²² However, it never arrived to the National Assembly for debate. In 2002 Zeledón reported that the main obstacle the bill had been facing in the National Assembly was the “lack of political will” and elaborated further stating that, “...despite all the efforts that we have been making, until this moment it has not constituted a priority for most of the parliamentary members that make the decisions in the country” (RDFS 2002). One of the reasons that was given for this was that the bill “took a productive bias to ensure food security in the poorest sectors,” which was at odds with the overarching paradigm of market-led approaches to ensuring food security that privileged efficiency and trade over national food production, the latter of which at this time was not seen as sufficiently profitable.²³ Even though

²² See National Assembly of Nicaragua for a chronology of the bill once it was introduced, <http://www.asamblea.gob.ni/trabajo-legislativo/agenda-legislativa/ultimas-iniciativas-dictaminadas/>.

²³ Interview with FAO official, 6 July 2012. Interesting here, however, is that the PNSAN included an equally if not stronger focus on production. The major difference here, however, was that the PNSAN was

CSOs continued to lobby for the bill's approval in addition to the reported consensus on the need for the bill with "unanimous backing" and the support of the president of the Production, Distribution and Consumption Committee that was reviewing the bill,²⁴ the bill stayed dormant in the National Assembly for years.

Second, while the PNSAN and its Action Plan were both developed and introduced, they failed to be effectively implemented (Lorio 2011; Sahley et al. 2005). Although it was reported that the agencies responsible for executing the Plan of Action began to work on the implementation of PNSAN in October 2001 (MAGFOR 2002), it was also reported that CONASAN ceased to function after preparing the Plan of Action (Lorio 2011) and its relevance and coordinative abilities in the broader food security and development policy field were found by one study to be quite limited (Sahley et al. 2005). Only COTESAN, comprised of delegates from the ministries belonging to CONASAN as well as several CSOs, remained active for some time (Lorio 2011; see also Cáceres and Lacayo 2010).²⁵

In discussing the limitations of the PNSAN, a FAO official elaborated very candidly:

Once the policy was constructed, we started to work with it, to see how to make the policy more sectorial from the point of view of food production. The policy was seen at that time as something that was done, was published and all, but it was more the face of propaganda – it became like 'the presidency has a policy.'

introduced via presidential decree, while the proposed SAN law was introduced to the predominantly liberal National Assembly. Both the PNSAN and the proposed SAN law created institutional frameworks, or institutional systems (e.g., CONASAN and COTESAN); however, the SAN law went beyond the national level to specifically include regional and municipal institutions.

²⁴ Interview with FAO official, 6 July 2012.

²⁵ Lorio (2011) reported that COTESAN was active until 2002 and then revitalized in 2005 by the Grupo de Interés para la Soberanía y Seguridad Alimentaria y Nutricional (the Interest Group for Food and Nutritional Sovereignty and Security or GISSAN), while Cáceres and Lacayo (2010) reported that COTESAN remained active, albeit sporadically, until the time of their publication. A former GISSAN/UNAPA representative, supporting Cáceres and Lacayo (2010), reported attending meetings of the COTESAN on behalf of GISSAN beginning in 2004 (Interview, 15 August 2011).

Then came the Rome Summit +5. All the political discourse was said there, but the president of National Food Security Committee [CONASAN] was the wife of the president of the republic at that time, it was Alemán, never called a meeting with the committee – never... They never met – the whole bunch of ministers who say they were there never came. There was an executive secretary who handled all the ties with the presidency of the republic, but the committee, as a committee, never convened. So then, this [first] lady – she liked taking a photo giving a meal to a child... There was a person who [represented] the presidency, which was at that time the Minister of Social Action, but the policy was not achieved as such. It stayed as it was and never managed to achieve its purpose. It was like this that [work on a food security law] began again, but it emerged – more with Vía Campesina than Dora Zeledón... it was Vía Campesina that raised this issue of sovereignty and a law of food sovereignty and security.²⁶

Mobilizing for a Law of Food and Nutritional Sovereignty and Security

Following the WSF 1996, LVC, with its global headquarters located at this time in Honduras under the leadership of Rafael Alegría, began to discuss the issue of introducing food sovereignty policy legislation at the national level. This became a topic of discussion among Nicaraguan organizations belonging to LVC in the 1998–2000 period in Nicaragua,²⁷ thus occurring parallel to initiatives by Dora Zeledón and her colleagues as well as the Nicaraguan government under Alemán at this time to introduce a food security law and a national food security policy, respectively. Nicaraguan organizations belonging to MAF, including the Asociación de Trabajadores (Rural Workers Association, or ATC) and UNAPA, all of which were members of LVC, decided to move forward with the formulation of a national food sovereignty law in Nicaragua in the early 2000s, as explained in the following:

After in the period from 2002–2004, already with the Cuba Summit, already with a much more productive exercise in our organizations, the ATC and UNAPA were going to form a structure, a draft bill. We were going to write this draft law that was now going to have the concept of sovereignty. A draft bill was called the Draft Law of Food and Nutritional Sovereignty and Security. It was going to be a document – a very important document to lead the process of distinct

²⁶ Interview with FAO official, 6 July 2012.

²⁷ Interview with ATC representative, 4 August 2011.

negotiations, of meetings, of forums, of consultations with small producers, social organizations, unions, producers, NGOs, etc.²⁸

The director of UNAPA at this time and a representative of the Federación Nacional de Cooperativas Agropecuarias y Agroindustriales (National Federation of Agricultural and Agroindustrial Cooperatives, or FENACOO), also a member MAF, drafted SSAN law for Nicaragua during the 2004–2005 period that reflected the ideological perspectives of the Nicaraguan LVC organizations and this process was supported by LVC.²⁹ Once the draft was completed, it also shared with the broader, international membership of LVC, and it was explained that, “at this time, even at the global level, it was not conceived that food sovereignty was going to be made into public policy because the proposal of LVC was to destroy the global system.”³⁰

Several features of the draft were noteworthy. First a number of measures that were included in the draft were either identical or nearly identical to those of the PNSAN. Furthermore, like the PNSAN and the 2000 Draft SAN Law, the SSAN law also included the creation of different institutions, including the Comisión Nacional de Soberanía y Seguridad Alimentaria (National Food and Nutritional Sovereignty and Security Committee, or CONASSAN), Comisiones Municipales de Soberanía and Seguridad Alimentaria (Municipal Food and Nutritional Sovereignty and Security Committees), and finally Comisiones Regionales de Soberanía y Seguridad Alimentaria (Regional Food and Nutritional Sovereignty and Security Committees) for the Autonomous Regions of the Atlantic Coast, to implement the policy. In this case these institutions reflected the

²⁸ Interview with MAF representative, 27 July 2007; Personal communication with MAF representative, 7 February 2013.

²⁹ Personal communication with MAF representative, 7 February 2013. See Appendix O for copy of MAF/UNAPA Draft SSAN Law.

³⁰ Interview with former GISSAN/UNAPA representative, 24 May 2013.

multiple-scale approach (national, regional, and municipal coordination) of the 2000 Draft SAN Law.³¹ Finally, the MAF/UNAPA Draft SSAN Law also carried over the creation of a permanent national food reserve and the re-establishment of the government-owned Empresa Nicaragüense de Alimentos Básicos (Nicaraguan Basic Food Company, or ENABAS), which was created during the Revolution and was closed during the Chamorro Administration at the onset of neoliberal reforms in the early 1990s, from the 2000 Draft SAN Law. However, while the draft did borrow from the PNSAN and the 2000 Draft SAN Law, it also included a number of elements of the food sovereignty framework, including:

- an emphasis on the vital economic role and contribution of small and medium producers, including women and indigenous communities (see Considerations II and III);
- the responsibility of the state to protect rural and peasant production from market liberalization (see as being antithetical to food production and environmental quality) (see Consideration VIII);
- recognition of the important role of women in production (see Consideration IX);
- the promotion of methods of production that emphasized the protection of the environment (including protection from genetically-modified organisms), the use of native seeds, and the decreased use of agrochemicals (Article 2 and Article 5);
- measures to improve national production for internal consumption and protect the national market from products imported through free market policies (Article 4);
- a focus on access to culturally-appropriate foods (Article 4); and

³¹ In the MAF/UNAPA DRAFT SSAN Law, they did not yet use the COMUSSAN or CORESSAN acronyms in the text of the law but this was introduced in the draft that followed, as described below.

- the facilitation of access to productive resources (land, credit, and technical assistance), especially for small and medium producers, peasants, and indigenous groups (Article 5).

While the focus on small and medium producers was also noted in the PNSAN and the 2000 Draft SAN Law, the first draft of the SSAN law emphasized this even further, recognizing small and medium peasant and indigenous producers as the basis of the economy. Moreover, while the PNSAN and the 2000 Draft SAN Law both included a role for the state in fostering and guaranteeing food security and the right to food, the SSAN law took this role further by proposing the state take on the responsibility of protecting the internal market from the international market.

Strengthening and Presentation of MAF/UNAPA's Draft SSAN Law

Upon its completion, the MAF/UNAPA draft proposal for the SSAN law began to be circulated among those organizations belonging to the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) as well as those belonging to MAF, the Grupo por la Promoción de Agricultura Ecológica (Group for the Promotion of Ecological Agriculture, or GPAE), and the Alianza de Protección de la Biodiversidad (Alliance for the Protection of Biodiversity, or APB).³² In late 2005, GISSAN was approached by an aide to National Assembly Deputy Walmaro Gutiérrez of the FSLN. As the story has been told, a consultant was hired to draft a proposal for a food security law though, instead of drafting an original law for Nicaragua, this consultant had simply

³² A former GISSAN/UNAPA representative described this process stating that, "Everything was developing in parallel when we became politically conscious of this issues, hence the issue of transgenics was a vital issue like an element of food sovereignty. So, after this proposal for the law began to be circulated in all of GPAE, it began to be circulated in all of the Alianza contra los Transgenicos" (Interview, 24 May 2013).

taken the draft of the food security law that was being deliberated at this time in Guatemala and adapted it to Nicaragua by removing the word “Guatemala” and replacing it with “Nicaragua.”³³ When the National Assembly deputies, specifically Deputy Gutiérrez saw this, they decided to discard the draft and approach GISSAN.³⁴ Some of the groups belonging to GISSAN had been active in promoting Dora Zeledón’s proposed food security law in the 1998–2001 period. As such, members of GISSAN consulted National Assembly deputies as to whether they should revive the 2001 proposed law or write a new law and it was decided that, rather than bring back the old law, that GISSAN would update the “famous law written by UNAPA.”³⁵

In order to update the MAF/UNAPA proposal for a SSAN law, member organizations of GISSAN began a consultation process modeled on the experience carried out by GPAE with the water law (see Chapter 4). Conducted largely in 2006, the consultation process was carried out in three steps: the first draft of the SSAN law was presented to different communities in the places where these organizations worked; suggestions, comment, and critiques were collected and presented back to GISSAN; and, finally, the results of these consultations were incorporated into a revised draft of the MAF/UNAPA SSAN law.³⁶ Following the consultations, representatives of GISSAN met at the offices of one of the member organizations to work tirelessly on the draft of the law during 2006 so that it could be introduced to the National Assembly by Deputy Walmaro Gutiérrez.

³³ Interviews with former FAO official, 9 March 2012, and GISSAN representative, 24 August 2011.

³⁴ According to one study participant, an ally of GISSAN’s spoke with Deputy Gutiérrez and “he agreed to accept the law and didn’t want us [GISSAN] to present it to him publically, but rather said ‘give it to me and we are not going to make a lot of noise and I am going to introduce it,’ and like this it was. The law entered quietly, the law was approved, even the FAO did not know. Because of this, [the FAO] was very angry with us” (Interview former GISSAN/UNAPA representative, 24 May 2013).

³⁵ Interview with GISSAN representative, 24 August 2011.

³⁶ Interview with GPAE representative, 15 August 2012.

This second draft of the SSAN law built upon the first draft prepared by MAF and UNAPA, adding more structure and changing some of the content through additions and omissions.³⁷ In particular, the GISSAN draft added a definition of food sovereignty to the law, which they elaborated as:

The right of the people to define their own policies and sustainable production, distribution, and consumption strategies that guarantee the right to food for the entire population based on small and medium production, respecting their own cultures and the diversity of peasant, fisherfolk, and indigenous ways of agricultural production, of commercialization, and of managing rural spaces, in which women play a fundamental role. Food sovereignty guarantees food and nutritional security. (Article 2 of GISSAN Draft SSAN Law)

Furthermore, in Article 5, a measure concerning the importation of food, particularly food aid (Subsection 8 in the GISSAN Draft SSAN Law), was further revised to include a reference to genetically-modified organisms (GMOs), with the updated version of the measure stating: “Establish strict control that permits the entrance of safe food into the country, not permitting food aid containing genetically-modified material to be received.” The GISSAN Draft SSAN Law also added a section (Chapter III) concerning strategic implementation measures that was largely taken from the PNSAN (Section VI - Strategies) and then revised. The GISSAN draft also more deeply developed the institutional framework (Chapters II, III, IV) for the implementation of the law, adding several other institutions to those created by the MAF/UNAPA Draft SSAN Law (CONASSAN and the municipal and regional SSAN committees, which were respectively called COMUSSANs and CORESSANs³⁸), including a Secretaría de Soberanía y Seguridad Alimentaria y Nutricional (Secretariat of Food and Nutritional

³⁷ See Appendix P for a copy of the GISSAN Draft SSAN Law.

³⁸ COMUSSAN is an acronym for Comisiones Municipales de Soberanía y Seguridad Alimentaria, or Municipal Food and Nutritional Sovereignty and Security Committees, while CORESSAN denotes the Comisiones Regionales de Soberanía y Seguridad Alimentaria, or Regional Food and Nutritional Sovereignty and Security Committees.

Sovereignty and Security, or SESSAN), the Comité Técnico de Soberanía y Seguridad Alimentaria y Nutricional (Technical Committee of Food and Nutritional Sovereignty and Security, or COTESSAN), and also added a chapter of the law (Chapter V) that described the joint responsibilities of different existing institutions (e.g., government ministries) under the law. Chapters were also added to more specifically describe the reach of the law (Chapter VI) as well as identify the sources of funding for the institutions, programs, and projects that were to fall under the scope of the law (Chapter VII). Finally, it removed the provision to create a national food reserve and re-establish ENABAS.

The Draft SSAN Law that was introduced by Deputy Gutierrez was a completely separate initiative from that of the previous initiative for a SAN law headed by Dora Zeledón,³⁹ despite the fact that some stakeholders couple the initiatives together. When GISSAN was finished updating the MAF/UNAPA Draft SSAN Law, the director of UNAPA (who by this point occupied a leadership position in GISSAN) met with Zeledón, who was considered an important ally, to present her with a copy of the draft law and solicit her support for the initiative, which she was reported to have given at that time.⁴⁰

Other Developments that Strengthened a Focus on Food Security Policy

Several other important developments occurred during the 2005–2006 period parallel to the growth of the food sovereignty movement and the elaboration of the SSAN law. These developments further re-directed attention towards promoting food security and developing national legal frameworks to support the right to food. At the national

³⁹ Interview with FAO official, 6 July 2012.

⁴⁰ Interview with former GISSAN/UNAPA representative, 24 May 2013; Personal communication with former GISSAN/UNAPA representative, 24 May 2013.

level, a partnership between the FAO and several universities was established in the 2005–2006 period to offer a graduate-level program (akin to a graduate certificate) in SAN that was specifically tailored to professionals and technicians working in the government, as well as other professionals working in the area of food security.⁴¹ The development of this program occurred on the heels of the founding of the Consejo Inter-Universitaria de Seguridad Alimentaria y Nutricional (Inter-University Council for Food and Nutritional Security, or CIUSAN) in 2004, which was founded by four Nicaraguan universities with support from the FAO and the Instituto Nicaragüense de Tecnología Agropecuaria (Nicaraguan Institute of Agricultural Technology, or INTA).⁴² CIUSAN sponsored and/or participated in a number of mainly national but also international actions to promote food security in Nicaraguan universities,⁴³ including workshops and forums, the graduate course mentioned above, inserting the study of SAN into university curriculum, and internships and research projects focused on SAN (CIUSAN 2007).

Furthermore, at the regional level, there were several other key developments that deepened the focus on food security and the right to food. First, on April 25, 2005, Guatemala passed the Ley de Sistema Nacional de Seguridad Alimentaria (National Food and Nutritional Security System Law), thus becoming the first nation in Central America

⁴¹ According to one study participant, about 50–60 individuals from various government institutions (including the Ministry of Agriculture and Forestry, MAGFOR) participated in the initial graduate training course and, according to his participant, “[T]his was a very good experience because it gave a critical mass to the government so that it began to discuss the subject of why didn’t we return to the policy – why didn’t we have a law. And this subject was being discussed...so a muscle was created in another way with the people that were here.”⁴¹

⁴² CIUSAN later joined GISSAN, and it was within the space of GISSAN that the member universities of CIUSAN learned about food sovereignty through their participation in “courses that [GISSAN] organized, through coordination meetings they held, through projects in some universities that were members of GISSAN...[and] with some organizations from GISSAN” (Interview with CUISSAN representative, 10 July 2012).

⁴³ Mainly the Universidad Centroamericana, the Universidad Nacional Autónoma de Nicaragua, and the Universidad Nacional Agraria (see CIUSAN 2007).

to pass national food security legislation.⁴⁴ A second regional development was the creation of the Hunger Free Latin America and Caribbean Initiative at the Latin American Summit on Chronic Hunger, held in Guatemala in September of 2005. At this event, Latin American heads of state committed to eradicating hunger in the region by 2025, the primary means of which would be through the development of national legal frameworks to ensure the right to food.⁴⁵ Finally, it was also in the period, as described in Chapter 4, that the debate over the Dominican Republic–Central American Free Trade Agreement (DR-CAFTA) intensified leading up to the adoption of the agreement, which entered into force in Nicaragua in 2006.

GISSAN's Draft Bill Enters the National Assembly⁴⁶

In August–September 2006, within this context of increasing national and regional focus on the issue of food security and the intensifying call for national policy to support the right to food, the updated GISSAN version of the SSAN law was quietly introduced by Deputy Gutiérrez to the National Assembly and sent to the Special Committee for the Monitoring of the Poverty Reduction Strategy, of which Gutiérrez was

⁴⁴ Drolet et al. (2011) observe that the approval of Guatemala's law was significant as it provided Nicaraguan actors with a template that incorporated the new idea of food sovereignty; however, the Guatemalan law expressed food sovereignty in a severely limited way with some owing this to contention over the issue of land reform. It is important to note here that Guatemalan social movement organizations, including peasant organizations belonging to LVC, lobbied extensively for the inclusion of the concept of food sovereignty in the Guatemalan law. In the end, they failed to meaningfully incorporate the concept into the law. The reported reason for this was their link between food sovereignty and land reform – and that other stakeholders did not want to accept the term “land reform” (interview with SIMAS representative, 12 March 2012). Another critical issue for Guatemalan *gremios* was that of penalties for noncompliance with the law and, ultimately, their demand to include the issue of penalties was not honored and this remains, as several FAO representatives remarked, a great weakness of the Guatemalan law. Finally, the FAO representative in Guatemala at that time, who provided assistance to the Guatemalan government on the law and incidentally went on to form part of the FAO team that worked on Nicaragua's law, was reported to have a very negative relationship with Guatemalan *gremios* (interview with former FAO consultant, 7 March 2012).

⁴⁵ See Hunger-Free Latin America and Caribbean website: <http://www.rlc.fao.org/en/initiative/the-initiative/>. From the beginning of the initiative, it has been supported by both the FAO and the Spanish Agency for International Development Cooperation, and Brazil has been particularly active in the initiative.

⁴⁶ See Appendix Q for a summary of the legislative process in Nicaragua.

the president (and Dora Zeledón was the second vice president), for review. The committee pronounced the proposed SSAN law as having received a favorable *dictamen* (official opinion) and requested that it be included immediately on the National Assembly plenary agenda for debate.⁴⁷ The approved SSAN *dictamen* came as a surprise to many, including the FAO, as one GISSAN leader reported: “When the law was accepted in October of 2006, no one knew that this document or the proposal of GISSAN and UNAPA had entered the Assembly.”⁴⁸ Furthermore, the committee that reviewed the GISSAN SSAN draft proposal had made very few changes to it. This, however, did not by any means signify that the approved *dictamen* was by any means strong. On the contrary, several study participants cited its weaknesses. A GISSAN representative explained that one FAO representative had explained that there were many gaps in the proposed law⁴⁹ and this assessment was echoed by several other policymakers and individuals who work in policy formulation. In particular, one National Assembly deputy stated that the *dictamen* was “very weak” and that “really it was a *dictamen* that did not leave you established mechanisms, it did not leave you established sanctions, it did not make clear a series of things.”⁵⁰ One GISSAN representative acknowledged weakness in the proposed law, stating that, “Maybe if we had taken [the FAO] as allies in our work, we could have improved the legal part of the law, as we had no lawyer or team. It was a weak point in the formulation of the law.”⁵¹

⁴⁷ See Appendix R for a copy of the *dictamen*, which is also available at <http://www.asamblea.gob.ni/trabajo-legislativo/agenda-legislativa/ultimas-leyes-aprobadas/>.

⁴⁸ Interview with GISSAN representative, 24 August 2011.

⁴⁹ Interview with GISSAN representative, 24 August 2011.

⁵⁰ Interview with National Assembly deputy, 21 August 2011.

⁵¹ Interview with GISSAN representative, 24 August 2011.

From this point forward, several study participants reported that they heard very little about the SSAN law once it was sent to the committee. As pointed out by numerous study participants, the liberal government, under the leadership of President Enrique Bolaños, had little interest in a food security law, much less a food sovereignty law. Furthermore, it was a proposal that was being introduced via the Sandinista Bancada, which did not yet have the political leverage that it would have in coming years, to a predominantly liberal National Assembly. Meanwhile, GISSAN and its member organizations, including those who belonged to LVC, focused their attention on campaigns to raise awareness about the concept of food sovereignty, as was included in the proposed law introduced to the National Assembly. The reason for this, a GISSAN representative, explained was “because the more people who knew the word, the more people who would understand it, and more people are going to use the word rather than security...”⁵² However, this proved to be a challenge, as this GISSAN representative explained in the following:

There was much opposition against the word, technical people in ministries, field technicians of civil organizations barely come to understand food security and nutrition and you are giving us another concept and we were completely confused. Also in GISSAN, in our strategic plan, and we only used ‘food sovereignty,’ saying that if there is food sovereignty, food security there. They did not want to accept us; just as simply put men and women instead of men and women, it took three hours of discussion.⁵³

Another former GISSAN/UNAPA representative further reported opposition to the term by food security specialists in government ministries. This study participant reported attending meetings of COTESAN in this period, explaining that,

⁵² Interview with GISSAN representative, 24 August 2011.

⁵³ Interview with GISSAN representative, 24 August 2011.

...at each meeting I talked about food sovereignty and one day they said to me ‘Stop speaking about this. This is a position of the far-left and it doesn’t solve the problem. Here we are talking about issues of malnutrition.’⁵⁴

In the 2005-2007 period, against this backdrop of opposition to and confusion over the term “food sovereignty” (especially vis-à-vis that of “food security”), food sovereignty advocates continued their campaigns to expand public knowledge of the concept (see Chapter 4). Food sovereignty began to be written about more in the organizational publications of food sovereignty advocates belonging to LVC and GISSAN. In addition to brochures and pamphlets distributed by GISSAN (see, for example, GISSAN 2006a, 2006b), a number of articles were included in magazines published by different groups in the food sovereignty movement, particularly GISSAN (*¡Ahora es tiempo de Soberanía Alimentaria!*⁵⁵) and the ATC (*El Machete*⁵⁶), which discussed the concept and principles of food sovereignty as well as positioned it as an alternative model for achieving food security vis-à-vis that of the market-based approach (GISSAN 2006c; Murillo 2006; Tamayo 2005; Torrez 2005, 2006; Vallecillo 2005, 2006). Additionally, the concept continued to be promoted in meetings, workshops, and forums held and/or attended by members of GISSAN, including the LVC organizations. One study participant also noted that lobbying efforts were undertaken in the National Assembly to educate deputies about food sovereignty since it was a relatively unknown

⁵⁴ Interview with former GISSAN/UNAPA representative, 15 August 2011.

⁵⁵ *¡Ahora es tiempo de Soberanía Alimentaria!* was published by GISSAN beginning in late 2006. As the first edition of the publication explained (GISSAN 2006c), the title of the magazine is a phrase (“Now is the time for food sovereignty!”) that was popularized by LVC following the breakdown of the WTO negotiations in Geneva, Switzerland, in 2006, which was also adopted by GISSAN to show its solidarity with the movement and commitment to food sovereignty.

⁵⁶ *El Machete* is published by ATC and is a bi-monthly magazine that includes news and information about subjects related to and the activities of the ATC as well as the organizations to which it is affiliated, namely UNAPA and MAF.

concept to most of them.⁵⁷ Finally, an international event that was reported to have assisted in strengthening the concept of food sovereignty both within GISSAN and more broadly in Nicaragua was the Nyéléni Forum for Food Sovereignty in Sélingué, Mali,⁵⁸ which was held in early 2007 – just a few months after the SSAN bill had been introduced to the National Assembly – and this event was attended by LVC and GISSAN representatives from Nicaragua. A GISSAN representative explains the significance of this event and the controversy over the term, in the following:

It was the firm belief of GISSAN that ‘sovereignty’ necessarily included the concept ‘security’ and that we could work just using the term sovereignty. This we decided especially after the meeting (World Forum) in Mali, where the sovereignty concept was deepened...Of course ‘sovereignty’ was a left focus for what concerns the agriculture system (family and small production), it points right away out to Land Reform, the right to Food of all folks, and so more...It was a very hot topic politically in agriculture and the rural population of each nation. We were well aware of this.⁵⁹

Strengthening of the Dictamen and Early Concerns about the Draft SSAN Bill

Between the time the *dictamen* was approved in October of 2006 and early 2007, another profoundly important event took place that resulted in deeply strengthening national political will in support of food security: the November 2006 General Election that resulted in Daniel Ortega’s presidential election victory. With Ortega’s victory, the FSLN assumed control of the executive branch of government after 16 years of liberal executive leadership. The incoming Sandinista government had much interest in

⁵⁷ Interview with UNAPA representative, 16 August 2011.

⁵⁸ As another study participant explained, the Nyéléni forum was very important for both deepening the concept of food sovereignty and moving the concept as one that was based in peasant movements to one that was embraced more broadly and further stated that: “What happened was that it opened up the concept of food sovereignty. Food sovereignty was a very closed concept. There were no opportunities for non-government organizations to participate. It belonged only to the peasant movement and it was a very closed concept. The subject was expanded to include the issue of women, it was expanded to include ecology, it was expanded with new alliances with international NGOs [non-government organizations] that shared Vía Campesina’s vision. Now there was an opening” (Interview with former GISSAN/UNAPA representative, 24 May 2013). See also Nyéléni Forum for Food Sovereignty 2007.

⁵⁹ Personal communication with GISSAN representative, 6 October 2013.

immediately pursuing the issue of food security both in policy and through government-sponsored social programs and viewed the concept of food sovereignty favorably.⁶⁰ Actions and activities that had been taken in the 1980s and 1990s, including experiences from *Campesino a Campesino* (CaC) and the promotion of local markets in the municipalities, informed the FSLN strategy in addressing food security and they created a parliamentary commission to examine how to construct a law of food sovereignty.⁶¹

Additionally, the new government introduced several initiatives in the first year of assuming power to further address the issue of food security. One of its first actions was to create the Consejo de Seguridad y Soberanía Alimentaria (Food Security and Sovereignty Council, or CSSA) to replace the CONASAN, which had never really functioned (see above).⁶² It also introduced several programs and initiatives in 2007 to deepen food security: first, the “Hambre Cero” (“Zero Hunger”) program created in early 2007 to provide rural women with a Bono Productive Alimentario (food production voucher, or BPA) that included seeds, small livestock, and technical assistance to encourage food production and greater family and community food security;⁶³ second, the government created the Banco de Fomento de Producción (Production Development Bank, or PRODUZCAMOS), focused on providing credit to micro, small, and medium producers; and, finally, the government reactivated ENABAS. A law would

⁶⁰ Interview with SIMAS representative, 9 March 2012.

⁶¹ Interview with ATC representative, 9 August 2011.

⁶² The appointed director of CSSA was Orlando Nuñez Soto, who was the director of CIPRES and also had strong ties to the FSLN (during the Revolution, Nuñez had been the director of the Centro de Investigaciones y Estudios de la Reforma Agraria, or the Center for Research and Study of Agrarian Reform, which was commonly known as CIERA). According to a former GISSAN/UNAPA representative, Nuñez approached him in mid-November of 2006, following the General Election, to see if GISSAN would be interested in being the civil society reference for food sovereignty; however, talks allegedly broke down over Nuñez’s lack of interest in pursuing a SSAN law (Interview, 24 May 2013).

⁶³ Here is an example of the extension of the kinds of programs that had been introduced in the municipalities in the 1990s. Hambre Cero was forcefully promoted by Nuñez, who left his position as the head of the CSSA to become the head of the Hambre Cero program in April of 2007.

only serve to strengthen the legitimacy of such programs, policies, and institutions. However, the change in government led to delays as newly-elected deputies took the seats of out-going deputies. The incoming deputies needed to familiarize themselves with initiatives for laws that carried over from the previous legislature and this led to further delays in debating the law in the plenary.⁶⁴

Another important factor here was that, while the interest in food security and national production on the part of the FSLN has to be seen in light of its historical objectives, the new emphasis on food sovereignty can be attributed to several other factors. First, as one former FAO official reported, when the FSLN assumed power, representatives of *gremio* organizations, like the Unión Nacional de Agicultores y Ganaderos (National Union of Farmers and Ranchers, or UNAG) and the ATC, and other CSOs that belonged to GISSAN assumed positions in government agencies and ministries.⁶⁵ Second, the FSLN government was strengthening ties with the Alternativa Bolivariana para Los Pueblos de Nuestra América (Bolivarian Alternative for the Peoples of Our America, or ALBA), a regional organization comprised of leftist governments that supported food sovereignty as part of its platform (see Araújo and Godek 2014),⁶⁶ and also was reported to fund different government programs related to food sovereignty (and security).⁶⁷

On the part of the National Assembly, in order to revise and strengthen the *dictamen*, Deputy Edwin Castro, head of the Sandinista Bancada in the National

⁶⁴ Interview with National Assembly deputy, 21 August 2011.

⁶⁵ Interview with former FAO official, 9 March 2012.

⁶⁶ Important to note here is that Venezuela, Ecuador, Bolivia, and Nicaragua are all members of ALBA and were the first Latin American nations to have food sovereignty policies.

⁶⁷ Interview with ATC representative, 9 August 2011; Interview with ATC representative, 16 August 2011.

Assembly and for whom Dora Zeledón was the replacement deputy,⁶⁸ asked Zeledón to review and revise the approved *dictamen* in early January 2007.⁶⁹ Zeledón explained that this was “[a] work process that developed by soliciting and resuming the technical support of the FAO and in consultation with diverse government and civil society actors” (Zeledón [N/d], 2). Over the months that followed, the *dictamen* was added to the National Assembly agenda for plenary debate several times but then was taken off for unspecified reasons, which made monitoring the progress of the law difficult.⁷⁰

To move the law forward, World Vision (an international non-government organization, or NGO), sponsored a workshop on June 7, 2007, at the request of then-Deputy Dora Zeledón titled the “Foro de Soberanía y Seguridad Alimentaria y Nutricional” (“Food and Nutritional Sovereignty and Security Forum”) (Drolet et al. 2011),⁷¹ which was attended by various actors who worked in the field of food security, including representatives of the FAO, the WFP, Dora Zeledón, GISSAN, *gremios*, representatives from the Consejo Superior de Empresas Privadas (High Council of Private Enterprise, or COSEP), and representatives of World Vision. At this forum, the *dictamen* was presented and three critiques/issues were raised about the draft, namely by FAO consultants and/or officials:⁷²

⁶⁸ In Nicaragua, National Assembly deputies each have a *suplente*, or replacement deputy who acts on their behalf if something were to happen to them. Both are elected to office.

⁶⁹ Interview with National Assembly deputy, 27 August 2011. Important to note here is that Zeledón was re-elected for a second term in the National Assembly as an FSLN deputy in the November 2006 general election.

⁷⁰ Interview with Centro Humboldt representative, 11 March 2013. See National Assembly for history of the law: <http://www.asamblea.gob.ni/trabajo-legislativo/>.

⁷¹ Drolet et al. state that this workshop was held in 2006; however, participants in the present study report that it was in 2007 and this was confirmed by a copy of the agenda of the workshop.

⁷² Interview and personal communication with former FAO official, 7 March 2012 and 12 March 2012, respectively.

1. The legal technique of the law needed to be revised and the aim and nature of the law needed to be better articulated.
2. Penalties and sanctions needed to be introduced as well as conflict resolution measures.⁷³
3. The institutional framework suggested in the law needed to be revised and strengthened, especially warranting the creation of a Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National Food Sovereignty and Security System, or SINASSAN), as “the responsibilities of sectors were not clear [and] it was not clear how the territories were linked” and, generally speaking, there needed to be more “institutional harmony.”

An agreement was thus reached between the stakeholders present at the workshop, particularly GISSAN, COSEP, and then-Deputy Dora Zeledón, in terms of how the *dictamen* would be revised.⁷⁴ Furthermore, it was here that the FAO Special Program for Food Security (FAO-PESA) committed to providing technical support for the final negotiations of the law⁷⁵ as well as funding to facilitate the process of passing the law.⁷⁶

⁷³ The need for such additions is believed to be linked to previously mentioned weakness of the Guatemalan SAN law in that it lacked “a mechanism to police it.” As a result, one FAO official proposed what later became Title III of the law involving violations, sanctions, and sources and mechanisms of administrative conflict resolution.

⁷⁴ Personal communication with former FAO official dated 12 March 2012.

⁷⁵ Personal communications with former FAO official dated 12 March 2012 and 28 March 2013.

⁷⁶ As Drolet et al. (2011) explained, “With funding from the FAO headquarters in Rome and the FAO-Netherlands Partnership Program (FNPP), FAO facilitated the creation of a team of lobbyists, FAO consultants, and policymakers to provide technical guidance on the drafting, negotiation, and consultation process, and ultimate passage of a food security law” (p. 18-19). Drolet et al. report that FAO support began in May of 2006; however, this is a curious point. In May of 2006, the law was had yet to be introduced to the National Assembly and, furthermore, the draft bill submitted by GISSAN that did receive favorable opinion by the committee was more or less identical to the version submitted by GISSAN, which does not suggest that any technical support by the FAO had at that point been given in terms of drafting, negotiation, or consultation, unless of course the FAO had been working on a different version of the law. This does not, however, negate the possibility that the FAO had already taken up lobbying efforts to push a bill through the National Assembly, namely the 2000 version promoted by Dora Zeledón that lay dormant in the legislative process.

June 2007: Breakdown in the Approval of the Law by the National Assembly⁷⁷

Before revisions could be made to the *dictamen* based on the agreement forged between stakeholders at the World Vision meeting, it was added to the National Assembly plenary agenda and introduced onto the floor for debate on June 12, 2007, at which time it was approved in general by 80 votes.⁷⁸ The debate on the law and its approval in the particular⁷⁹ continued the next day with the approval of the first four articles of the law.

When the debate turned to Article 5 of the proposed law, “Fomento de Soberanía y Seguridad Alimentaria y Nutricional” (“Promotion of Food and Nutritional Sovereignty and Security”; see Box 5.2 below),⁸⁰ the debate intensified over the provisions of several subsections of the article. In particular, Subsection 8, which stipulated “strict controls” on imported foods that did not allow the importation of food aid containing genetically-modified material, was the most controversial, and to a lesser extent, Subsection 3, which sought to “accelerate the legalization of land to small producers, indigenous communities, and rural women.”⁸¹ Representatives of the liberal *bancadas*, the Alianza Liberal Nicaragüense (Nicaraguan Liberal Alliance, or ALN) and the Partido Liberal Constitucional (Liberal Constitutional Party, or PLC), opposed Subsection 8 for various

⁷⁷ The discussion in the first part of this section is based on the transcripts of the plenary debate that took place on 13 June 2007. See National Assembly Record 2007.

⁷⁸ There are 92 deputies in the National Assembly, thus the proposed law received strong support from the legislature.

⁷⁹ Following the approval of the law in general, the deputies then approve each article of a bill. This stage of the process is when the law is “approved in the particular,” meaning that each article of the law is reviewed, debated, and voted on. Once a law is approved in general, no changes can be made to its content except through motions.

⁸⁰ See also Appendix P (Revised 2006 GISSAN Draft SSAN Law) and Appendix R (*Dictamen* - Draft SSAN LAW, dated October 5, 2006). Article 5 of the GISSAN Draft SSAN Law had incorporated elements of Section 4 of the 2000 SAN Law (see Appendix M, 2000 Draft SAN Law), particularly with respect to small and medium producers (Interview with GISSAN representative, 24 August 2011).

⁸¹ Curiously, and worthy of note, Subsection 3 was identical to a measure in the 2000 PNSAN (see Appendix N).

reasons, including its potential to set Nicaragua back technologically, the lack of scientific evidence that GMOs were harmful (and therefore no reason to refuse food aid containing them), and an overstatement of the presence of GMOs in food. Several deputies also took issue with Subsection 3, stating that there were already a number of institutions dealing with the issue of land legalization. Other issues cited by liberal deputies included the lack of public consultation for the bill and also the lack of emphasis on production. Most of these representatives favored suspending the debate to give more time to review the law and address its weaknesses.

On the other hand, representatives of the left-wing parties, the FSLN and the Movimiento Sandinista Renovación (Sandinista Renovation Movement, or MRS), generally defended the content of Article 5 and, more specifically, argued in favor of Subsection 8, with one invoking the precautionary principle, another arguing the dangers of GMOs, and several emphasizing that GMOs should not be tested on Nicaraguan citizens. Several expressed that the debate should be continued (and not suspended). Another underscored the responsibility of the state to ensure food security and promote programs to meet this end. After it became clear that there were significant factors that needed to be resolved and negotiated, and that the only way to do this was through motions (as the law had already been approved in general and could not legally be sent back to a committee for revision), and motions had already indeed begun to be formulated at this point in the legislative process, the debate over the law was suspended until the 20th of June. This was done with the expectation that the different *bancadas* within the National Assembly would reach agreements through the introduction of

motions to improve the law so that it could be approved in the next round of scheduled debates.

Box 5.2. Article 5 of the Draft Law of Food and Nutritional Sovereignty and Security (*Dictamen*, 5 October 2007)

Article 5: Promotion of Food and Nutritional Sovereignty and Security

1. Promote food production projects from agriculture, small and large livestock, fish, aquaculture, and artisanal production and the use of improved local varieties of grains giving priority to those that promote the family economy.
2. Maintain the duty-free import of machinery, equipment, supplies used directly in agricultural production for small and medium farmers organized in cooperatives.
3. Promote processes to accelerate the legalization of land for small producers [male and female], to indigenous communities, and facilitate access to land for rural women, thereof as individual or joint landholders.
4. Prioritize the demand for credit for peasant production, establishing funds for this purpose managed by local governments to benefit small and medium producers, peasants, and indigenous peoples, making women the priority.
5. Strengthen the technical capacity of small and medium producers [male and female]; to do this, establish programs that permit technological generation, transparency, and disclosure to improve and encourage increased productivity and food production.
6. Promote and support agricultural trade organizations of agricultural producers [male and female].
7. Solicit and receive food aid that corresponds with the patterns of consumption in the country, only in circumstances of emergency, observing existing provisions on the matter of donations in the Law of Fiscal Equity.
8. Establish strict control that permits the entry of harmless foods into the country for consumption, not permitting food aid that contains genetically-modified material to be received.
9. Maintain food reserves to assist the affected population in cases of natural disasters and/or emergencies of any kind concerning food problems, taking the opportunity to give food assistance or be an agent that regulates the prices when the levels of speculation as a result of a shortage of products or any other motive so requires.
10. Promote the participation of male and female producers in the commercialization of products, cutting the chain of intermediaries between [male and female] producers and [male and female] consumers.
11. Promote improvements in the conditions of commercial food infrastructure, among others: from roads and collection sites to targeted marketing centers.
12. Incorporate the food and nutritional security program into the framework of strategies to combat poverty.
13. Promote fair food security within the family and responsible parenting, protecting abandoned mothers and children.
14. Strengthen and expand supplementary food programs targeting vulnerable populations and at-risk groups (children under the age of five, pregnant and breastfeeding women, and seniors).
15. Strengthen the monitoring and control of food-borne diseases, maintaining an on-going campaign of food safety.
16. Promote breastfeeding as provided by the law and standards issued by the Ministry of Health [MINSA] and the International Code of Breast milk Substitutes.
17. Strengthen the program for the prevention and control of micro-nutrient deficiencies.
18. Encourage research and the fortification of staple foods with micro-nutrients.
19. Strengthen and expand the epidemiological monitoring system established by the government, incorporating food and nutrition content.
20. Expand the coverage and quality of basic water, electricity, education, and waste management services according to priorities in underserved territories.

Reasons for Suspending Debate and Approval of the Law

Echoing the biggest points of contention that emerged in the National Assembly debates, other stakeholders in the process of the law identified the issue of GMOs as being the most controversial. CSOs and the *gremios* were firmly opposed to GMOs. For other actors and institutions, particularly the National Assembly, this was an issue that they did not want to touch, allegedly out of fear of the repercussions this could have in relationships with the United States and large-scale businesses but also because of links between members of the FSLN Directive and transnational agribusinesses that were commercially involved with transgenics.⁸² One FAO official commented that this issue of GMOs had been misconstrued by some institutions and NGOs who were arguing that these seeds had been introduced when in reality what had been introduced were hybrids – not GMOs.⁸³ Another issue highlighted as being a point of controversy was that of prioritizing small and medium production, as per Article 5, Subsections 1-5, as private companies were opposed to this particular measure of the law (discussed below).⁸⁴ But perhaps the most important aspect of the law that the private sector opposed was the very definition of the concept of food sovereignty that appeared in Article 1 of the law. The

⁸² Interview with FAO official, 29 August 2012; Interview with Centro Humboldt representative, 11 March 2013. The Centro Humboldt representative offered the reasons that are discussed above, and, with particular respect to the position of the FSLN, this study participant explained that the FSLN position had shifted from one of being opposed to transgenics during the Bolaños Administration to one of not being opposed once they assumed the executive in 2007: "...this had its logic because many of the big leaders of the Frente converted during this period that they were not in power into businessmen and many of these businessmen took over businesses that had links with transgenics, so they could not oppose [them] for personal interests. For example, we identified Agricorp [transnational agribusiness in Nicaragua] as introducing transgenics in 2007 when the Frente came to power. In January 2007, we presented a study in which we realized that there was an accident in the United States – the freeing of one of the transgenics that came to Central American nations and Nicaragua. The presence of these transgenics were identified in different brands coming from Agricorp. There are leaders who are members, leaders that are part of the [Sandinista] Directive."

⁸³ Interview with FAO official, 6 July 2012.

⁸⁴ Interview with MAF representative, 27 July 2011; Interview with GISSAN representative, 24 August 2011.

PLC Bancada, with which the private sector was aligned, made it clear at this point that the law was not going to be approved if the concept of sovereignty was maintained as it was expressed in Article 1.⁸⁵

One of the major forces behind the suspension of the debate was COSEP, which represented large private sector enterprises, and they acted immediately to delay the approval process as they objected to a number of provisions stated in the law (discussed below). When COSEP realized that the law was being debated in the plenary and was approved both in general and through Article 4, they contacted the PLC Bancada and urged the process to be halted – basically to prevent the approval of the law.⁸⁶ According to a COSEP representative, the law “did not represent the foundations of food security”⁸⁷ and, furthermore,

Too many risks were identified in bill for the private sector...When this [approval] process started and the four articles were approved, COSEP immediately could not stop these four items but it acted in a way that stopped discussion of the rest, as was a very big law with many items – detaining it gave time to develop what are called motions...⁸⁸

⁸⁵ Interview with former FAO Official, 7 March 2012.

⁸⁶ Interview with former FAO official, 7 March 2012.

⁸⁷ A COSEP representative explained that the concept that the private sector advocated in terms of achieving food security was rather “food independence,” which he described in the following: “...we put emphasis on the importance of food independence...[which] is the ability of the people or a State to be self-sufficient in food production so that imports are not necessary and instead, if there is surplus production, there are export opportunities. This concept does not limit imports, i.e., if the country is self-sufficient, imports are not required. But this concept does not mean a ban on imports, rather imports with domestic production come to create more availability, but the basis of food security should be self-sufficiency of the state in food production. Obviously, if this self-sufficiency is not achieved, one turns to imports, but when you effectively produce enough, imports come to give additional security because in addition to your own production that produces food for the country, imports come to create an additional source that has many advantages, additional offers on the one hand, also for efficient distribution channels result from more competitiveness. Competition and competitiveness also make price formation that result in economic accessibility, so when you have food independence and also a market open to imports, you create conditions so that citizens have complete food in terms of quantities and economic access. That is our goal, and part of it is food independence...” (Interview, 26 June 2012).

⁸⁸ Interview with COSEP representative, 26 June 2012.

To halt the debate, COSEP presented the risks to the deputies in the National Assembly and they acted to suspend the approval process. Echoing elements of the above discussion, a COSEP representative cited four major problems with the law, the last three of which pertain to provisions of Article 5:

1. A lack of public consultation on the law, a step typically carried out by the National Assembly prior to the passing of a law in which different societal actors are consulted as to their position on proposed legislation;⁸⁹
2. The creation of what the private sector saw as excessive state structures,⁹⁰ evidenced by the state's ability to give discriminatory preferential treatment to small and medium producers at the expense of large-scale producers⁹¹ and the potential of the state to intervene in matters pertaining to trade⁹²;

⁸⁹ Interview with COSEP representative, 26 June 2012. This study participant further explained that, "...the consultation of the draft law in Nicaragua had been poor and that its approval process started without the involvement of various organizations" and "no one really knew the law."

⁹⁰ "...we are not interested in the growth of the state in terms of structure, but in terms of services and that was a concern of ours because we have always had our Ministry of Agriculture, we have always had the Ministry of Commerce, the issue of food security has always been addressed, decisions have always been made, programs or policies have always been established. So that in this legal order proposed by the law, we worked towards it not being necessary to increase the size of government, but rather use the framework already in place and make the right decisions...we considered that the existing state institutions were sufficient" (Interview with COSEP representative, 26 June 2012).

⁹¹ "...there was discrimination in many forms - that small and medium producers and cooperatives were - allegedly - the base of food security. We always said no one could be excluded. If a law is exclusive, it has problems, and we in COSEP who encompass all business activities regardless of size, we know that there are a number of organizations, companies, producer even when they differ - I mean resources, economic - all contribute. The law at the time excluded large production. And that bias - for this alone - for us made the law unjust, in terms of constitutionality. Under the law, all must be equal, but also made to think before the development policies of Nicaragua, between those of food, were going to exclude large producers and in this way, not only that it failed to recognize the effort, but that it was going to leave out that contribution" (Interview with COSEP representative, 26 June 2012).

⁹² The private sector promoted "responsible trade" or "trade in which both imports and exports, provided they have sufficient production and supply, were not restricted, offering food security as proof, but the market always has to be kept open" (Interview with COSEP representative, 26 June 2012.) The COSEP representative further explained: "I gave the example of that even if the market or the country was self-supplied [with] domestic production, importation comes to make an extra offer that brings benefits, but also if the domestic market is well stocked and we also receive food imports, opportunities to export and international trade should not be restricted on the grounds of food security..."

3. Regarding GMOs and related to the previous point, the ambiguity of the language concerning the regulation of GMOs – the term “strict control” in particular – could result in potential trade restrictions by the state and also the issue of how to assess the safety of food without defining clear measures or methods to analyze the risks posed by food contained GMOs; and
4. The risk of state intervention in national marketing and distribution chains, which could mean that the state would determine distribution in the market.⁹³

From the point of view of other stakeholders in the law, the private sector was opposed to the law because of the threat it posed to their interests. Pointing out that COSEP is an organization comprised of members with large-scale businesses, it was suggested that not all – but some – of the members of COSEP were against the law because of their economic and commercial interests in the trade of agrochemicals, basic grains, imported food, and genetically-modified seeds and foods.⁹⁴ Citing the opposition to the law by the Unión de Productores Agropecuarios de Nicaragua (Agricultural Producer Union of Nicaragua, or UPANIC), which is a member of COSEP, a MAF representative explained that,

It is private business, and they are from business. So, they are most opposed to this law. In fact, there will always be opposition because they are fighting for free trade. Yes, these people were opposed but as of right now they are fighting for the entrance of transgenic products and the government is defending them. It's not a solution for Nicaragua because it's a very poor country.⁹⁵

⁹³ “...the distribution and marketing channels are the result of market relations, and not what the state determines, [and] therefore they cannot be limited by the law” (Interview with COSEP representative, 26 June 2012).

⁹⁴ Interview with MAF representative, 27 July 2011; Interview with National Assembly deputy, 21 August 2011; Interview with former GISSAN/UNAPA representative, 24 May 2013.

⁹⁵ Interview with CaC representative, 6 June 2012.

While it was clear that COSEP played a fundamental role in suspending the debate, they were not, however, the only actor that saw a problem with the now partially-approved legislation. Both then-Deputy Dora Zeledón and Deputy Walmaro Gutiérrez were also reported to have acted to suspend the law for a different reason:

[T]hey realized they had made a mistake of ensuring food security, and then they didn't know what to do with this...If you state 'guarantee' then it's a law of the republic, of the state...[and] COSEP never thought of this...Who was aware of the problem with the law was Dora Zeledón who was the deputy who proposed this and then, when all of this came out, she spoke with Walmaro [Gutiérrez] and they decided to stop the law and not continue approving it.⁹⁶

Mystery of Scheduling of the SSAN Bill for Debate on the Plenary Agenda

While the reasons for the suspension of debate and approval of the law were fairly clear, what remained unclear, especially for those that were very involved in the formulation and/or advocacy for the law, was what prompted the *dictamen* to be placed on the National Assembly agenda for debate in June of 2007, especially because it was being revised and strengthened by then-Deputy Dora Zeledón and her team. In fact, many who were closely working on the *dictamen* were unaware that it was placed on the plenary agenda: "It was supposed that if we were working on it that it should not pass to the plenary because someone has to say that they are working on this law to improve it but what happened is that they debated it and all of a sudden it was passed in general."⁹⁷ Representatives of GISSAN and their member organizations also reported their surprise at the passing of the law in general, as they too were unaware that the *dictamen* had been

⁹⁶ Interview with FAO official, 6 July 2012. It should be noted here that this reason for suspending the debate was not mentioned by other interviewees, though it is worth citing as it suggests that there was potential concern on the part of the government over making the provision of food a state responsibility.

⁹⁷ Interview with National Assembly deputy, 27 August 2011.

passed to the plenary for debate.⁹⁸ It was further explained that the FAO was equally surprised: “They jumped high up! [The] FAO was humiliated; civil society hadn’t asked any counseling to the FAO, agency with special mandate to help nations write their food law [*sic*]. FAO has already published its unique model. Guatemala had FAO’s law.”⁹⁹

Several study participants speculated on the factors that may have led to it being placed on the agenda. These included lobbying by GISSAN (though this seems not to be the case given key figures in GISSAN were equally surprised by the debate of the law at this time) and the influence of FSLN-aligned *gremio* organizations, who were also reported to have pushed for the approval of the law while simultaneously excluding the private sector (COSEP) from the process¹⁰⁰ (presumably because the *gremios* knew the private sector would be opposed to various provisions of the law). A National Assembly deputy did report that the *gremios* met with different representatives of the National Assembly to “give way” to the approval process of the law, a step in which this deputy took part.¹⁰¹ A former representative of GISSAN/UNAPA speculated that Deputy Walmaro Gutiérrez had facilitated the scheduling of the bill on the plenary agenda.¹⁰²

⁹⁸ A SIMAS representative explained that, “It was approved without us even knowing it – it just came up on the floor at 9pm at night and approved at 11pm. Just like that...” (Interview, 9 March 2012). A GISSAN representative explained further, citing the continuation of the debate the next day: “...suddenly the law was passed in general – and nobody said anything. We did not know...so, they began debating article by article, the first four articles are about the concepts, the spirit of the law and, in the fifth article, we’d put the guidelines of public policies from the previous document, the work of 2000, which says what, what are the major commitments to ensure food and nutrition security, then one of these was...[that] you could not import genetically (modified) food...that meant transgenic, but we did not put the word ‘transgenic’ because we knew it would not pass...” (Interview 24 August 2011).

⁹⁹ Personal communication with GISSAN representative, 6 October 2013. None of the FAO representatives commented on this particular aspect. However, another study participant expressed a belief that the FAO influenced the suspension of the law in June of 2007 as well by emphasizing the weaknesses (Interview with SIMAS representative, 9 March 2012), some of which had been discussed at the World Vision event in early June 2007.

¹⁰⁰ Interview with former FAO official, 7 March 2012.

¹⁰¹ Interview with National Assembly deputy, 21 August 2011.

¹⁰² Interview with former GISSAN/UNAPA representative, 24 May 2013.

A former FAO official, who had been a key actor in the process, summed it up by stating, “How, why, and by who? I have never known or understood but this had various political consequences,”¹⁰³ and further explained later that, in light of the agreement made at the World Vision meeting to revise the *dictamen*, one of the immediate consequences of the approval of the unrevised *dictamen* was to incite “profound distrust among negotiating parties” and greatly intensify the conflict between them: “Deputy Dora Zeledón broke her relations with GISSAN, COSEP blamed the Sandinista Bancada and Dora Zeledón, and GISSAN blamed the FAO.”¹⁰⁴ While this first consequence had to do with the relationships between stakeholders (which is explained further below), the second immediate consequence had more to do with the legislative process. Now that the law had been approved in general and the first four articles approved, the negotiation of the law rested between the *bancadas* of the National Assembly and their ability to reach a consensus through changes to the law through motions, thus removing the component of citizen participation (consultation) from the policy process.

Deepening Conflict: FAO Team’s Revised Version of the Law

Although the National Assembly had initially proposed renewing the process of approving the law in the particular two weeks after the debate had been suspended, this did not come to pass. Instead, an internal committee was created and comprised of a deputy from each of the *bancadas* in the National Assembly¹⁰⁵ and headed by then-Deputy Dora Zeledón. Following the approval of the law in general and the first four articles, the committee had to “snatch it back to change the entire law” with the goal of

¹⁰³ Interview with former FAO official, 7 March 2012.

¹⁰⁴ Personal communication with former FAO official, 12 March 2012.

¹⁰⁵ This committee was reported to have included Deputy Dora Zeledón, Deputy Walmaro Gutiérrez (FSLN), Deputy Carlos Langrand (PLC), Deputy Monico Baltodano (MRS), Deputy Freddy Torrez (PLC), and one other deputy from the ALN (Personal communication with former FAO official, 14 March 2012).

demonstrating that there was a consensus between the different National Assembly *bancadas* on the content of the law and this had to be done through motions.¹⁰⁶ However, this process proved to be difficult as, according to a National Assembly deputy, “The opposition parties slowed down adjustments to the law, practically making it impossible to move forward on it.”¹⁰⁷ It was also reported that some politically powerful actors, particularly of the liberal *bancadas*, threatened not to approve the law unless an agreement was reached with the private sector; thus, they were obliged to negotiate with COSEP.¹⁰⁸

Upon the formation of the National Assembly committee designated to overcome the controversial issues in the law that prevented a consensus on the part of the *bancadas*, the FAO was invited by the National Assembly to accompany the process of improving the law (Zeledón [N/d]).¹⁰⁹ The FAO assembled an “impressive team” of experts to work on the law. However, it should be pointed out here that historically the expertise of the FAO was in the area of food security and, as such, the team assembled by the FAO included food security experts, none of which were strongly associated with the food sovereignty movement. As a former FAO official explained, FAO did not work with the concept of food sovereignty as it was not part of its institutional policy.¹¹⁰ In the case of FAO-Nicaragua, a former FAO official, who had been the director of FAO-PESA in

¹⁰⁶ Interview with National Assembly deputy, 27 August 2011.

¹⁰⁷ Personal communication with former FAO official, 12 March 2012.

¹⁰⁸ Interview with National Assembly deputy, 27 August 2011.

¹⁰⁹ According to one FAO official, “Then we [FAO] sat down with her, we all started talking and then all we told them that the law will have to comprise everything, if we are to make a law to globalize, encompassing, framing, all of this would have to be under the law – the law of breastfeeding law, the law of micronutrients, all laws that relate to and have to do with food security” (Interview, 6 July 2012).

¹¹⁰ Interview with former FAO official, 7 March 2012.

2007 and had previously worked with the *gremios*, introduced the concept and thus it was taken up a bit but not extensively.¹¹¹

In order to guide their work on the policy, the FAO expert team drew on materials created by the FAO on the construction of national laws to support the right to food.¹¹² Furthermore, as one FAO consultant explained, the team worked closely with National Assembly deputies and staff:

We went to the Assembly and we met with the heads of the *bancadas*, the deputies. We had access to all of the legislative information, had contact with the legal advisors to the committees that were...dealing with the issue and we spoke directly with the politicians that govern this country and we listened to them...¹¹³

The FAO also provided training to the National Assembly deputies to familiarize them with the concepts included in the law as well as models for formulating national food security and right-to-food policies, as one FAO official explained:

For the deputies, we brought a document that at the time was fresh out of the headquarters in Rome, which spoke about how to formulate legislation on food security depending on the type of democratic governance in each country...That book has a whole vision of how to address the initiation of this type of legislation...¹¹⁴

However, as the FAO official further reported, the document only dealt with food security and not food sovereignty.¹¹⁵

When GISSAN discovered that the FAO was revising the partially-approved law, they “jumped” because “the law had been passed to Article 4 and, according to the constitution, nothing can be changed from what is already approved...”¹¹⁶ The FAO team

¹¹¹ Interview with former FAO official, 7 March 2012.

¹¹² Interview with FAO consultant, 18 August 2011. This study participant cited a legislative study conducted by the FAO, titled “How to Design National Laws on the Right to Food,” that was used in the process of revising the law. This participant was directly involved in the revising of the law.

¹¹³ Interview with FAO consultant, 18 August 2011.

¹¹⁴ Interview with FAO official, 6 July 2012.

¹¹⁵ Interview with FAO official, 6 July 2012.

¹¹⁶ Interview with GISSAN representative, 24 August 2011.

began to revise the law from the beginning and GISSAN, in response, consulted a lobbyist to see what could be done but found themselves in a compromised position due to their economic limitations and their legitimacy vis-à-vis the FAO, as described below:

We were thinking about the possibility because at the end the deputies and Assembly were going to give more points to the FAO than to us because if the FAO was involved, it was going to assume the payment for a lot of things – that means money, which we do not have. From civil society, we were not going to give it to them. They [the FAO] are better, they are the United Nations, it is their duty to help countries, etc., etc. Clearly, we were in a weak position.¹¹⁷

The FAO expert team worked through August 2007 and presented the revised version of the law in September of that year (hereafter, FAO Revised SSAN Law¹¹⁸). A rather technical report was prepared by the team that included a summary of the findings of a comparative analysis of the partially-approved version of the law against the FAO Revised SSAN Law, and a comparative matrix outlining changes to the partially-approved law article-by-article with associated justifications for the changes (see FAO 2007). The goal of this exercise, according to the Executive Report (FAO 2007, 3), was to:

[A]nalyze the food and nutritional sovereignty and security bill given favorable opinion by the National Assembly, as well as discuss its relationship and relevance to the proposal prepared by the expert group of the FAO in this area using a comparative method in order to determine the substantive aspects to improve with the intention of promoting a more appropriate proposal.

The two groups of findings included in the comparative analysis included one group referring to “to essential gaps observed in the partially-approved law with respect to the version of the law revised by the FAO team” and another group relating to “technical legislative legal problems to improve the substantive content and form of the articles

¹¹⁷ Interview with GISSAN representative, 24 August 2011.

¹¹⁸ This version of the law was reported to have been based on Zeledón’s 2000 Draft SAN bill, improved and strengthened by the FAO team (Interview with Centro Humboldt representative, 11 March 2013).

contained in the partially-approved law that are considered to either delete or improve them” (FAO 2007, 4).

The FAO Revised SSAN Law significantly reformulated the partially-approved law, even down to the first four articles of the law that had already been approved by the National Assembly, taking into account weaknesses identified by the FAO at the June 2007 World Vision event. According to a FAO official,

You need to remember here that that what was done was an adaptation of a law already passed by a committee and we could not change it; we had to adjust it. The law was not born under all the vision that we all have now. Processes had to be accommodated, asking ourselves how can we do this with this article, we need to convince the deputies that this kind of phrasing was better than the other but said almost the same thing, but with a focus on food security and sovereignty.¹¹⁹

Much of the reasoning behind changes to the partially-approved law had to do with legal technique. In particular, Articles 1-4 of the law, which had been approved in the particular in June of 2007, were altered, including the very definition of food sovereignty, with the new definition reading,

Food Sovereignty: Is the right of Nicaraguans to formulate, approve, and implement their own policies, legislation, and strategies with gender equity, under a model of sustainable development as ways and means of production, distribution, and consumption of harmless and nutritious foods, respecting the right to cultural diversity and the right of local farmers.¹²⁰

Article 5 of the law, which had precipitated much of the controversy that led to the suspension of the law, was completely eliminated and rather the concept of precaution (as per the precautionary principle) was added in Article 22 of the new FAO version.¹²¹

Furthermore, while the new draft added a SINASSAN (as per the suggestions made at the

¹¹⁹ Interview with FAO official, 6 July 2012.

¹²⁰ See FAO Revised SSAN Law (Appendix S), Article 5, Subsection 1.

¹²¹ According to one former FAO official, “This 2007 document corrects the technical language issue that involved the purpose and nature of the law, there is a new redefinition of articles found in Articles 8-9 and Title 3 was written – the issue of penalties – and the time frame and limits of the law were introduced in Title 4. Section 2, in general terms, remained untouched. In general terms” (interview, 7 March 2012).

World Vision workshop in June of 2007) in Title II, Chapter I of the new version, the element of direct local and regional participation in food policy in the form of municipal and departmental SSAN committees was removed from FAO Revised SSAN Law (see Trucchi 2007). Another new addition to the FAO Revised SSAN Law was the creation of a Fondo Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National Food and Nutritional Sovereignty and Security Fund, or FONASSAN) to “develop and finance programs and projects with gender equity” (Article 25 of the FAO Revised SSAN Law). Finally, also per the suggestions made at the World Vision workshop, the FAO Revised SSAN Law also added a section on sanctions (Title III).

Both the FAO Revised SSAN Law and the accompanying technical report outlining the differences between the partially-approved law and the FAO’s new version with justifications were finished in September of 2007; however, this report was allegedly not made available to the public – rather it was, for all purposes, confidentially circulated within the FAO and among members of the National Assembly special committee assigned to follow-up on the law.¹²² Several months later, on November 6, 2008, the FAO organized a seminar at the National Assembly¹²³ at which the Representative of FAO in Nicaragua at that time, Laura De Clementi, introduced the FAO Revised SSAN Law to the deputies (see Trucchi 2007). However, this new draft was controversial. As one former FAO official stated, the FAO Revised SSAN Law was described as being “politically incorrect in its wording.”¹²⁴ Part of the problem, this study participant explained, was that “the FAO made a mistake – a big mistake – of forgetting

¹²² Interview with former GISSAN/UNAPA representative, 24 May 2013.

¹²³ The seminar was called, “Seminario sobre Soberanía y Seguridad Alimentaria y Nutricional y propuesta de fortalecimiento de la Ley de SYSAN” (“Seminar on Food and Nutritional Sovereignty and Security and the strengthened proposal of the SSAN Law”).

¹²⁴ Interview with former FAO official, 7 March 2012.

the minimum consensus that was forged at the World Vision meeting”¹²⁵ and, furthermore, “[The new version] did not respect the version approved in general or in the particular, and it reorganized it completely. This deepened the conflict.”¹²⁶ At the root of the problem was that “we [the FAO] made the mistake of giving a political document to a person who solves technical problems.”¹²⁷ All in all, “In the second half of 2007, the FAO acted with very little political sense, being incapable of facilitating negotiation between actors, and promoting in a unilateral manner, at the request of Dora Zeledón, the [re-]formulation of the law.”¹²⁸

Response to and Consequences of the FAO’s Revised Draft SSAN Law

In September of 2007, GISSAN found out about the FAO Revised SSAN Law but were unable to obtain a copy; however, the MRS Banacada reportedly shared a copy of the law with GISSAN and the PLC provided a copy to COSEP and the Cámara Nicaragüense de la Alimentación (Nicaraguan Chamber of Food, or CNA).¹²⁹ GISSAN “rejected the FAO version of the law completely,” as the changes were extensive enough to warrant outrage on the part of GISSAN and its member organizations¹³⁰ (including the *gremios*¹³¹). According to one study participant who was closely involved with the process, “This surely appeared to GISSAN and the *gremios* as an invasion of sovereignty” and, as a result, the FSLN allegedly lost the support of the *gremios* around

¹²⁵ Interview with former FAO official, 7 March 2012.

¹²⁶ Personal communication with former FAO official, 12 March 2012.

¹²⁷ Interview with former FAO official, 7 March 2012.

¹²⁸ Personal communication with former FAO official, 12 March 2012.

¹²⁹ Personal communication with former GISSAN/UNAPA representative, 24 May 2013.

¹³⁰ Interview with former FAO official, 7 March 2012.

¹³¹ Curiously here, in interviews with representatives of *gremio* organizations, they were quite silent about their response to the FAO team’s revised version of the law. However, as will be detailed more below, this may have had to do with their negotiation strategy.

the subject of SSAN.¹³² De Clementi, who had worked closely on Guatemala's law as well as Nicaragua's and was reported to have a weak relationship with *gremios*, argued that the *gremios* in Nicaragua had "no right to denounce anything."¹³³ One of main problems, from the beginning, as had been pointed out by COSEP, was that the initial public consultation process on the GISSAN Draft SSAN Law had been very limited in the sense of not having included sectors represented outside of the *gremios* and GISSAN; thus, "...the *gremios* [and GISSAN] attacked the FAO [for a] situation that they [themselves] had caused and the FAO took advantage of this"¹³⁴

Over the months that followed, GISSAN continued lobbied intensely against the FAO Revised SSAN Law and in support of the version of the law that had been passed in general and took a number of actions to enlist support for its endeavors. GISSAN representatives met with Deputies Carlos Langrand of the PLC and Monica Baltodano of the MRS, both members of the special committee working on the law.¹³⁵ They also met with a FAO representative who was part of the FAO expert team (and who would later become the appointed facilitator and adviser in the process of the law), who was described by GISSAN leaders as meeting with them out of his own interest and

¹³² Interview with former FAO official, 7 March 2012.

¹³³ This highlighted the historical relationship, or lack thereof, between the FAO and civil society actors and the limits of the FAO as an organization and stakeholder in national policy discourse and formulation. As a former FAO official explained, "It's institutional...the problem of not working or working with the *gremios* is institutional. FAO does not work with *gremios* because FAO is a representation of government. And, next, for the FAO to be able to work with *gremios*, it should have in one way or another...the invitation of the government...because it is a function of the government. Therefore, FAO has had to invent the International Council of Civil Society of FAO Rome...In Nicaragua, the problem is that the FAO is an old instrument...[that is] closely linked to the Green Revolution and very close to big producers – since its inception – very much a discussion of the Green [Revolution], very agrochemical..." (Interview, 7 March 2012).

¹³⁴ Interview with former FAO official, 7 March 2012.

¹³⁵ Interview with former GISSAN representative, 24 May 2013.

willingness and was also particularly sensitive to the interests of *gremios* and GISSAN.¹³⁶ Furthermore, a GISSAN leader met with De Clementi, who apparently had a strong position in defense of the FAO's work and was reported to have stated to the GISSAN representative that, "The honorable National Assembly solicited technical assistance from the FAO and it responded with a technical proposal" (Trucchi 2007).

Additionally, GISSAN held various work sessions to attempt to reconcile the FAO Revised SSAN Law with the version that had been passed in general in June of 2007, at which representatives of MAF were also in attendance. One event in particular was a workshop held by GISSAN in October of 2007 over the course of three days, which was attended by representatives of MAF, and it was at this workshop that the different versions of the law were debated and analyzed. However, the relationship between GISSAN and MAF (and its member organizations, the ATC and UNAPA – remembering that this was the expression of LVC in Nicaragua) began to weaken as MAF reportedly began to increasingly side with Dora Zeledón.¹³⁷ This generated a division between the *gremios* and GISSAN, with the former beginning to distance themselves from the latter, which led to disappointment on the part of GISSAN due to the deception on the part of their allies who increasingly sided with Zeledón.¹³⁸ Regarding GISSAN's struggle against the FAO Revised SSAN Law and the repositioning of the LVC organizations, one study participant recounted that an individual who was close to the process of the law said that nothing more could be done, the FAO Revised draft of the law was now the new proposal, and that this had been ordered by the FSLN government,

¹³⁶ Interview with GISSAN representative, 24 August 2012; Interview with former GISSAN/UNAPA representative, 24 May 2013.

¹³⁷ Interview with former GISSAN/UNAPA representative, 24 May 2013.

¹³⁸ Interview with former GISSAN/UNAPA representative, 24 May 2013.

and, furthermore, the *gremios* had to support the position of the government, which was that of Zeledón.¹³⁹

Nonetheless, GISSAN representatives continued to lobby and take action to oppose the FAO Revised SSAN Law, particularly national facilitator of GISSAN at this time. Upon finding out about the November 2007 FAO seminar at which the FAO Revised SSAN Law was presented to the deputies, the national facilitator went to the event and began to raise objections concerning the exclusivity of the process by which the law was being reformulated and the revisions to the SSAN law made by the FAO expert team.¹⁴⁰ Towards the end of 2007, the national facilitator also began to meet with representatives of COSEP and CNA, who were reported to have also been excluded from meetings concerning the law convened by the FAO and National Assembly, to try and reconcile common proposals about the law.

The situation, however, grew more complicated at the end of 2007 and early 2008 when the GISSAN national facilitator began to publically denounce the FAO both in written communications and also at national and international meetings. Several of the first instances were reported to include an international FAO meeting in Recife, Brazil, in December of 2007 and also at a regional workshop sponsored by the FAO on food rights legislation held in Managua from January 21–24, 2008.¹⁴¹ At this second meeting, in

¹³⁹ A study participant reported being told that MAF and the *gremios* “had to support the position of the government and the position of the government was that of Dora Zeledón, meaning it was not what the *campesino* movement agreed with...[MAF] could not oppose the position of Dora Zeledón because it was the position of the Sandinista Bancada. It’s simple.” The source of this information is being withheld at my discretion.

¹⁴⁰ Interview with former GISSAN/UNAPA representative, 24 May 2013.

¹⁴¹ Important to note here is that at this time in 2007-2008, several international developments were emerging with regard to the issue of food security and food security policy that gave greater meaning and force to the process of negotiating the law. First, the onset of the 2007-2008 World Food Crisis, in which food prices skyrocketed and this led to protests worldwide and a much more focused attention on the issue of food security and the role of markets in this crisis. As one FAO official explained, against this

particular, many organizations and FAO officials were in attendance, and GISSAN was also invited. At the event, the GISSAN national facilitator publically denounced Dora Zeledón and Laura De Clementi, both of which were presiding over the event, as well as the FAO.¹⁴² The public condemnation of the FAO was taken quite seriously by FAO-Rome as the national facilitator of GISSAN “was claiming that FAO Nicaragua was a huge obstacle to the law,” and it was further explained that,

Obviously, FAO-Rome became quite nervous because on all the major webpages of major NGOs, the big *gremios*, the FAO appeared as one of the major problems in promoting the right to food, so [there was] a difficult conversation with FAO-Rome and FAO-Nicaragua. The situation was really, really unique. Then the FAO withdrew its entire team.¹⁴³

Towards Consensus? A New Approach to Negotiation

While the second half of 2007 into early 2008 was a period of much controversy over the law – described by one FAO official as being one of “very heated debates” with each stakeholder wanting to see their version of the law win out over the others, there was a considerable shift in strategy in February of 2008 that permitted the negotiations to move forward.¹⁴⁴ According to a former FAO official, who was appointed by the FAO to be the facilitator and technical adviser to the process of negotiating the law (and was

background, the necessity for legal frameworks to support food and nutritional security emerged more forcefully and this gave impetus to the process of the law in Nicaragua (interview, 29 August 2012). During this period, the FAO held three regional workshops to facilitate dialogue and deepen the focus on passing national legislation to support the right to food, and thus the regional workshop for Latin America was this one held in Managua in late January (Interview with former FAO official, 7 March 2012; Interview with former GISSAN/UNAPA representative, 24 May 2013).

¹⁴² It was explained by one former GISSAN/UNAPA representative (interview, 24 May 2013) that at this event, Zeledón and De Clementi presented the FAO Revised SSAN Law and “were practically saying that Nicaragua was passing a bill and the bill was the FAO’s...” This participant further explained that the national facilitator of GISSAN, at this point, publically denounced De Clementi, the FAO, and especially Zeledón for not acknowledging the fact that the FAO Revised SSAN Law was not in fact that version of the law that had been debated and approved in general.

¹⁴³ Interview with FAO official, 29 August 2012.

¹⁴⁴ Interview with FAO official, 29 August 2012.

identified as having played a decisive role in the negotiation process¹⁴⁵), “...what I did at the beginning, first, the truth is that we let go of the lawyers because the first problem was a political negotiation – not a technical problem...It stayed internal, we negotiated internally. So at this moment the problem was precisely the issue linked to [food] sovereignty.”¹⁴⁶ According to this study participant, a new strategy was introduced. It was explained that, first, the political parties were each asked to appoint a social actor to represent them, and for this GISSAN and COSEP re-entered the negotiations; second, government ministries were included in the negotiations; third, the revised Articles 1-4 of the FAO Revised SSAN Law were removed, the original Article 1-4 from the June 2007 approved bill were re-instated, and the FAO logo was removed from the document; and, finally, all the adjustments that had been made to document were presented to the stakeholders and explained so that they could see how and where the original articles from the version of the law approved in June 2007 in general and through Article 4 were incorporated into the bill as well as the integration of revisions that had been agreed upon at the World Vision meeting prior to the approval of the SSAN draft bill in general.¹⁴⁷

The political parties each chose a social actor, as per the new strategy, to represent them (the FSLN chose MAF, the MRS chose GISSAN, and the PLC chose COSEP); on the part of the executive branch, the Ministerio Agropecuaria y Forestal (Ministry of Agriculture and Forestry, or MAGFOR), the Ministerio de Salud (Ministry of Health, or MINSA), and the Ministerio de Educación (Ministry of Education, or MINED) were chosen to participate in the process; from the National Assembly, the same group of deputies belonging to the special committee assigned to follow up on the law remained in

¹⁴⁵ Interview with FAO official, 29 August 2012.

¹⁴⁶ Interview with former FAO official, 7 March 2012.

¹⁴⁷ Personal communication with former FAO official, 14 March 2012.

the process; and, finally, on the part of the FAO, there was the facilitator and technical adviser as well as support from FAO Rome.¹⁴⁸ As a former FAO official explained, while initially 4-5 people arrived to represent each of the social actors selected by each of the *bancadas* to represent them, “...it was simply impossible – it was 20 people, all deeply distrusting of each other,” and thus it was decided that it would be narrowed to one person for each of the social actors (MAF, GISSAN, and COSEP) and one representative for each ministry.¹⁴⁹

Over the next five months, negotiations progressed between the actors. The challenge, from a legislative standpoint, was to forge a consensus between the stakeholders in the process, as it was necessary to both demonstrate to and convince National Assembly deputies that such a consensus was reached between the most important actors.¹⁵⁰ Consensus building was mainly carried out through two simultaneous and inter-related processes: the drawing up of motions and consultations with a broad range of stakeholders and social actors. This iterative process both shaped the content of motions while incorporating the feedback into their formulation, and it helped draw support for the process.

Motions and Consultations

As the SSAN *dictamen* had already been approved in general, the only way to change its content was through motions, which had to be introduced by National Assembly deputies. As a result, different stakeholders in the process began to draw up motions and lobby National Assembly deputies to support and introduce their motions.

¹⁴⁸ Personal communication with former FAO official, 14 March 2012. More specifically, support from FAO Rome was provided through the FAO Right to Food Unit and the FAO Netherlands Partnership Program (FNPP).

¹⁴⁹ Interview with former FAO official, 7 March 2012.

¹⁵⁰ Interview with National Assembly deputy, 27 August 2011.

Beginning in February of 2008, meetings were held between the members of the National Assembly special committee, representatives of COSEP, and FAO representatives who facilitated the process and provided technical support. The product of these meetings was the first set of motions, which were submitted to the National Assembly on February 26, 2008, by the Comisión de Producción Economía y Presupuesto (Economic Production and Budget Committee), headed by Deputy Walmaro Gutiérrez.¹⁵¹ This first set of motions proposed changes to Articles 5, 6, 8, 9, and 13 of the *dictamen* that had been approved in general and through Article 4 in the particular in June of 2007. More specifically, the changes to Article 5 significantly revised Subsections 1–5 (see Box 5.2 on pages 195), in order to remove the alleged discrimination cited by the private sector, and also omitted the most controversial subsection of the article – Subsection 8 – that dealt with the issue of transgenics as well as Subsection 10, which sought to shorten the value chain between producers and consumers.

GISSAN also prepared its motions and lobbied different National Assembly deputies with which it had contact and support in its attempts to defend the measures in Article 5 to prioritize small and medium producers and also protect against the entry of transgenics. According to a GISSAN representative,

So, they took out the small peasant producers, but later it was introduced through motions and lobbying by GISSAN and other organizations, from some deputies with whom we could communicate to suggest what we wanted and this and that, and they asked, ‘How are we going to present this?’ So, this whole package of guidelines, they took them out. Of course, that of transgenics – the only word we insisted on was ‘harmless’ to be able to fight against transgenics. Private companies did not want to prioritize small and medium producers, as we had in

¹⁵¹ This information, as well as that which follows in the next sentence, was provided to me in confidence and thus the source is being deliberately withheld.

the law, that all of this effort of the state had to be, was to discriminate. So, the FAO took out the discrimination between producers...¹⁵²

This study participant explained, “We [as GISSAN] really struggled and motioned to mention the specificity of small and middle farmers and they said it was discrimination,”¹⁵³ further stating that,

It was all a struggle, it was all a season of motions, because anyone could make a motion to change [the law]. Then private business was not going to prefer the UNAPA law or of civil society or Via Campesina, so to speak...it preferred the FAO law because FAO does not handle food sovereignty, talks of food security and its four pillars, and they have done 20 years of promotion to engrain each of the four pillars of food security in our minds.¹⁵⁴

Parallel to the process of formulating motions, consultations were carried out by different actors, including MAF, the National Assembly, and the different government ministries that were party to the negotiations, to present different proposals and elicit feedback from different stakeholders. As one National Assembly deputy explained, “There were diverse forms of consultations and [this] support was key to strengthening the proposal for the law and advance the debate of consensus...[and] interpret the complex character of SSAN and the unique reality of Nicaragua.”¹⁵⁵ This deputy further explained that bilateral meetings were held between National Assembly deputies and the private sector, forums were held with CSOs and MAF, and government ministries (MINSA, MINED, and especially MAGFOR) also facilitated the consultation process, and in all of these ways, contributions, proposal, and other inputs were compiled to inform the process and contribute to the process of creating consensus through the broad

¹⁵² Interview with GISSAN representative, 24 August 2011.

¹⁵³ Personal communication with GISSAN representative, 6 October 2013.

¹⁵⁴ Interview with GISSAN representative, 24 August 2011.

¹⁵⁵ Interview with National Assembly deputy, 27 August 2011.

participation of many stakeholders.¹⁵⁶ The consultation process was also supported by international organizations, like Oxfam, who sponsored forums to facilitate the process.¹⁵⁷ This wider consultation process lent itself to increasing credibility though it was not without its own complications as different actors, especially government ministries, had their own visions grounded in their own interests and “there was complication in harmonizing all of this.”¹⁵⁸

Relationship of GISSAN to the Negotiation and Policy-Making Process

In the first half of 2008, GISSAN became increasingly more distanced from the process of the law and also from its former allies in MAF. With regard to this first development, although, according to a number of study participants who participated in the process of the law, the group was still consulted and invited to participate in the process, they gradually began to be increasingly marginalized in the process. Different study participants reported that this was on account of several issues. First, at the broad level, the weakening position of GISSAN has to also be seen against the background of the broader relationship between CSOs and the FSLN. During the years of neoliberal governments, as one study participant explained, there was more solidarity among organizations of the left (including peasant and farmer organizations, CSOs, and left-wing political parties, including the FSLN) because they were all engaged in a common

¹⁵⁶ Interview with National Assembly deputy, 27 August 2011. Another National Assembly deputy echoed these observations, further stating that in addition to MINSA, MINED, and MAGFOR, other ministries were also consulted, like that of the Ministerio del Ambiente y los Recursos Nacionales (Ministry of the Environment and Natural Resources, or MARENA), explaining that “really everyone was consulted” (Interview with National Assembly deputy, 21 August 2011).

¹⁵⁷ Interview with National Assembly representative, 27 August 2011; Personal communication with former GISSAN/UNAPA representative, 24 May 2013.

¹⁵⁸ Interview with FAO official, 6 July 2012. This FAO official further explained that Sandinista deputies were conducting these consultations just as the Consejos de Poder Ciudadano (Councils of Citizen Power, or CPCs), the primary vehicle through which the voices of citizens were channeled to the government under the FSLN’s vision, were emerging and the CPCs were active in the consultation process on the law.

struggle against the right-wing; however, this changed with the reassumption of power by the FSLN and divisions between organizations of the left became more apparent.¹⁵⁹ CSOs, in particular, were more critical of the FSLN on certain issues, in particular the creation of Consejos de Poder Ciudadano (Councils of Citizen Power, or CPCs), which were strongly linked to the FSLN and were considered by the party to be the primary mechanism of popular participation.¹⁶⁰ One GISSAN representative further explained that CPCs began to displace CSOs in the communities where they were established.¹⁶¹ More specifically, with regard to the negotiations of the law, one study participant explained that the CPCs “began to have a whole vision [and] framework [on the law] that soon after some people in GISSAN did not share.”¹⁶² It was further explained that such clashes between CSOs, like those belonging to GISSAN, and the CPCs, as an expression of the FSLN government, reflect a more general weakness in the relations between the two actors.¹⁶³

Taking into consideration this dynamic between the FSLN and CSOs, there were several other more specific issues that led to the marginalization of GISSAN. As a FAO official explained, the decision to gradually exclude GISSAN from the policy-making process had to do with GISSAN’s anti-GMO position:

I must tell you that the government was initially open to the participation of GISSAN and later said no. At first, GISSAN was part of the consultative bodies, but it started having problems, namely [one GISSAN leader] received a salary from an international organization that is against GMOs, had a position totally about this...so the government decided that it could not have that open a position

¹⁵⁹ Interview with GISSAN representative, 24 August 2011.

¹⁶⁰ CPCs were described by one study participant as “...an organization that was supported by the main cadres of the government, the FSLN. Meaning they had very good relationships [with the party], were enormous organizers, consulted the people – even those who were not members of the FSLN...” (Interview with FAO official, 6 July 2012).

¹⁶¹ Interview with GISSAN representative, 24 August 2011.

¹⁶² Interview with FAO official, 6 July 2012.

¹⁶³ Interview with FAO official, 6 July 2012.

around genetically-modified organisms and gradually they separated...Suddenly their [GISSAN] participation decreased and after almost no one took them into account during the consultation process. The law began to be discussed and handled and finished as it is.¹⁶⁴

Another factor included GISSAN's intense opposition to the negotiation and reformulation of the law and their continued demand to return to the *dictamen* that was approved in general and through Article 4. GISSAN's national facilitator continued to denounce Dora Zeledón, Laura De Clementi, and the FAO in different publications (such as those of LVC) as well as at different national and international meetings, including the 30th Regional FAO Conference for Latin America and the Caribbean held in April of 2008 in Brazil and the Cumbre Presidencial de Soberanía y Seguridad Alimentaria y Nutricional (Presidential Summit on Food and Nutritional Sovereignty and Security) held on May 7, 2008, in Managua.¹⁶⁵ This political controversy had important effects both for the GISSAN national facilitator and GISSAN's broader struggle against the law, as a Centro Humboldt representative explained,

When [GISSAN] saw that the civil society proposal was being eliminated or drowned out, there were intense confrontations. The deputies did not like this. The National Assembly did not like this and so instead of generating an opening to be able to negotiate, they closed the opportunity to be able to negotiate...many doors were closed to [the GISSAN national facilitator] at the end of the negotiations. He was one of the most critical people – his critiques were correct, but maybe it was how they were expressed. So, at one point, all the doors were closed in such a way that at the end he could not enter the Assembly but there were other representatives from the same [GISSAN] organizations that could, but these other representatives had little grasp of the content of the law and the technical aspects of the law, so really their presence did not amount to much at the time of defending the SSAN law proposal.¹⁶⁶

¹⁶⁴ Interview with FAO official, 6 July 2012.

¹⁶⁵ Interview with former GISSAN/UNAPA representative, 15 August 2011; Personal communication with former GISSAN/UNAPA representative, 24 May 2012.

¹⁶⁶ Interview with Centro Humboldt representative, 11 March 2013.

The already weakened relationship between GISSAN and MAF grew weaker with GISSAN's opposition to the negotiation and reformulation process, as MAF supported this process to facilitate the passing of the law and was reported to find the changes made to be relevant.¹⁶⁷ A MAF representative re-iterated GISSAN's opposition, stating, "GISSAN had a completely radical discourse against the FAO, a completely radical discourse against some articles," and further explained that,

We [MAF] had certain flexibility with some articles, for example, first with the issue of small producers and transgenics...So, the ATC continued and Mesa continued and we continued in the negotiation process of the law, moving in the different departments, moving in the territories, speaking with people, and at the end [GISSAN] was alone – they remained alone as NGOs. And we, as the productive sector and *gremios*, we supported the law.¹⁶⁸

A representative of UNAPA, further explained the tactic of the *gremios*, stating that,

Attacks were made on the activists, those who were advocating food sovereignty. There were also clashes with the government. Here we removed ourselves a bit. Those who were close to the government began to feel strong pressure, they began to divide...What we have maintained is a kind of permanent lobbying without fighting so sharply with the government, but rather debating, searching, pushing, constructing from below, convincing the deputies, speaking with businesses as well. We have adopted this tactic, but there were others who were publically condemning, moreover internationally. So there were these political clashes...¹⁶⁹

Despite its marginalization by the government and increasingly distant relationship with MAF, GISSAN was supported by other organizations working in the process of the law, namely CSOs, which did make efforts to include GISSAN in the process.¹⁷⁰

¹⁶⁷ Interview with former FAO official, 7 March 2012. As mentioned previously, it was suggested by several study participants that one of the reasons for which MAF did not oppose the FAO more strongly had to do with historic and loyal relationships between some organizations belonging to MAF and the FSLN. As a result, the position of MAF reflected that of Dora Zeledón as her position was the position of the Sandinista Bancada. In other words, had MAF opposed the FAO, it would have by extension been opposing the Sandinista Bancada. This point is very important to bear in mind.

¹⁶⁸ Interview with MAF representative, 27 July 2011.

¹⁶⁹ Interview with UNAPA representative, 16 August 2011.

¹⁷⁰ As a former GISSAN/UNAPA representative (personal communication, 24 May 2013) explained, one instance was that of a workshop that was organized by Oxfam in late May 2008 with the objective of

Final Negotiations, Consensus Building, and the Approval of the Law

The consensus building process over the first half of 2008 was generally described to be successful but not easy. The different representatives worked as a team to negotiate the terms of the revisions of the law, and as one MAF representative stated, “It is a process that perhaps as I have to tell you was beautiful but in reality it is complex because there was a lot of tension, a lot of telephone calls, this and that, one to another. It is not a simple process.”¹⁷¹ In particular, as support for the law allegedly hinged on the ability to reach an agreement with the private sector with respect to their concerns, there were some preoccupations about how these negotiations were going to play out, as one National Assembly deputy explained that at first the private sector representatives “were stiff, thinking that an imposition was going to come to the private businesses with food sovereignty and also they were worried about the issue of sanctions, of violations” (and also that their freedom to operate was going to be limited and regulated with respect to food products) but “after a while...they realized that we could negotiate.”¹⁷²

Several participants in this process were noted as having played particularly key roles by individuals who were close to the negotiation process. These participants included the FAO-appointed facilitator and technical adviser, who was described as being “the father of this law”¹⁷³; the COSEP representative, whose support was “decisive”¹⁷⁴; and the MAF representative, who was described as being the “true political player” who

discussing the current state of the law and to which to which National Assembly deputies and representatives from MAF organizations, MAGFOR, UNAG, GISSAN, and several other CSOs were invited. However, the national facilitator of GISSAN declined the invitation, namely due to the fact that the discussion proposed for the event was not on the version of the SSAN law approved in June of 2007 but rather on a recently revised version that emerged out of the multi-stakeholder negotiations that began in February of 2008. It is unclear whether other GISSAN members or representatives attended the forum.

¹⁷¹ Interview with MAF representative, 27 July 2011.

¹⁷² Interview with National Assembly deputy, 27 August 2011.

¹⁷³ Interview with FAO official, 6 July 2012.

¹⁷⁴ Interview with FAO official, 29 August 2012.

managed to make it so that the government and the *gremios* were open to negotiations as well as retain the concept of food sovereignty in the law.¹⁷⁵ Then-Deputy Zeledón was cited by the private sector as being the most active National Assembly deputy in the process of negotiating the law, the key person they dealt with regarding the content of the law, and further stated that she was very supportive.¹⁷⁶ The *gremios* also expressed that she was highly supportive and strongly defended the idea of sovereignty in the law.¹⁷⁷ However, other study participants reported that a number of conflicts emerged between her and other participants in the negotiating process with CSOs and representatives of the FAO.¹⁷⁸ One concern that was raised by representatives of GISSAN was that Zeledón reportedly tried to make it look like the SSAN law was hers, even though it was initially elaborated by the LVC organizations and updated by GISSAN, which served to further anger the group.¹⁷⁹

In June of 2008, the group of stakeholders sat down for the last time to negotiate and it was out of this meeting that the penultimate draft was made.¹⁸⁰ That same month, GISSAN (2008) sent an open letter to President Ortega expressing its opposition to the new version of the law, stating:

We reject new proposals for the Food Security Law with the excuse of strengthening the proposal, which has already received an official *dictamen* and is approved in general. Rather, we see this as an attempt to substitute it and this is really what has led to the real delay in the definitive approval of the Food and Nutritional Sovereignty and Security Law.

¹⁷⁵ Interview with former FAO official, 7 March 2012.

¹⁷⁶ Interview with MAF representative, 27 July 2011; Interview with ATC representative, 2 August 2011; Interview with UNAPA representative, 16 August 2011.

¹⁷⁷ Interview with COSEP representative, 26 June 2012.

¹⁷⁸ Interview with GISSAN representative, 24 August 2011; Interview with former FAO official, 7 March 2012.

¹⁷⁹ Interview with GISSAN representative, 24 August 2011; Personal communication with GISSAN representative, 6 October 2013.

¹⁸⁰ Interview with former FAO representative, 7 March 2012.

Over the several months that followed, the national facilitator of GISSAN continued to oppose the reformulation of the law, though he was kept in the loop about its progress. In an emailed letter he sent to members of MAF in August 2008, several concerns were highlighted that pertained to the penultimate version of the law: first, the law had two definitions of food sovereignty; second, the law was focused on the creation of a system and most of the law's content explained this system; and, finally, that small and medium farmers – “the base and the reason for MAF's existence” – were mentioned only once in the law.¹⁸¹ The national GISSAN facilitator further stated in the letter that,

Is it a law of food sovereignty and security or a law of food security with the title of sovereignty and nothing more? If we take into account that the ideological profile of the social struggle for the Sandinista government is food sovereignty with this law, it is not reinforcing this proposal not only from the government but also from MAF that as a member of Via Campesina should defend earnestly food sovereignty and not lend itself to possible manipulations of the concept.¹⁸²

Amidst the continued contention over the law between the stakeholders participating in the process, namely on the part of GISSAN noted above, several other regional events served to strengthen the call for the approval of the law. While these were not specifically mentioned by study participants as driving the process further, they are important to note as they indicate both national and regional support for food sovereignty and security policies. The first was the “Cumbre Presidencial Soberanía y Seguridad Alimentaria: Alimentos para la Vida” (“Food Sovereignty and Security Presidential Summit: Food for Life”) was convened in Managua, Nicaragua, on May 7, 2008, with the purpose of addressing the food crises that were affecting nations in the region. At this summit, governments of 11 Latin American and Caribbean nations (Nicaragua, Bolivia, Ecuador, Honduras, Venezuela, Saint Vincent and the Grenadines, Haiti, Panama,

¹⁸¹ Personal communication with former GISSAN/UNAPA representative, 24 May 2013.

¹⁸² Personal communication with former GISSAN/UNAPA representative, 24 May 2013,

Guatemala, Mexico, Belize, and the Dominican Republic) recognized “the obligation of states to respect, protect, and guarantee the universal right to food through concrete actions and measures that protect, in particular, socially vulnerable groups and contribute to the necessary means by which these groups can nourish themselves.”¹⁸³ As expressed through the final declaration of the conference, the nations resolved to take actions to deepen food sovereignty and security in their respective nations, including the subsidizing of national agricultural production, measures to combat climate change, promoting sustainable food production and consumption with a respect for cultural traditions, strengthening regional coordination and solidarity, the promotion of agrarian reform, and creating a regional fund to meet these ends, among other measures, some of which reflect key elements of the food sovereignty framework. The second major event was the passing of a Law of Food Security and Food Sovereignty in Venezuela in July of 2008 in addition to a series of other laws that also supported elements of the food sovereignty framework (see Beauregard 2009). A final event occurred several months later and that was the approval of a new constitution in Ecuador in September of 2008 that recognized food sovereignty (see Beauregard 2009 and K. Peñas 2013). All of these events served to highlight the momentum at the regional level for national policies that institutionalized food sovereignty, and particularly noted here is the interest on the part of the Nicaraguan government to participate in this process.

In August of 2008, the final draft of the law, the “Propuesta de Fortalecimiento de la Ley de Soberanía y Seguridad Alimentaria y Nutricional” (“Proposal for the

¹⁸³ See “Cumbre Presidencial Soberanía y Seguridad Alimentaria: Alimentos para la vida,” which includes the content of the final declaration of the summit at: http://www.presidencia.gob.ni/index.php?option=com_content&view=article&id=60%3Adeclaracion&catid=35%3A mayo2008&Itemid=54&showall=1 (23 December 2012).

Strengthening of the Food and Nutritional Sovereignty and Security Law”),¹⁸⁴ was finished following the last round of negotiations that occurred during that month and the draft began to be circulated. It was reported that this draft was virtually the same as the penultimate version drafted in June of 2008. GISSAN continued to critique the law. In particular, the GISSAN director at the time of negotiating and approving the law cited the two definitions of food sovereignty as “confusing things” and that in his opinion “it would be preferable to take out the term food sovereignty and leave food security...[because they] have taken out many paragraphs [about] small and medium farmers,” and made an important, additional observation: “It has been converted into a very technical law. The food problem is not a technical problem – it is political. It is a question of distribution of wealth and this has to be reflected in the law” (ATC 2008, 10).

Despite GISSAN’s reservations and objections, this final version of the law negotiated by stakeholders – a process that was described by representatives of the FAO, National Assembly, and MAF as giving way to a consensus between them¹⁸⁵ – was the one that was ultimately presented to the National Assembly. In the final months of 2008 and part of 2009, the National Assembly team working on the law began to share this revised version of the law with other National Assembly deputies. This process was explained by a National Assembly deputy who worked closely on the law:

So, from the fifth [article] forward, we had to adapt ourselves so that the entire law – there were 56 motions – was based on the system that Nicaragua needs and so the rest of the deputies were in agreement. So that all were in agreement. Presentations had to be made to the parliamentary *bancadas*, work with them, have seminars, hold events, show them that everyone was behind [the revisions], and convince them later that we had a consensus from the most important

¹⁸⁴ See Appendix T for a copy of the August 2008 Draft SSAN Law.

¹⁸⁵ This stakeholder consensus was emphasized in interviews with the three groups of stakeholders mentioned above, especially the two National Assembly deputies interviewed in this study (21 August 2011 and 27 August 2011, respectively).

actors...Well, how did we do it? So, how it was done was through preparation because it was going to be very difficult – the deputies had two very different documents. So what we did was make a document [organized] by chapter into which the 56 motions were integrated – the law was changed by motions because it couldn't be changed in the plenary. The document was made and the people read the motions and finally it was approved by consensus in this way. Usually, there are not so many motions with a law. It was one of the few experiences in which a law was made with some many motions. It was practically changed through motions.¹⁸⁶

However, several events led to further delays in the legislative process of approving the SSAN law. First, when the final draft of the law was ready to be shared with National Assembly deputies, the National Assembly was in recess. By the time a new session began, the political parties were busy campaigning for the 2008 municipal elections. The 2008 municipal elections were contentious and suspicions of fraud (namely on the part of the FSLN, which won many of the municipalities, thereby consolidating its power further) led to massive protests and political tensions between vying parties, further delaying the process of acquiring the necessary support from the *bancadas* to assure the approval of the law.¹⁸⁷ Meanwhile, Bolivia approved a new constitution in January of 2009 that included the right to food sovereignty, thereby strengthening the regional recognition of food sovereignty.

Despite the delayed approval of the law in Nicaragua, two events in 2009 served as catalysts for moving the approval process forward. First, the Foro de Presidentes de Poderes Legislativos de Centroamérica y la Cuenca del Caribe (Forum of Presidents of Legislative Power from Central America and the Caribbean Basin, or FOPREL) began to focus more specifically on the issues of food security and the right to food in 2009. Soliciting the support of the Sandinista Bancada, Dora Zeledón began to lobby for a

¹⁸⁶ Interview with National Assembly deputy, 27 August 2011; see also Zeledón [N/d], 2.

¹⁸⁷ Personal communication with former FAO official, 14 March 2012.

regional framework law of SSAN within this space.¹⁸⁸ Meanwhile, there was a pending invitation from the Nicaraguan government to the UN Special Rapporteur on the Right to Food to visit Nicaragua and assess the advances made with respect to guaranteeing the right to food; however, as a new official (Olivier De Schutter) was assuming the position during this period, the visit was re-scheduled for September of 2009. The pending visit, however, helped to gain the attention of the executive branch on the issue of the stalled SSAN Law in the National Assembly, as the approval of such a law would be considered a major advance in the country's progress with respect to strengthening the right to food.¹⁸⁹ On June 7, 2009, the 26th Meeting of FOPREL was held in Managua at which attending members mandated the drafting of a Framework Law for Food and Nutritional Sovereignty and Security that “could serve as a reference for each of the member countries of this forum...” (FOPREL 2009). With the attention of the executive branch of the Nicaraguan government on the pending visit of the UN Special Rapporteur on the Right to Food and the new regional focus on SSAN, particularly the formulation and approval of framework laws of SSAN, the political climate became favorable for passing the stalled SSAN law.¹⁹⁰

One June 18, 2009, within a week of the FOPREL meeting, the Law 693, the Law of Food and Nutritional Sovereignty and Security, was passed by the Nicaraguan National Assembly with a majority vote. Reflecting on the approval of the law in the National Assembly, a FAO consultant explained that,

¹⁸⁸ Personal communication with former FAO official, 12 March 2013.

¹⁸⁹ Personal communication with former FAO official, 25 October 2013.

¹⁹⁰ Interview with former FAO official, 7 March 2012; Personal communication with former FAO official, 25 October 2013.

It was on the agenda. The moment came. We have to approve it. The law was approved in a record time. I don't know of any other experience in which a law was approved unanimously and in a timeframe of one hour and 15 minutes. Meaning, it was approved in 75 minutes – such a complex law... We were sitting there, we were guests, we were in the first row, knowing how the parliament was – anything could happen – the debate could be stopped at any time because this is what happened with the first draft.¹⁹¹

Chapter Summary

The focus of this chapter was on telling the story of the process of making Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security. As was discussed above, while initiatives for a food security law emerged in the mid-1990s, and strengthened with the international focus on food security and the right to food – especially the formulation of international policies to support these matters, the impetus for a SSAN law emerged from Nicaraguan organizations belonging to LVC and the social movement supporting food sovereignty that emerged in Nicaragua with the support of these organizations. The organizational expressions of LVC in Nicaragua – MAF, UNAPA, and the ATC – undertook the drafting of a SSAN law, which was then shared with GISSAN and its member organizations that formed the broader Nicaraguan movement for food sovereignty. GISSAN in turn strengthened the proposal via a process of consultation in which member organizations consulted their respective organizational constituencies in various departments and localities in Nicaragua. A key turning point was the return of the FSLN to executive power in 2006 that resulted in reversing the former government's lack of focus on food security matters and, rather, making food security a critical component of the government's social and political agenda. Sandinista deputies, particularly Deputy Walmaro Gutiérrez, having assumed a leadership position on committees in the National Assembly, facilitated the introduction of the SSAN law for

¹⁹¹ Interview with FAO consultant, 18 August 2011.

consideration, leading to the proposal receiving a favorable opinion, which allowed it to advance to the plenary for debate.

Upon reaching the plenary, the law was passed in general but the approval process broke down over controversial measures included in the law, the most contentious of which were precisely measures that reflected key principles of food sovereignty, namely the prioritizing of small and medium producers and the prohibition of the entry of GMOs or food deemed “unsafe.” As a result, the National Assembly, now having passed the law in general, was forced to address the controversy by negotiating with opposition – namely the private sector – to overcome contention in order to gain the support of liberal *bancadas*, which represented the interests of the private sector. This was to be accomplished through the creation of motions. However, before such motions were developed, the National Assembly special committee assigned to follow up on the law solicited the technical support of the FAO, which in a secretive manner rewrote the law. The revised version of the law written by the FAO reflected the removal of key provisions that were seen as key for the food sovereignty movement, namely the prioritization of small and medium producers, protection from GMOs, and the element of local participation in policymaking via municipal and departmental committees.

The lack of sensitivity of the FAO and National Assembly special committee in creating an atmosphere of transparency and broad participation in the process of revising the law led to increased contention and controversy. Ultimately, there was a schism in the food sovereignty movement as the FSLN-aligned *gremios* sided with the government and the CSOs in the form of GISSAN continued to oppose the process of reformulating the law led by the FAO and National Assembly special committee led by Dora Zeledón.

Public denunciation of the FAO and Dora Zeledón by a GISSAN leader coupled with GISSAN's highly publicized position on GMOs, led to the marginalization of the group in the final process of negotiating the law in the first half of 2008. While GISSAN continued to oppose the negotiations and reformulation, the interest group's voice was increasingly silenced as a result of a waning lack of legitimacy, which was overpowered by the legitimacy that was bestowed upon the FAO by the government. Even though GISSAN continued to participate in the negotiation process from their more marginalized position, they were unable to successfully re-incorporate the elements of the law that they found to be most critical.

Spurred by the international focus on food security in response to the World Food Crisis in 2007-2008, the negotiation process of the law was reignited in early 2008. Once a consensus on the content of the law was reached through the negotiation process facilitated by an appointed FAO official and in which the private sector, *gremios*, government ministries, National Assembly deputies, and CSOs participated (albeit some, like GISSAN, from a significantly weakened political position), the second necessary consensus – that of the National Assembly *bancadas* – was stalled due to the national political environment as a result of the contentious municipal elections of 2008. Parallel to this development, food sovereignty began to be increasingly recognized at the regional level throughout 2008 and early 2009. Three countries with whom the FSLN government of Nicaragua had close relationships, as all were supporters of ALBA (Venezuela, Ecuador, and Bolivia), all approved national policies to support food sovereignty. The interest in approving Nicaragua's law strengthened in the first half of 2009 as a result of pressure created by the pending visit of the UN Special Rapporteur on the Right to Food

as well as the new focus of FOPREL on framework laws of SSAN. In June of 2009, the law was quickly passed by a vast majority in the National Assembly, thus creating Law 693 after more than 10 years of advocacy on the part of Sandinista deputies, CSOs, *gremios*, and other social and political actors to pass a law to support the constitutional right to food and to freedom from hunger espoused in Article 63 of the Nicaraguan Constitution.

However, as will be discussed in the next chapter, while the law was passed, the contention over the content and potential of the law was not squelched. Stakeholder opinions of the law revealed divided views over features of the final law as well as the concept of food sovereignty, more broadly. Furthermore, these debates had important implications for the initial implementation of the law at the national level, namely that the food sovereignty movement sought new ways to recuperate the elements of the law they thought to be essential but were removed during the negotiation process. Finally, the outcome of the law also had implications for the construction of SSAN policies in other Latin American nations and at the regional level, more broadly, in that Law 693 served as a model for other nations, but, arguably, perhaps not one that conserved the elements of food sovereignty championed and deemed necessary by the food sovereignty movement.

Chapter Six

Outcomes of the Process of Making Law 693

Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security (hereafter Law 693), was passed in June 2009, more than two-and-a-half years after the law had been introduced to the National Assembly via Deputy Walmaro Gutiérrez in October of 2006. While the previous chapter detailed the process by which Law 693 was made, this chapter examines both the immediate outcomes of this process.

This chapter first highlights major features of the final version of the law, juxtaposing these against other versions of the law that were developed over the course of the policy-making process. It then turns to the major debates that emerged among stakeholders over the final law, which reflect contention among stakeholders over the content of the final version, namely, in response to contested features of the law. Food sovereignty movement advocates, in particular, cited major weaknesses of Law 693. The chapter then discusses the locus of these debates, namely, the lack of consensus over the meaning of food sovereignty. The perspectives that stakeholders had on the final version of the law and their position on the concept of food sovereignty ultimately reflected their ideological differences.

Content of Law 693

The final version of Law 693 was significantly different from the GISSAN Draft SSAN Law introduced to the National Assembly in October of 2006 by Deputy Walmaro Gutiérrez, which was subsequently given a favorable official opinion (*dictamen*), was passed in general and through Article 4 in the particular in June of 2007, at which point the approval process was suspended. As detailed in the previous chapter, following

the breakdown in the process of approving the *dictamen*, the draft underwent several rounds of revisions, resulting in the contentious FAO Revised SSAN Law and ultimately the final version produced through multi-stakeholder negotiations in 2008. In order to reach a consensus among stakeholders in this last round of negotiations, the first four articles of the *dictamen* approved in 2007 were reinstated, elements of the FAO Revised SSAN Law were retained, and new elements were added in order to both meet the demands of stakeholders who had opposed elements of the *dictamen* (namely the private sector) as well as address technical weaknesses of the *dictamen* (mainly identified by the FAO).

The major features of the final version of Law 693 reflect elements of both the GISSAN Draft SSAN Law (and by extension, the MAF/UNAPA Draft SSAN Law upon which the GISSAN draft was based and elements of the 2000 PNSAN that the GISSAN draft incorporated) and the FAO Revised SSAN Law, as well as further additions constructed over the course of the 2008 negotiations.¹ More specifically, the major features of the final law were as follows:

- Articles 1–4 of the final law were identical to the *dictamen* approved in general in June of 2007, thus retaining the Article 1–4 of the GISSAN Draft SSAN Law.
- Article 5 of the *dictamen* (remembering this was the GISSAN Draft SSAN Law and also included guidelines for the State to follow to promote SSAN; see page 194 of Chapter 5) was completely omitted.
- “Complementary Principles of the Law of Food and Nutritional Sovereignty and Security” were added in Article 9, which introduced a second definition of food

¹ See Appendix U for a copy of Law 693.

sovereignty and the concepts of precaution, prevention, and inclusion (see Box 6.1 below).

- The institutional framework, the Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National Food and Nutritional Sovereignty and Security System, or SINASSAN) for implementing the policy included in the law was expanded further to include committees for food and nutritional sovereignty and security at the national, departmental, regional, and municipal levels (CONASSAN, CODESSANs, CORESSANs, and COMUSSANs, respectively²) as well as the SESSAN and COTESSAN.³ The law also detailed the composition of these committees, which at all levels included participation by government representatives, government agencies, and civil society.⁴

² Comisión Nacional para la Soberanía y Seguridad Alimentaria y Nutricional (National Committee for Food and Nutritional Sovereignty and Security), Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (Departmental Committees for Food and Nutritional Sovereignty and Security), Comisiones Regionales para la Soberanía y Seguridad Alimentaria y Nutricional (Regional Committees for Food and Nutritional Sovereignty and Security), and Comisiones Municipales para la Soberanía y Seguridad Alimentaria (Municipal Committees for Food and Nutritional Sovereignty and Security), respectively.

³ Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria (Executive Secretariat of Food and Nutritional Sovereignty and Security) and the Consejos Técnicos Sectoriales para la Soberanía Alimentaria y Nutricional (Sectorial Technical Councils for Food and Nutritional Sovereignty and Security), respectively.

⁴ More specifically, CONASSAN was to be presided over by the President of the Republic and include representatives from the Ministerio de Agricultura y Forestal (Ministry of Agriculture and Forestry, MAGFOR); Ministerio de Salud (Ministry of Health, or MINSA); Ministerio de Educación (Ministry of Education, or MINED); the Ministerio de Hacienda and Crédito Público (Ministry of Finance and Public Credit); the Ministerio de Fomento, Industria y Comercio (Ministry of Development, Industry, and Trade), the Ministerio del Ambiente y de los Recursos Naturales (Ministry of the Environment and Natural Resources, or MARENA); the president of the Asociación de Municipios de Nicaragua (Association of Municipalities of Nicaragua); a representative of the Gobiernos Regionales de las Regiones Autónomas del Atlántico Norte y Sur (Regional Governments of the Autonomous Regions of the North and South Atlantic); a representative of the Sistema Nacional de Atención, Mitigación y Prevención de Desastres (National Disaster Attention, Mitigation, and Prevention System); the Executive Secretary of SESSAN; a representative of NGOs; a representative of *gremio* organizations; a representative from the private sector; and a representative of indigenous communities. CODESSAN was to be comprised of an elected representative of municipal governments from the department; a representative from the departmental delegations of government ministries; and a CSO representative from a group working in the department. CORESSANs were to be comprised of a representative of the regional government, the local government, and CSOs working in the region. Finally, COMUSSANs were to be presided over by the mayor of the municipality and be comprised of the mayor or a delegate from the municipal government, a representative

- In Article 19, the law mandated the participation of a representative of the Consejo Inter-Universitaria de Seguridad Alimentaria y Nutricional (Inter-University Council for Food and Nutritional Security, or CIUSAN) as part of the COTESSAN.⁵
- Additional sections were added on Prevention and Precaution (Article 27), economic and moral incentives to deepen food and nutritional sovereignty and security (SSAN⁶) (Article 28), the creation of an emergency food reserve, FONASSAN⁷ (Article 29); the objectives of SINASSAN with respect to institutional responsibilities (namely on the part of existing government ministries) and of CONASSAN with respect to food sovereignty (Articles 30 and 31, respectively); and, finally, the issue of infractions, sanctions, and conflict resolution measures was introduced in Title III of the law.

Box 6.1. Article 9 of Law 693

Art. 9. Complementary Principles of the Law of Food and Nutritional Sovereignty and Security

a. Food Sovereignty. Without detriment to what was defined in number 1, article 2 of the present Law, food sovereignty is the right of the State to define its own policies and sustainable strategies of food production, distribution, and consumption which guarantee the right to food for the entire population with preference to the appreciation and consumption of national products without prejudice to the exercise of the right to free enterprise and trade.

b. Precaution. Guarantees the safety of internal food production as well as that of imported food and food aid, so that these do not cause harm to national food production and human consumption.

c. Prevention. Refers to the anticipated preparation to avoid grave or irreversible risk to food and nutritional sovereignty and security.

d. Inclusion. Makes sure that any type of social, economic, or political discrimination for reasons of gender, ethnicity, religion, or territoriality do not exist.

from the delegation of government ministries, and a representative of CSOs working in the municipality. Furthermore, additional representatives of CSOs could be invited to join the committees at all levels.

⁵ According to one study participant, this was one of the final changes that was made to the law before it was passed (Interview with former FAO official, 7 March 2012). After the law was passed CIUSAN changed its formal name to the Consejo Interuniversitario de Soberanía y Seguridad Alimentaria u Nutricional (Inter-University Council for Food and Nutritional Sovereignty and Security, or CUISSAN) (Interview with CUISSAN representative, 10 July 2012).

⁶ As per previous chapters, the Spanish acronym is used here (as per *soberanía y seguridad alimentaria y nutricional*).

⁷ Fondo Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National Food and Nutritional Sovereignty and Security Fund).

Debates over the Final Content of Law 693

While the vast majority of stakeholders – policymakers and representatives of *gremio* organizations and civil society organizations (CSOs), the Food and Agriculture Organization (FAO), and the private sector – considered the law to be a great accomplishment in and of itself, their opinions of the content of the final law were mixed. Some stakeholders emphasized the strengths of the law and had favorable assessments, with several explaining that the law served to strengthen the mandate of Article 63 in the Nicaraguan Constitution (right to adequate food and freedom from hunger) as well as illustrated the nation’s commitment to the Universal Declaration of Human Rights.⁸ Several others described Law 693 as being a “model” law that went beyond the framework law passed in Guatemala, with one FAO consultant further explaining that, unlike Guatemala’s law, Nicaragua’s law included mechanisms through which citizens could invoke their right to food (justiciability).⁹ A final strength of the law that was pointed out was how it overlaps with other national laws, thereby mutually strengthening the mandates of multiple policies, and how some of these policies reflect elements of food sovereignty.¹⁰

Despite these cited strengths, others critiqued the law as having a number of gaps, particularly with respect to the inclusion of essential elements of the food sovereignty

⁸ Interview with GISSAN representative, 29 August 2011; Interview with FAO official, 29 August 2012; Personal communication with MAF representative, 12 February 2013.

⁹ Interview with MAF representative, 27 July 2011; Interview with FAO consultant, 18 August 2011.

¹⁰ Personal communication with MAF representative, 12 February 2013. Here the MAF representative cited the following laws: Law 638, Law for Fortifying Salt with Iodine and Fluorine; Law 261, Municipalities Law; Law 290, Law of Organization, Competence, and Procedures of the Executive Power (which created the Ministry of Family Economy); Presidential Decree that created Citizen Power Councils (CPCs); Law 717, Creation of Fund for the Purchase of Land by Rural Women with Gender Equity; Law 688, Law to Strengthen the Dairy Sector and the Glass of Milk at School; Law 499, General Law of Cooperatives; Law 620, General Water Law; Law 280, Law of Seeds; Law 295, Law of the Promotion, Protection, and Maintenance of Breastfeeding and Regulating the Marketing of Breast Milk Substitutes; Ley 765, Law of the Strengthening of Agroecological and Organic Production; and Law 475, Law of Citizen Participation.

framework, and more extreme critiques of the law questioned whether the law ultimately was more “a law of food security with the title of sovereignty and nothing more.”¹¹ Several CSO representatives argued that the FAO had “hijacked the law,”¹² and due to the FAO’s power and authority as an international organization specialized in food and agriculture policy, and its financial power in terms of being able fund initiatives, its opinion was favored by the government.¹³ Reflected in the opinions of stakeholders are a number of debates over the law’s features including the system created by the law, the inclusion of food sovereignty principles in the law, the two definitions of food sovereignty that are in the final version, and the addition of the precautionary principle. The discussion that follows explores these debates as per the opinions of stakeholders as well as briefly examines how the concept, as understood by the food sovereignty movement, was reinterpreted and critiqued through the policy-making process.

System Created by Law 693

Some stakeholders saw the system created by the law as being one of its major strengths in terms of providing opportunities for enhanced participation in local and national policymaking, a key demand of food sovereignty. One National Assembly deputy explained that,

The importance of this law is that it established a participatory system for everyone from the highest level, to the departmental level, regional, municipal, with the participation of leaders and social and government actors. Everyone searching for alternatives to guarantee food security and the nutrition of our country...¹⁴

¹¹ Personal communication with former GISSAN/UNAPA representative, 24 May 2013.

¹² Interview with SIMAS representative, 9 March 2012.

¹³ Interview with GISSAN representative, 24 August 2011.

¹⁴ Interview with National Assembly deputy, 27 August 2011.

This was further underscored by several other study participants who particularly highlighted the fundamental significance of the COMUSSANs as vehicles through which municipal stakeholders could make their voices heard in policymaking. A representative of Mesa Agropecuaria y Forestal (Agriculture and Forstry Roundtable, or MAF) explained that the inverted pyramid created by the law in terms of the formation of committees at multiple levels essentially allows for the municipal level (COMUSSANs) to be the strongest expression of the state.¹⁵ A FAO official also highlighted the significance of representation at the municipal level and also that of coordination between different institutions (specifically between CIUSSAN and the municipalities), stating that “an extremely important step was made.”¹⁶ Finally, a representative of Campesino a Campesino (CaC) further expressed the importance of municipal representation to bolster local policies (especially local ordinances, which will be explored more below) and also facilitate more participation to “work better” because “only one organization is not going to provide the answer – there have to be all [organizations] and the government.”¹⁷

However, some stakeholders took a more critical view of the system. Recalling that one of the preoccupations of the private sector was size of the state, a representative from the Consejo Superior de Empresas Privadas (High Council of Private Enterprises, or COSEP) representative explained that, “...for us [the law is] a big system that could have been minimized by making good use of existing state structures, of the institutions

¹⁵ Personal communication with MAF representative, 12 February 2013. The “inverted pyramid” referenced here is the structure of the municipal committees (COMUSSANs) at top, followed by the departmental committees (CODESSANs) and regional committees (CORESSANs), and finishing at the bottom with the national committee (CONASSAN).

¹⁶ Interview with FAO official, 29 August 2012.

¹⁷ Interview with CaC representative, 6 June 2012.

established for the purpose of agricultural production and trade.”¹⁸ Another representative of an organization belonging to the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) cited a potential problem with the system and its capacity to address food security effectively, explaining that,

The system of food security has its base in the municipalities. What does this mean? It's that this base that the municipalities have – if the COMUSSAN does not exist, the law will not function...The law is going to begin to function with all its force once all the national territories have COMUSSANs. Without COMUSSANs, the law cannot start [to take effect] because the municipalities are the ones that have to begin to take the first actions.¹⁹

Finally, a former GISSAN/UNAPA representative also cited the limits of the law with respect to enforcement, explaining that,

Because we wanted a law that really benefitted people, because this law that was made creates a system and [it's about] food security more than anything. It gives you a legal framework in which food security is recognized in the law. This is important politically but...[t]here is nothing to regulate this. And here is where I personally am critical and have my reservations around what Via Campesina did...

Commenting further on this issue of justiciability, the former GISSAN/UNAPA representative further commented that,

So, what is the level of justiciability of food sovereignty that there is in the country? What? None. Someone can say that ‘I demand the right to justiciability in the framework of the right to food.’ Here there is a food security law that allows you to create a structure, but nothing more.²⁰

Food Sovereignty in the Law

The extent to which elements of the food sovereignty framework were incorporated in Law 693 was also another issue debated by stakeholders, and namely by

¹⁸ Interview with COSEP representative, 26 June 2012.

¹⁹ Interview with Centro Humboldt representative, 11 March 2013.

²⁰ Interview with former GISSAN/UNAPA representative, 24 May 2013.

CSOs belonging to GISSAN. As discussed earlier, several food sovereignty principles and measures to deepen food sovereignty were removed during negotiations. The factors behind this included pressure from the private sector, fear on the part of the National Assembly of confrontation with the United States and big companies over elements that involved international trade (particularly genetically modified organisms, or GMOS), and also the weight of the FAO's opinion as a "renowned international agency in the matter of food security"²¹ – and the FAO did not work with the concept of food sovereignty.²²

While acknowledging there were gaps in the law with respect to food sovereignty, some stakeholders, particularly from *gremio* organizations were more positive about the inclusion of food sovereignty in the law. Specifically, a MAF representative cited the law's incorporation of the concept of food sovereignty as per La Vía Campesina's (LVC) understanding of the concept and also the retained focus on small and peasant production and gender equity.²³ A representative of the Asociación de Trabajadores (Rural Workers Association, or ATC) cited the significance of the law as a vehicle through which participation in food and agriculture policymaking could be enhanced and more sustainable, local food production encouraged:

For the ATC, the new law permits prioritizing food production [and] rural organization narrowly linked with the community. It will help communities to exercise their full right to define their own food and agriculture policies, to protect and regulate their national agricultural production and ranching, as well as protect their domestic markets. Through this law concrete steps need to be taken towards sustainable rural production and consumption based on local and domestic food production, as well as changes in the policies that have to be made at the local, national, regional, and international levels.²⁴

²¹ Interview with Centro Humboldt representative, 11 March 2013.

²² Interview with former FAO official, 7 March 2012.

²³ Interview with MAF representative, 27 July 2011.

²⁴ Interview with ATC representative, 3 April 2013.

Other stakeholders, particularly representatives of CSOs, were more overtly critical, citing the absence of key elements of the food sovereignty framework as well as the absence of concrete measures to deepen food sovereignty. With regard to the first of these, while the definition as per LVC of food sovereignty was retained in the law, as one UNAG representative stated very simply, “The idea [of food sovereignty], well, of Vía Campesina is more radical than this law. This is has to be clear – more radical than this law.”²⁵ Building on this observation, a representative of Centro Humboldt further explained that the law lacked concrete measures to guarantee food sovereignty:

If you review the content of the law and you are conscious of the components of food sovereignty for Vía Campesina, you realize that elements of food sovereignty are not there. They simply remain at the level of principles...²⁶

Echoing these sentiments, a SIMAS representative stated more specifically that,

...if you look at all the discussions – I mean many things in food sovereignty were about agroecological agriculture, about not using GMOs, about national use of water, about formal land reform. But all this was taken out of the law. The law is about the monitoring of food security. It’s about structure.²⁷

The observations concerning the focus of the law on creating an institutional system, the lack of concrete measures to strengthen food sovereignty, and the emphasis on food security were also mentioned by several other study participants. One participant commented that the “law has the potential for establishing a system of food sovereignty in the country,” but further explained that there were contradictions in the law in terms of recognizing food sovereignty but not offering a means to achieve it:

Food sovereignty and security is spoken about in the law but from the perspective that the people have food all the time...that food is available to them but without examining where the food comes from...although there are some aspects that reference healthy eating and this type of thing...The law thus has this type of

²⁵ Interview with UNAG representative, 7 June 2012.

²⁶ Interview with Centro Humboldt representative, 11 March 2013.

²⁷ Interview with SIMAS representative, 9 March 2012.

incoherence...because it says that food sovereignty and security will be guaranteed but at the same time there are national programs that sell seeds, sell urea, sell chemicals for the people, so this does not deal with the perspective of agroecology as such, rather it is food security...They say nutritional, but the reality is that they do not deal with this...There is incoherence in the law.²⁸

A representative of Centro Humboldt further explained that,

[S]pecific actions linked to food sovereignty are not established. The biggest part of the actions are linked to institutional food security and they are not even so much actions because a big part of the law is only charged with establishing the system...[T]he issue of food sovereignty was the main task, like I said, at the end it remained in the title – not in the content of the law. This law is not about food sovereignty, so, although some can tell you that it is because they tell you that the system is going to guarantee food sovereignty, but if the system does not have clear mandates to ensure food sovereignty, the system cannot provide it...So, at the end, the proposal for the law remained only creating a system, meaning the law should be called what it does: Law of the Creation of a System of Food Security. It should not be called a Law of Food and Nutritional Sovereignty and Security because what the law does is create a system.²⁹

Two Definitions of Food Sovereignty in the Law

A third point of debate, related to the former, concerned the two definitions of food sovereignty in the final version, the first in Article 1 (see page 181 of Chapter 5) and the second in Article 9 (see Box 6.1 above). While the first definition reflected the concept of food sovereignty as per the Nicaraguan food sovereignty movement and emphasized the right of the people to define their own food production, distribution, and consumption policies and strategies, the second definition introduced the right of the State to also define its own policies and strategies of food production, transformation, distribution, and consumption to guarantee the right to food for all Nicaraguans, with emphasis on the consumption of national products but also respecting the right to free enterprise and trade. This was another point of controversy in the law. The two definitions were at odds with each other, according to one former representative of

²⁸ Interview with representatives of an organization belonging to GPAE, 8 June 2012.

²⁹ Interview with Centro Humboldt representative, 11 March 2013.

UNAPA/GISSAN, who further explained that this could have important implications for the policy in the future:

...what if this government lost and a neoliberal government comes and dictates its policies as they wish. How can they leave this open?! I do not understand and a Sandinista deputy left this door open – this is what I criticize.³⁰

However, several other study participants justified the addition of the second the definition, including a representative of MAF. Taking a legal perspective, a FAO consultant explained that,

Apparently, [this is] a contradiction, but I have a legal explanation. The Nicaraguan constitution, like all Central American constitutions, says that sovereignty rests with the people, but the people is made up of people, people are the population, the population is an element of the State. At the time of viewing the concept of the State in the legal sense, we are integrating the population because it is an essential element of the State. There is no State without [its] population, without territory.³¹

And the FAO consultant further explained at length that,

If you read the concept of sovereignty that appears in the first part of the law, it says that [food sovereignty] is a right of the people, but the people are organized, or that how the people are organized is through the expression of the State. [The people] have no other way of organizing themselves. Like this society is defined, at least our model of society. We have decided to create an organ called “State” and create powers of the State. Since Montesquieu – the separation of powers – this is ancient. The right of the people to define their own policies, yes, but through what? Through the State. So we have a concept [in Article 1] that is more political and populist because it is not a conceptualization that permits me to define sovereignty in the strict sense, that permits me to channel the exercise of sovereignty and the control of the exercise of power of sovereignty that institutions of the State have, such strategy, that of production, etc., that guarantee the right to food...‘Food sovereignty guarantees food and nutritional security.’ Well, this is an affirmation but it is not a definition of food sovereignty. This was already approved when we joined the debate process...if you read the concept of sovereignty here [in Article 9], it says ‘without detriment,’ meaning we respect the concept of food sovereignty [in Article 1]. Food sovereignty is a right of the State. The State is a legal concept.

³⁰ Interview with former GISSAN/UNAPA representative, 15 August 2011.

³¹ Interview with FAO consultant, 18 August 2011.

[The second definition] is more focused on the international because what we really want is to have adequate food for Nicaraguans guaranteed in our national structures and for this we need independence. This is what was sought really and it is the sense of what was wanted, or at least what we achieved in drawing out of the legislators – what the legislators wanted... There was a process of debate with all the heads of the country's most prominent political party *bancadas*.³²

A MAF representative also commented on this, justifying the two definitions of food sovereignty in the law:

The concept of food and nutritional sovereignty and security there is claimed in two ways – there are two concepts. One from the point of view of society in general as a human right that is qualified at the international level. And the other is as an instrument of the state... There are two concepts – the concept of food sovereignty as a claimed human right... mandated by the United Nations charter. Or the right to your food... However, the government as a country is subject to certain international pressures... Also, sovereignty is the legitimate use that the State has to implement its own internal policy to claim this right of the citizens known as food sovereignty. It's to say that me, as a state, in my capacity, my instrument, I will not be subject to external pressure to implement internal policies... From the country's point of view, claiming this right by law, this expression is in the law of [food] sovereignty. So, this is important.³³

But beyond the issues of legal technique and the protection of the right of the State to act independent of external pressure, as explained by the study participants cited above, there is another dimension to the content of Article 9, and that is the protection of the right to free enterprise and trade. In considering the concerns raised by the private sector with regard to the measures that were initially proposed in the famous Article 5, which the private sector interpreted as posing discrimination and possibly allowing the intervention of the State in trade and commerce, and further bearing in mind the position of the food sovereignty movement on the issue of free trade (as being antithetical to the realization of food sovereignty), the decision to specifically include a measure to protect the right to free enterprise and trade has to be seen as strategic in terms of creating the

³² Interview with FAO consultant, 18 August 2011.

³³ Interview with MAF representative, 27 July 2011.

consensus that was emphasized by several study participants as having been forged.³⁴ Indeed, as mentioned in the previous chapter, the liberal *bancadas*, which represented the interests of the private sector, threatened not to approve the law if food sovereignty remained as defined in Article 1. As such, Article 9 has to be seen as part of the compromise that was forged between stakeholders, which was explained by one National Assembly deputy who stated that Article 9 was a means by which to “rescue” and “save” the concept of sovereignty in the law.³⁵ Furthermore, as a FAO consultant highlighted, the law had to be aligned and harmonized with international agreements – particularly free trade agreements like the Dominican Republic–Central America Free Trade Agreement (DR–CAFTA) – to which Nicaragua remained party.³⁶ Such agreements clearly mandated measures that were opposed by the Nicaraguan food sovereignty movement, including the deepening of measures to liberalize trade and also the strengthening of mandates to protect intellectual property rights (particularly over seeds).

Addition of the Precautionary Principle

This brings the discussion to a final debate that was referenced above and also discussed in the previously chapter: the proposed measure of prohibiting the entry of food aid containing GMOs, which was among the most contentious points in the *dictamen* and was one of the key reasons for the suspension of the approval of the law in June of 2007. As opposition of the Nicaraguan food sovereignty movement to GMOs has been well detailed in previous chapters, the subject will not be reiterated here. However, what is important to note is how this particular issue was resolved in the negotiation of the law –

³⁴ This was particularly emphasized a National Assembly deputy (interview 27 August 2011) and a MAF representative (27 July 2011).

³⁵ Interview with National Assembly deputy, 27 August 2011.

³⁶ Interview with FAO consultant, 18 August 2011.

that being with the insertion of the precautionary principle. This was still unsatisfactory for many food sovereignty movement advocates who adamantly demanded protection from food aid food containing GMOs, nor was it supported by the private sector, which was opposed not only to the measure to prohibit food aid containing GMOs but also the inclusion of the precautionary principle.³⁷ Despite this opposition, in the end, the precautionary principle was added (see Box 6.1 above).

A FAO consultant who worked on the law saw the inclusion of the precautionary principle as being both a means to overcome the controversy over the measure to ban food aid containing GMOs and sufficient in terms of protecting citizens from the potential harm they pose, as explained in the following:

Yes, we were careful because we knew that this had been an element that had detained the process [of passing the law]. So we were very careful in not mentioning the issue of transgenics or genetically-modified organisms, but we integrated it...The precautionary principle guarantees harmlessness, so that [GMOs] do not harm national production or human consumption...it is the principle that comes out of the Cartagena Protocol concerning the security of modern biotechnology, so we didn't add the concept of bio-organisms but we did introduce the base of this which is the management of risks posed by living genetically-modified organisms...So we had this astuteness of – and we were prepared for whatever questions the deputies had to explain this in such a way that did not detain [the debate of the law]. It was not a point of discussion among the deputies, so there was no objection to this principle – they were in agreement with this principle.³⁸

However, as several study participants explained, while acknowledging the inclusion of the precautionary principle – and indeed other public policies – as a means of political negotiation, in their opinion it does not go far enough in terms of adequately protecting citizens or the environment.³⁹ This opinion was also shared by many food sovereignty

³⁷ Interview with MAF representative, 27 July 2011.

³⁸ Interview with FAO consultant, 18 August 2011.

³⁹ Interview with MAONIC/FENACCOOP representative, 30 August 2011; Interview with UCA-San Ramon representative, 21 March 2013.

advocates, many of which were part of the Alianza de Protección a la Biodiversidad (APB) and implicitly opposed GMOs as part of their organizational platforms.

The Locus of the Debates: Ideological Divergence

In examining these debates, it becomes clear that the stakeholders had diverging opinions concerning the measures necessary for guaranteeing food sovereignty and food security. Ultimately, it can be argued that the consensus achieved between stakeholders in the process of negotiating the law can be attributed to finding common ground among their diverging ideologies and objectives, which led to the retaining of certain elements of the food sovereignty framework and the discarding of others. Conceptually, food sovereignty was accepted by stakeholders and ultimately institutionalized, albeit a much narrower iteration that did not include the most politicized elements of the framework initially proposed by LVC and GISSAN, including measures that pertained to the provision of resources for small and medium producers, GMOs, and trade.

The policy-making process in which the formulation, negotiation, and approval of Law 693 took place has to be seen as a venue that opened up a wider space for debate over the concept of food sovereignty among the range of stakeholders who participated in the process either directly or indirectly. Critical to point out here is that these stakeholders arrived to these debates with their own interpretations and understandings of how food security was best achieved. In this sense, the concept of food sovereignty as a framework for achieving food security was forced to compete with the ideas and objectives of other stakeholders embodied in the different discourses that reflected their positions. Furthermore, a critical dimension to the negotiation of food sovereignty was the political weight of different stakeholders who engaged in the policy-making process,

particularly that of the FAO as an authority on the subject of food security and that of the food sovereignty movement, which introduced a concept that was both contested and not well known or understood. Ultimately, as detailed in the discussion that follows, the concept of food sovereignty as per the Nicaraguan food sovereignty movement (namely *gremio* organizations representing LVC and GISSAN) became subject to new interpretations and critiques.

Three different overarching discourses were evident in the policy-making process. The first was clearly that of food sovereignty from the perspective of Nicaraguan food sovereignty movement, represented by GISSAN and also the *gremio* organizations that belonged to LVC. Elements of this discourse were reflected in the *dictamen* that was approved in general in 2007 and through Article 4 in the particular in June of 2007. The second discourse was that of food security as per the FAO, a prominent actor in the negotiations. It naturally included a heavy emphasis on the technical concept of food security, as this concept forms the base of the organization's institutional policy, as well as on more technical approaches to constructing national policies that support the right to food. The third discourse was that of "food independence," the perspective of the private sector.⁴⁰ While this sector opposed the concept of food sovereignty as it was expressed in the *dictamen*, one study participant pointed out that their ideological stance also shared some features with that of food sovereignty⁴¹ but in other ways differed significantly, especially in terms of its emphasis on the importance of markets and open trade.

Within the policy-making space and more broadly, the concept of food sovereignty as per the food sovereignty movement initially faced two important

⁴⁰ See footnote 87 in Chapter 5 for the definition of "food independence" as per the private sector.

⁴¹ Interview with UNAG representative, 7 June 2012.

challenges. First, it was relatively unknown outside of the food sovereignty movement and, confusing. One National Assembly deputy explained,

It was not a coincidence that the *dictamen* included the subject of food sovereignty. It was already a subject that was being taken up in the broader environment...surely there were very small players in the world that were strongly advocating the concept, but it was unknown...⁴²

Another GISSAN representative cited confusion over the term, especially with respect to concept of “political sovereignty,” explaining that,

Definitely we had a mix-up with the terms of sovereignty. I always had the feeling that government people (also deputies) were confused with the political sovereignty of a country. In one way this helped for not having that much resistance...⁴³

A SIMAS representative further explained that the difference between food sovereignty and food security was not well understood by other stakeholders:

Many, many people have been using food sovereignty as a synonym for food security. FAO does this all the time. And then there was a big discussion about access, this and that, but sovereignty is a different thing. GISSAN made a very strong effort to bring these two words out...⁴⁴

A GPAE representative further reported that that there was a lack of understanding on the part of National Assembly deputies as to the difference between the two concepts of food sovereignty and food security.⁴⁵

The lack of familiarity with food sovereignty or its framework coupled with the confusion over the concept created opportunities for the both the critique and re-interpretation of the concept that arose as stakeholders engaged in a process of making sense of the concept within their own world-views. In particular, food security experts expressed several critiques of the concept of food sovereignty advanced by LVC and

⁴² Interview with National Assembly deputy, 27 August 2011.

⁴³ Personal communication with GISSAN representative, 6 October 2013.

⁴⁴ Interview with SIMAS representative, 9 March 2012.

⁴⁵ Interview with GPAE representative, 15 August 2012.

GISSAN (though these perspectives were not necessarily shared by all).⁴⁶ Some expressed that the LVC/GISSAN concept of food sovereignty was overly focused on production without taking into account other elements of food sovereignty and food security, like health and education. Another expressed the risk that a focus on economic autarky could pose for national development and production, particularly with respect to producers, while another, also remarking on trade, saw free trade as potentially being compatible with food sovereignty under certain circumstances. Furthermore, another prominent feature of interpretations of food sovereignty was a tendency to try to understand food sovereignty through the lens of food security, rather than seeing it as a pathway to achieving food security. This was noted namely in the comments made by food security experts and also, to a lesser extent, a few comments made by food sovereignty movement advocates. Finally, comments by government representatives and some food security experts emphasized the classic notion of political sovereignty (as discussed above). One FAO consultant raised the issue of the strong politico-ideological tendency of the concept and how this poses a risk of “contaminating” the broader theoretical meaning of sovereignty.⁴⁷

When the above comments are juxtaposed against those of food sovereignty movement advocates, it is found that they are largely at odds with interpretations of food sovereignty held by movement advocates, suggesting that the concept of food sovereignty as per the food sovereignty movement was not widely known, understood, or

⁴⁶ See Appendix W for interpretations of and reflections on food sovereignty by other stakeholders (food security experts, the private sector, government representatives, and others).

⁴⁷ This idea was summarized from a comment made by a FAO consultant (interview, 18 August 2011): “So, it’s like the concept of sovereignty has been politicized, ideologized from the left, which I believe is a form of contamination that does not bring any benefit to countries that really need laws of food sovereignty.”

appropriated.⁴⁸ In particular, the causal relationship between food sovereignty and food security – with the former guaranteeing the latter, as per not only the understanding of the food sovereignty movement (both in Nicaragua and more broadly) but also stated in the definition of food sovereignty in Article 1 of the law – does not appear to have been widely acknowledged or accepted. The very term “food sovereignty and security,” as some members of the food sovereignty movement have pointed out, is indicative of the lack of acknowledgement and acceptance of the framework of food sovereignty as a mechanism for achieving food security and further obscures the distinction between the two concepts. In addition to the lack of clarity around these two over-arching concepts, core elements of the food sovereignty framework, as advanced by LVC and GISSAN, appear to not be taken into account by many stakeholders.

It is here that the strength of the food security discourse must be emphatically underscored and, in particular, the prominent role played by the FAO as a technical expert in matters of food security and the right to food – and as an agency that had very little experience working with food sovereignty or the institutional mandate to adopt the concept. As one FAO official explained, prior to the law, people in the FAO and government ministries were not familiar with the LVC and GISSAN concept of food sovereignty, further stating that,

So, at the beginning [food sovereignty] was looked at as a more political term than as something you should appropriate. But when the conceptual part was being debated, we were all clear, in particular, that it was something like a right that we had of having the ability to produce food, the ability to organize

⁴⁸ See Chapter 4 as well as Appendix L (GISSAN’s platform), Appendix V (selected interpretations of and reflections on food sovereignty by food sovereignty movement advocates), and also see the above-referenced Appendix W.

ourselves, the ability for all of this. But at the beginning the private sector looked at it like a political word...⁴⁹

Despite initial apprehension, this FAO official went on to explain that there were features of food sovereignty that reflected elements of the framework of food security that the organization worked with, including the right to food, the importance of small and medium production, gender, rural development, and culture, and ultimately the concept of food sovereignty that was in the law was the one the organization “had to work with.”⁵⁰

However, despite the fact that certain features of the FAO’s approach to food security overlapped with elements of the food sovereignty framework, this should not be construed as indicating the FAO had or has officially begun to work on food sovereignty. Rather, one explanation lies in the more recent focus of the FAO on small and medium producers, sustainable agriculture, and respect for culture. This has to be seen against the background of the recent turn in the global discourse among international institutions, particularly the United Nations, that has emphasized small and medium producer agency, integration of small and medium producers into value chains, and a shift to agroecological methods of production (see, for example, De Schutter 2010b, 2011a; González 2010; IAATD 2008; Marsden 2012; McMichael and Schneider 2011). As per the comments made by study participants, a review of the FAO-Nicaragua website,⁵¹ and a review of in-country documentation (see, for example, FAO 2011), there is very little evidence to suggest that the organization is working on food sovereignty; rather, the primary focus reflected in their work is that of food security.

⁴⁹ Interview with FAO official, 29 August 2011.

⁵⁰ Interview with FAO official, 29 August 2011.

⁵¹ See http://coin.fao.org/cms/world/nicaragua/es/Programas_y_Proyectos.html (16 December 2013).

The extent to which the FAO has adopted the concept is mildly debated, with some stakeholders arguing it has become more accepted and some arguing otherwise. Several representatives of the ATC stated they have begun to work more closely with the FAO since the law was passed and noted that the organization had begun to accept the term more.⁵² However, most study participants who commented on the FAO's adoption of the concept of food sovereignty, both in Nicaragua and at the international level, expressed that this has been very limited. One study participant explained that,

[T]he FAO recognizes the importance, of course, of food sovereignty. If you look at the FAO's webpage and review all the information, you will find information on the importance of food sovereignty. They discuss food sovereignty – only it is not something that they promote very forcefully. FAO-Nicaragua has been very interested in supporting food security. The FAO's emphasis on food sovereignty and security in Nicaragua has been in recent years.⁵³

A former FAO official was more pessimistic about the extent to which the organization has adopted food sovereignty, stating,

In the last year the FAO has been more tolerant of [food sovereignty]. I think that the little experience in the area of food sovereignty that the FAO could have is in Article 31 of Nicaragua's law...If someone tells you that FAO adopted the issue of food sovereignty in Nicaragua, they are lying. It has not adopted it. Institutionally they cannot adopt it. It appears in their documents and references

⁵² Interview with ATC representative, 4 August 2011; Interview with ATC representative, 3 August 2013. Two points need be noted here. First, in the second interview cited here, the study participant noted that, "The FAO has different spaces for debate and mechanisms for participation by civil society. The ATC has succeeded in participating in bilateral meetings through the committee for food sovereignty (food security for the FAO). After reforms were made by the FAO with the strengthening of the Committee on [World] Food Security on the part of States, there are now spaces for civil society to participate and in this country we have succeeded in having excellent relations with the FAO." Here it is important to note the distinction between the concepts used by the two organizations. The second point that needs to be emphasized is the on-going, often contentious struggle of the transnational food sovereignty movement, particularly LVC, for the FAO to recognize food sovereignty (see, for example, McKeon 2010, Vía Campesina 2006a, and Vía Campesina 2006b). Over the past two years, there has been institutional opening by the FAO that reflects greater acceptance of the term and also the strengthening of the relationship between LVC and the FAO (see Nicastro 2012 and Vía Campesina 2013). However, the extent to which LVC should focus on its relationship with the FAO is a debated topic within the broader movement, with some seeing it as a strategic opportunity and others seeing it as a waste of time and resources (Personal communication with LVC representative, 3 July 2013).

⁵³ Interview with Food Security Expert, Consultant to Food and Agriculture Agencies, 2 July 2012.

and they say sovereignty but there is absolutely no reflection [of the concept] in public policy matters.⁵⁴

A former GISSAN/UNAPA representative very simply stated that “the FAO has never accepted the concept of food sovereignty.”⁵⁵ In sum, the embeddedness of the food security discourse, its force as the key conceptual concept used by the FAO, and the weight of the FAO in the policy-making process, coupled with opposition of the private sector and relative unfamiliarity with and multiple interpretations of the concept at the broad scale, ultimately had very important implications for the extent to which food sovereignty was included in the law as well as how it was expressed in the law.

Chapter Summary

The purpose of this chapter was to examine the outcomes of the policy-making process. In doing so, it identified three major overarching outcomes. First, the final content of Law 693 was briefly outlined, particularly citing the differences between Law 693 and the GISSAN Draft SSAN Law that was initially introduced and given a favorable *dictamen*. As discussed, important elements of the food sovereignty framework that were initially proposed in the GISSAN Draft SSAN Law were omitted from the final version of the law as per the consensus reached during the multiple-stakeholder negotiation process, including measures that would enhance small and medium producer access to productive resources, such as credit, land, technical assistance; increase control over food imports and ban the entrance of food aid containing GMOs; and seek to shorten the value chain between producers and consumers. Furthermore, the final version of the law introduced both a new definition of food sovereignty that protected free markets and trade from being adversely affected by State policies and the precautionary principle as a

⁵⁴ Interview with former FAO official, 7 March 2012.

⁵⁵ Interview with former GISSAN/UNAPA representative, 15 August 2011.

means of side-stepping the controversial issue of GMOs in food aid coming from outside the country.

The final version of the law, while viewed as an achievement, was also contentious with a number of food sovereignty advocates questioning the extent to which the concept of food sovereignty was truly represented in the law. Thus, a second major outcome of the policy-process was continued debate, as many food sovereignty advocates felt that the content did not reflect the concept of food sovereignty nor included measures for guaranteeing the deepening of food sovereignty. For many, it was more a law of food security and did not include the essential elements of the food sovereignty framework they viewed as necessary to achieving lasting food security.

The third and final outcome this chapter focused on was the emergence of diverging conceptualizations of the very nature of food sovereignty. Upon entering the policy-making space, the concept of food sovereignty became vulnerable to reinterpretation and critique. Indeed, different stakeholders conceptualized the concept in new ways. Some understood food sovereignty from the lens of food security without necessarily recognizing the importance of the causal relationship between food sovereignty and food security emphasized by the movement, while others focused on the perceived contradictions between the food sovereignty concept of and that of political sovereignty. Yet others argued that the elements of the food sovereignty framework as per the perspective of food sovereigntists could actually serve to threaten the food sovereignty and food security of the country. These competing discursive understandings of food sovereignty had lasting impact on the nature of Law 693, especially in light of the

political force and perceived legitimacy of the actors who adopted the competing interpretations of the concept within the policy-making process.

This brings the discussion to a final and related point concerning the FAO and the influential role it played in the policy-making process. Especially considered here was the extent to which the weight of the FAO affected the outcome of the law being that the organization has little experience in working with food sovereignty and there is little evidence to suggest the organization seeks to adopt the concept in its work. While certain elements of the FAO's approach to food security overlap with elements of the food sovereignty framework, the organization, thus far, still fails to take on nor debate the more politicized issues – such as access to resources, free trade, and the implications of the trade, use, and consumption of genetically-modified materials – raised by the food sovereigntists. These issues, the movement argues, are the fundamental elements that are preventing true and lasting food security from being achieved.

Chapter Seven

Factors that Advanced and Challenged the Concept of Food Sovereignty in Law 693

The purpose of this dissertation was to examine the process by which food sovereignty is institutionalized into national agrifood policies and to identify different factors that serve to advance food sovereignty in such policies as well as inhibit its adoption. The dissertation examined the case of Nicaragua's Law 693, the Law of Food and Nutritional Security and Sovereignty, to meet these ends. As noted in discussions in previous chapters of this dissertation, the concept of food sovereignty and its accompanying framework represents an alternative approach to achieving food security and guaranteeing the right to food. Many of the elements and principles comprising this framework have been viewed as controversial by other stakeholders in the broader field of food and agriculture (agrifood) policy. As detailed in the previous chapters, this was indeed the case in Nicaragua where several measures proposed in the initial draft for a food and nutritional security and sovereignty (SSAN) law were met with intense objection on the part of certain stakeholders, particularly the private sector.

This penultimate chapter details the major factors that advanced the institutionalization of food sovereignty in Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security (hereafter Law 693) as well as those factors that hindered the concept from being incorporated into the law. It synthesizes elements from the previous three chapters and also examines these factors against the pre-existing literature on the institutionalization of food sovereignty presented in Chapter 2 (specifically in Tables 2.2 and 2.3). In examining the factors that advanced and challenged the institutionalization of food sovereignty in the making of Law 693, the

discussion that follows considers four categories of factors that were developed from the pre-existing literature on the institutionalization of food sovereignty and were presented in the conceptual framework:¹ historical, context-dependent factors; food sovereignty movement dynamics; policy-making dynamics; and external dynamics. The first and second categories, on the one hand, were seen as important for determining the resonance of the food sovereignty concept in terms of other pre-existing or parallel discourses and former policies, building the force of the food sovereignty concept, and broadening the knowledge of the concept both among the actors who participated in the food sovereignty movement as well as the broader public. On the other hand, the third and fourth categories look at factors that specifically pertain to the policy-making process, including events and developments that emerged during the process and served to support or challenge the institutionalization of food sovereignty. Furthermore, the factors included for each of these categories, as reflected in the conceptual framework, were supplemented with additional factors evidenced in the findings, as noted in the discussion that follows. It is here that the analysis moved from simply detailing the history of what happened – the exploratory objective of this case study – to the stage of analytical explanation and theory development in order to explain why the outcomes resulted as they did.

Historical, Context-Dependent Factors

The first group of factors examined in this discussion are those related to the historical context of Nicaragua. The rationale behind including these factors in the discussion of the broader factors that advanced and hindered the institutionalization of food sovereignty in Law 693 is that these factors provide a base from which to

¹ See Chapter 2, p. 67 of this dissertation.

understand the evolution of ideas and experiences, which have their own unique histories, form the basis of the world views of stakeholders, and help to further understand the capacity of the concept to be widely adopted as a legitimate approach. Here, two primary factors were initially proposed for consideration: national traditions that are either compatible or incompatible with food sovereignty and its principles and pre-existing policies and/or discourses that complement or conflict with the concept and its principle elements. To these two factors, a third factor emerged as being important, which is that of crises that result in food insecurity.

National Traditions either Compatible or Incompatible with Food Sovereignty

With regard to the first factor, there exists a rather strong tradition of citizen participation from below and participatory policymaking that can be traced back to the pluralist form of democracy that the Revolution sought to foster. Popular organizations created during the Revolution played a key role not only in terms of their functions as per their organizational mandates but also as channels through which citizen demands at the local level were relayed to the central government, as explained in Chapter 4. The practice of local organizing that was promoted during the Revolution and was retained in the political culture fostered a favorable environment for the adoption of food sovereignty in terms of its focus on the right that citizens have to participate in policymaking and the practice of doing so.

However, parallel to this tradition of citizen participation is a tendency for technical expertise to dominate over local and citizen knowledge. This is ultimately a question of power and legitimacy and has been and continues to be a source of tension in the political culture of Nicaragua, both in policymaking and in broader practice. In the

case of food sovereignty, this was a serious impediment for the advancing of the concept in the policy-making process, as food security experts, both working on behalf of the United Nations Food and Agriculture Organization (FAO) and in government ministries, were largely unfamiliar with the concept and/or critical of it. Furthermore, an important observation here is that this was a law about food sovereignty, which inherently is about the right of people to define their own agriculture and food systems and to participate in making the policies that govern these systems, and it was handed over by the National Assembly to a FAO expert team to be revised following the breakdown in the approval process in June of 2007.² Had the food sovereignty movement, and in particular representatives of the Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) (and more specifically, according to the findings of this study, the GISSAN national facilitator) not reacted contentiously, Nicaragua could have been left with a “food sovereignty” law that was drafted by a team of experts, which is completely antithetical to the concept and principles of food sovereignty – and exactly what the movement struggles against.

Policies and/or Discourses that Complement or Conflict with Food Sovereignty

In terms of this second factor, findings suggest that there were a number of discourses and policies that both influenced and strengthened the development, adoption, and force of food sovereignty in Nicaragua, as they shared similar ideas, elements, and concerns. First, the discourse of food sovereignty was influenced by, overlapped with, and/or converged with a number of pre-existing or parallel discourses. One of the most

² Many thanks to Christina Schiavoni for stressing this point.

important of these was the ideology of *Sandinismo* and its focus on national sovereignty, autonomy, equality, equity, and social transformation. This has been a highly influential discourse in Nicaragua and was clearly reflected in the ideology of the Frente Sandinista de Liberación Nacional (Sandinista National Liberation Front, FSLN) and the Revolution. Indeed the word “sovereignty” has great historical and political significance in Nicaragua and invokes the historical struggle for independence and autonomy faced with external intervention and imperialism, which was the cornerstone of Sandino’s movement.³ And the struggle for sovereignty re-emerged at various points in the nation’s history, namely with the Somoza dictatorship, the counter-revolution in the 1980s, and again during the period of neoliberalism (1990s to the mid-2000s), as reported by study participants.

The food sovereignty discourse was influenced by and adopted elements of the discourses of the sustainable agriculture/agroecology and environmental movements. The early expressions of these movements were Campesino a Campesino (CaC) and the Movimiento Ambientalista Nicaragüense (Nicaraguan Environmental Movement, or MAN), both of which emerged in the late 1980s and strengthened throughout the 1990s and 2000s with the creation of networks of farmer and civil society organizations, such as the Grupo para la Promoción de Agricultura Ecológica (Group for the Promotion of Ecological Agriculture, or GPAE) and the Movimiento de Productores y Productoras Agroecológico y Orgánicos de Nicaragua (Movement of Agroecological and Organic Producers of Nicaragua, or MAONIC). Furthermore, the grievances expressed by movements emerging in parallel to the food sovereignty movement in the early 2000s –

³ See Grossman (2008) for a fascinating study of Sandino’s discourse and Nicaraguan national identity.

namely in opposition to free trade, water privatization, and genetically-modified organisms (GMOs) in the early 2000s – overlapped with those of the food sovereignty movement. This created both ideological cohesion and organizational/movement solidarity, especially because the food sovereignty framework offered a solution to these grievances. There is also great convergence and harmony between food sovereignty and campaigns emerging parallel to the food sovereignty movement and clearly influenced by it, including those calling for economic solidarity, the adoption of *semillas criollas* (native seeds), and the rescue of traditional food cultures, which resonate with fundamental elements of the Nicaraguan food sovereignty platform.

A final point that needs to be stressed here was the increasing lack of legitimacy that the market-led approach to food security faced in Nicaragua. This was especially the case in the 1990s with neoliberalism, as it was seen as conflicting with the overarching discourse of national independence and autonomy, thereby echoing ideas that were popular during the Revolution. More specifically, food security achieved through dependence on food aid and imported food was seen as undermining national sovereignty and threatening Nicaraguan culture and its peoples, as many of the foods were culturally inappropriate and/or deemed unhealthy. The food sovereignty framework again provided a solution to this grievance.

Historically speaking, there is also substantial overlap between principles of food sovereignty and elements of different policies, including those of previous governments. In particular, the food sovereignty framework stresses many features of policies and programs implemented during the Revolution via the Programa Alimentario Nacional (National Food Program, or PAN) and agrarian reform, some of which were picked up to

an extent in the 2001 Política Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutritional Security Policy, or PNSAN), including citizen participation (as discussed above) as well as fostering access to productive resources for peasants and small and medium farmers (e.g., land, seeds, credit, and technical assistance); a focus on local and national food production, distribution, and consumption; and emphasis on gender equity. Policies enacted during the Revolution are important to point out for several reasons. First, many food sovereignty activists, as well as those from other stakeholder groups, lived the experience of the Revolution and/or worked directly with the government or in solidarity with the Revolution. The ideas and developments emerging in this period were clearly influential, as they re-emerged to varying extents in the work of various organizations and the government in the years that followed, especially with the return to power of the FSLN in 2006. Furthermore, it is important to bear in mind that, at the time of the initial drafting of the SSAN law by MAF/UNAPA and the version updated by GISSAN, the PNSAN was still technically the nation's national food security policy (even though it was never fully implemented). Referencing the PNSAN, as well as the 2000 Draft SAN Law, is important as these documents were referred to in the drafting of the SSAN Law and some organizations, such as SOYNICA and the Unión Nacional de Agricultores y Ganaderos (National Union of Farmers and Ranchers, or UNAG), participated in the process of constructing and/or implementing these policies.

One of the struggles of the various movements that emerged in the early 2000s and referenced above was the approval of national policies that reflected their interests. This was very difficult to accomplish given the ideological differences between these

movements and neoliberal government. It took years for many of the proposed laws to make their way through the legislative process and some, while being approved for debate, never made it to this stage of the formal policy-making process (e.g., the proposed Law of Food and Nutritional Security introduced to the National Assembly in 2000 by then-Deputy Dora Zeledón) on account of limited political will on the part of the neoliberal governments, as the demands of these movements conflicted with tenets of neoliberalism. However, an example of a pre-existing policy that did exist at the time the SSAN law was being drafted and introduced to the National Assembly is Ley 475, Ley de Participación Ciudadana (Law 475, Law of Citizen Participation), which was passed in 2004 and upholds the fundamental principle of participation that resonates with food sovereignty.

While food sovereignty shared common elements with a variety of pre-existing and parallel discourses and also resonated with previously enacted policies, it conflicted with others. In terms of discourses, food sovereignty, as a response to the far-reaching and negative social, environmental, political, cultural, and economic implications of industrial agriculture centered on principles of the Green Revolution and market-led development models, naturally clashed with these approaches. However, both of these discourses had historical legacies in Nicaragua and were supported by very powerful actors (e.g., the private sector and elites, notwithstanding some influential Sandinistas, as mentioned in the findings of this study). Industrial agricultural production was embraced by successive governments from the dictatorship through the mid-2000s (and arguably to the present, though this is shifting as the discourse of sustainable agriculture is becoming more predominant), including the Sandinista government during the Revolution.

Futhermore, with regard to market-led approaches, features of the agroexport model that characterized the economic development strategy of the Somoza dictatorship were brought back during the neoliberal period. The weight of the neoliberal approach became all the more apparent with the coming into force of the Dominican Republic–Central American Free Trade Agreement (DR-CAFTA) in Nicaragua in 2006 despite broad-scale national and international movements that opposed the agreement.

Furthermore, the embeddedness of the food security discourse in Nicaragua also presented a challenge for food sovereignty. As discussed in the findings, food security emerged as an important issue in Nicaragua both during but especially after the Revolution. This was reinforced by the 1996 World Food Summit (1996 WFS) in Rome, where strengthening global food security was the featured issue, and nation-states adopted commitments outlined in the 1996 Declaration of the World Food Summit and its Action Plan. Many different organizations worked on food security in Nicaragua. Of these, the FAO is one of the most outstanding, as it has contributed historically to the development of the concept and its institutional policy is based on the concept. In the case of Nicaragua, the FAO played noted roles in the development of early drafts for a food security law and the development of the PNSAN. In the mid-2000s, the FAO developed a certificate program in food and nutritional security in conjunction with several Nicaraguan universities to provide greater training to professionals, practitioners, and government representatives. All of these were factors that led to the strengthening and deeper embedding of the concept in Nicaragua. Thus, when food sovereignty entered the broader deliberative space, it was forced to compete with the more known concept of food security.

Crisis and Food Sovereignty

A final factor previously not considered in the literature was that of crises that result in food insecurity. In the case of Nicaragua, the findings indicate that crises, such as that Hurricane Mitch and the Coffee Crisis, both resulted in food insecurity as a result of climactic devastation and/or economic instability. These events served to highlight the need for more sustainable and locally-based food systems, especially underscoring the resilience of agroecological production methods. Furthermore, according to study participants, these instances of crisis led to the search for alternatives – especially to dependence on food aid in times of crisis, which was found to contain GMOs – and strengthened the legitimacy of food sovereignty as an alternative approach.

Food Sovereignty Movement Dynamics

This second category of factors examines various features of the Nicaraguan food sovereignty movement in an attempt to gauge how characteristics of the movement contributed to strengthening the force of food sovereignty and increasing its legitimacy as a viable alternative for achieving food security and assuring the right to food. The literature identified a number of movement dynamics that provided a base for the advancement of the concept and others that served to hinder this process. The theory here is that ultimately the force of the food sovereignty movement was a key variable for the institutionalization of the concept. The discussion here focuses on four factors: a shared, coherent understanding and collective appropriation of food sovereignty concept and framework among food sovereignty advocates; solidarity between food sovereignty advocates; support/opposition to the movement by other agrifood policy actors; and the movement's ability to mobilize support from broader public for food sovereignty. A fifth

factor found to be salient was the composition of the food sovereignty movement, as will be discussed below.

Shared Understanding of Food Sovereignty among Food Sovereignty Advocates

As noted in the findings, while *gremio* organizations belonging to La Vía Campesina (ATC, UNAPA, and MAF⁴) had a common understanding of the concept of food sovereignty, when the concept was brought to the broader level of civil society, specifically those organizations that united to form GISSAN, the concept was challenged. As pointed out in the findings, not all representatives of organizations participating in GISSAN were in favor of including the word “sovereignty” in the title of the organization and, furthermore, the concept of food sovereignty was not easily understood by many people participating in the space of GISSAN, many of which had previously only worked with the concept of food security. This early debate over the concept within the central organizational expression of the movement is very important.

Solidarity between Food Sovereignty Movement Actors

Initially, when the Nicaraguan food sovereignty movement became more consolidated with the formation of GISSAN, there was clearly solidarity between the actors. According to findings, *gremio* organizations belonging to La Vía Campesina (LVC) sought to forge an alliance between producer organizations and broader civil society to create a common platform to promote sovereignty. However, solidarity between the *gremios* and civil society organizations (CSOs) increasingly weakened during the policy-making process. This began with contention over the FAO Revised SSAN Law that emerged in the late months of 2007 and deepening division along

⁴ Asociación de Trabajadores del Campo, or Rural Workers Association; Unión Nacional Agropecuaria de Productores Asociados, or National Union of Associated Agricultural Producers; and Mesa Agropecuaria y Forestal, or the Agriculture and Forestry Roundtable, respectively.

political lines with the *gremios* taking a position in favor of negotiation with broader stakeholders (allegedly mandated to do so by the FSLN, with which the ATC and UNAPA, in particular, had strong historical and political ties). On the other hand, GISSAN took a more contentious position that demanded the reinstatement of the *dictamen* that had been passed in general and through Article 4 in June of 2007 and condemned the FAO, its revised version of the law, and Dora Zeledón, who was a FSLN deputy at the time. The weakening of solidarity within the food sovereignty movement on account of increasing division between the CSOs and the *gremios* has to be seen in terms of a broader development – the FSLN coming back to power in late 2006 and the implications of this for both the *gremios* and CSOs on account of their very different relationships with the government. This will be highlighted further in the discussion of the policy-making process dynamics below, but it is important to mention here as it influenced the degree of solidarity in the movement.

Support for/Opposition to the Food Sovereignty Movement by Other Agrifood Actors

There is little evidence in the findings of this study that indicates that the Nicaraguan food sovereignty movement was actively supported or opposed by organizations and agrifood actors outside the movement. This being said, it is important to point out that findings of this study indicate there was early opposition to the term by representatives of government ministries in meetings of the Comisión Técnica de Seguridad Alimentaria y Nutricional (Technical Committee of Food and Nutritional Security, or COTESAN), which was created by the PNSAN, beginning in 2004 when a GISSAN representative began to attend these meetings on behalf of the group. This demonstrates that the concept was met with early resistance on the part of government

food security specialists, though it is important to point out here that this was prior to the change in government in 2006 to that of the FSLN.

Mobilizing Public Support for Food Sovereignty

There was a clear effort made on behalf of food sovereignty advocates belonging to the broader movement to mobilize public support for food sovereignty, as evidenced by the broad campaigns that food sovereignty advocates undertook. As mentioned in the findings, food sovereignty advocates promoted the term at conferences and other events, through written literature (e.g., brochures, magazine articles, pamphlets), television appearances, press conferences, training and education programs, and through promotion of the concept in the territories where they worked. Also highlighted in the findings were attempts to educate representatives of government ministries about the concept (which, as stated above, were initially met with opposition) and also to lobby in the National Assembly to raise awareness among deputies. Also noted was a strong attempt to distinguish between the concept of “food security” and that of “food sovereignty.”

Diversity in the Movement

A final factor that has to be seen as a strength of the food sovereignty movement that helped the concept to advance was the diversity of organizations participating in the Nicaraguan food sovereignty movement. Membership spanned from peasant and farmer organizations, including the ATC, UNAPA, FENACCOOP⁵, UNAG, CaC, and other organizations belonging to MAF; CSOs that worked on issues of nutrition, local sustainable agriculture projects, and promoting local economic solidarity; and universities and political advocacy organizations. These organizations were either based or had

⁵ Federación Nacional de Cooperativas Agropecuarias y Agroindustriales, or National Federation of Agricultural and Agroindustrial Cooperatives.

projects and programs in different corners of the country. Thus GISSAN, and the Nicaraguan food sovereignty movement more broadly, had scope and reach as well as access to the organizational talents and resources of its membership.

Policy-Making Process Dynamics

The third category of factors that either advanced or obstructed the institutionalization of food sovereignty specifically deals with the dynamics of the policy-making process. Focusing on the drafting and formulation, negotiation, and approval process of Law 693, it examines a number of different factors: the participation of food sovereignty advocates in the policy-making process, the extent to which the concept and its principles were recognized and commonly understood among actors in the broader agrifood policy field, the position of the government on proposed SSAN law, the position of other policy actors on proposed SSAN law, the simultaneous development of policies consistent or conflicting with the concept and principles of food sovereignty, the existence of compatible or competing approaches to ensuring the right to food and food security, and, finally, the relationships among and between agrifood policy actors during the policy-making process. Many of these factors were cited in the story of the law recounted in the previous chapter and thus the discussion that follows provides a recap of how each of the factors influenced the institutionalization of food sovereignty in the process of making the law.

Participation of Food Sovereignty Advocates in the Policy-Making Process

The first draft of the SSAN law was initially undertaken by representatives of MAF/UNAPA and this version was then revised by GISSAN through broad consultations carried out with member organizations and their constituents in different departments and

municipalities in Nicaragua. This was important for building a sense of collective ownership of the proposed law. It also helped to preserve the concept of food sovereignty and was clearly a first step towards the institutionalization of the concept into national policy.

However, following the 2007 breakdown in the approval process of the law, the participation of food sovereignty advocates in the policy-making process was more limited. In particular, as explained in the findings, GISSAN was increasingly marginalized from the negotiation process, most notably due to its public opposition and condemnation of the FAO Revised SSAN Law, the FAO-Nicaragua representative, and former-Deputy Dora Zeledón. This may have undermined the advancement of the concept of food sovereignty, though it is unknown to what extent their participation in the negotiations would have helped to preserve food sovereignty given the views of other stakeholders who had notable political weight (e.g., private sector, FAO, and also the National Assembly deputies, such as Dora Zeledón). (The relationships between stakeholders is explored in greater detail below.) However, it has to be pointed out that the condemnation on the part of GISSAN contributed to the decision to renew efforts to revise the law further through a multiple stakeholder negotiation process. On the other hand, MAF retained influence in the negotiations on account of its having more willingness to negotiate with the the FAO and the government and was credited by some with having preserved the concept of food sovereignty in the law.

Common Understanding of Food Sovereignty in the Broader Agrifood Policy Field

As highlighted in Chapter 6, stakeholders were found to have diverging conceptualizations and opinions of the concept of food sovereignty as per that of LVC

and GISSAN. The findings suggest that stakeholders outside of the food sovereignty movement did not fully grasp the causal relationship between food sovereignty and food security that the movement emphasized. Furthermore, food sovereignty was often equated with political sovereignty rather than being seen as a unique concept. Others critiqued the concept of food sovereignty as actually potentially hindering national food sovereignty and food security. The diversity of interpretations and also the critiques of food sovereignty indicate that there was a lack of common understanding among stakeholders as to what the concept meant. This was a considerable and significant obstacle for the institutionalization of food sovereignty as it led to differing views among stakeholders as to what was important to include in the law to guarantee food sovereignty.

Position of Government on Proposed Food Sovereignty Policies

While there was little political will on the part of earlier governments to pass a law to support the right to food and address food security, this greatly changed when the FSLN regained power in 2006. Not only was the new government interested in passing food security and right to food legislation, but it was clearly open to the inclusion of food sovereignty in the law as well as promoting right-to-food legislation that included the concept of food sovereignty at the regional level, so there was political opportunity and will to advance the concept. As discussed in the findings, this was attributed to several key factors: first, the government was interested in passing a law to complement the various social programs that it was implementing in the area of food sovereignty and security; second, different members of organizations participating in the food sovereignty movement assumed in the FSLN government (including UNAG, the ATC, and CSOs

such as CIPRES⁶), particularly key posts in food and agriculture policy institutions; and, third, the increasing participation of Nicaragua in the Alternativa Bolivariana para Los Pueblos de Nuestra América (Bolivarian Alternative for the Peoples of Our America, or ALBA) and other regional forums supporting food sovereignty. The political will of the government to include food sovereignty was an extremely important factor that advanced the institutionalization of the concept.

However, whilst the government supported the inclusion of the concept of food sovereignty in the law – and key FSLN deputies, like Dora Zeledón, who had considerable weight in the National Assembly advocated to maintain the concept during the policy-making process, the government clearly did not support – or was not willing to fight to maintain – all elements of the food sovereignty framework initially proposed in *dictamen*. This was reported to be mainly due to the importance of forging a “consensus” between different sectors (private, public, agricultural/producer, and civil society), and this has to be seen in terms of the broader interest on the part of the FSLN government to maintain good relations with the private sector, which is key for its survival as the opposition parties (liberal *bancadas*) are largely supported by the private sector. Furthermore, it was reported that members of the FSLN Directorate have investments and business interests in GMOs and agribusinesses. Thus, the FSLN government did not want to touch these more controversial issues in the law. This was clearly an important obstacle for the inclusion of all proposed elements of food sovereignty in the law.

⁶ Centro de Investigación y Promoción para el Desarrollo Rural y Social (Center for the Promotion and Investigation of Rural and Social Development).

Position of Other Policy Actors on Proposed Food Sovereignty Policies

While the initiative for the law received broad support from multiple sectors and institutions, the concept of food sovereignty was contested by some actors, namely the private sector that threatened not to approve the law without first addressing certain features they perceived as threatening and posing risks to their sector. It was also reported they refused to pass the law if the definition of food sovereignty in Article 1 remained as it was written. This was one of the reasons for introducing a second definition of food sovereignty and a provision that protected free markets and trade in Article 9.

Furthermore, while there is little evidence to suggest that the FAO was necessarily against the inclusion of food sovereignty in the law, it is hard to confidently argue that they were supportive of including the concept. The FAO as an institution had very little experience working with the concept of food sovereignty prior to the policy-making process of Law 693, as reported in the findings. Moreover, the FAO was critical of the *dictamen* of the SSAN law, citing weaknesses with regard to the legal technique of the proposal. Using models and guidelines that the FAO had developed for right to food and food security legislation (discussed below), a FAO team of experts redrafted the *dictamen*. The resulting draft, the FAO Revised SSAN Law, was highly controversial and indeed included a new conceptualization of food sovereignty and removed key elements of the concept's framework. Thus, it is deduced from these events that while the FAO may have not been necessarily opposed to including food sovereignty, their actions do not indicate that they necessarily supported the inclusion of the concept of food sovereignty as per that of the Nicaraguan food sovereignty movement. The positions of

the FAO and the private sector proved to be decisive in terms of the extent to which the concept and elements of food sovereignty were included and articulated in the law.

Simultaneous Development of Policies Consistent/Conflicting with Food Sovereignty

A number of policies were created by the government during the years that the SSAN law was inside the policy-making process (roughly 2006 to mid-2009), some of which supported food sovereignty principles, while others conflicted with elements of the food sovereignty framework. As discussed in the findings, the FSLN government created several important policies, programs, and institutions in 2007 (the CSSA, Hambre Cero program, PRODUZCAMOS, and ENABAS⁷) that reflected its focus on strengthening food security and were cited by study participants as being reflective of food sovereignty in practice (particularly Hambre Cero). Furthermore, a number of laws touching on issues that overlapped with elements of the food sovereignty framework were either approved in 2009 or were making their way through the policy-making process, including the Ley de Fomento al Sector Lácteo y del Vaso de Leche Escolar (Law to Strengthen the Dairy Sector and a Glass of Milk in School) approved in 2009; the Ley sobre la Prevención de Resegos Provenientes de Organismos Vivos Modificados por medio de Biotecnología Molecular (Law for the Prevention of Risks Arising from Living Modified Organisms through Biotechnology) approved in 2009; the Ley Creadora del Fondo para Compra de Tierra con Igualdad de Género para Mujeres Rurales (Law for the Creation of a Fund for the Purchase of Land by Rural Women with Gender Equity) approved in 2010; and the Ley de Fomento a la Producción Agroecológica u Orgánica (Law for the Promotion

⁷ Consejo de Seguridad y Soberanía Alimentaria (Food Security and Sovereignty Council), Hambre Cero (Zero Hunger) program, Banco de Fomento de Producción (Production Development Bank), and Empresa Nicaragüense de Alimentos Básicos (Nicaraguan State Enterprise for Staple Foods), respectively.

of Agroecological and Organic Production) approved in 2011 (Palacios 2011).⁸ Additionally, two government policies focused on national food security. First, the *Plan Nacional de Desarrollo Humano* (National Human Development Plan, or PNDH) for the 2007-2012 term outlined different measures by the government to strengthen food security. The second policy measure was the Ministerio de Agropecuaria y Forestal's (Ministry of Agriculture and Forestry, MAGFOR) *Política de Seguridad y Soberanía Alimentaria y Nutricional desde el Sector Público Agropecuario y Rural* (Food and Nutritional Security and Sovereignty Policy from the Agricultural and Rural Public Sector), which was introduced in 2009 a little over a month before Law 693 was passed and linked to the law. This purpose of the policy was "to orient, develop, prioritize, and articulate the actions of different public, private, and civil society actors, which from the agricultural and rural sector, contribute to the Food and Nutritional Security and Sovereignty of the Nicaraguan people" (MAGFOR 2009, 27) and it included an elaborate set of objectives, strategic measures, and priority actions that the institution adopted in order to achieve "food and nutritional security and sovereignty." While some of the policies, programs, and institutions described above were more tightly related to the SSAN law than others, all of them in some way overlapped and reinforced ideas included in the framework of food sovereignty, thus serving to complement the SSAN law and to advance food sovereignty.

While a wide range of policies, programs, and institutions were introduced and/or established during the period of time in which the SSAN law was being formulated, negotiated, and approved, several other policies and programs were being implemented

⁸ Personal communication with MAF representative, 13 February 2013.

by the government that clashed with food sovereignty principles. Of these, the most important was DR-CAFTA, which began to be implemented in 2006 by the liberal Bolaños government. Upon assuming the government in 2006, the FSLN, having been strong critics of the neoliberal approach, began to strengthen ties with ALBA, a regional organization established to strategically pose a counter-weight to the neoliberal approach of free trade agreements promoted by the United States. As such, the government began to pursue a two-pronged strategy of upholding obligations as per DR-CAFTA and other free trade treaties to which they are party as well as pursuing alternative strategies, such as ALBA to reinforce “fair trade, cooperative trade, social benefits.”⁹ In this sense, while DR-CAFTA posed serious challenges for the full institutionalization of food sovereignty, strengthening ties to ALBA helped to mitigate these challenges and advance food sovereignty.

Existence of Compatible/Competing Approaches to the Right to Food and Food Security

As mentioned in the findings, stakeholders had different opinions of how best to achieve food security. Clearly there was the view of food sovereignty advocates. Additionally, there was the approach of “food independence” advocated by the private sector that shared some common elements with that of food sovereignty, like emphasizing national production for domestic consumption, but also differed from food sovereignty in very important ways, namely in terms of favoring open trade and markets. The third competing approach was the food security approach emphasized by the FAO. This approach has been linked to trade-based, productivist approaches to achieving food security that, in this sense, echo aspects of the private sector’s food independence

⁹ Interview with National Assembly deputy, 21 August 2011.

approach and contradict fundamental principles of food sovereignty. More recently, as discussed in the previous chapter, food security has been increasingly linked to agroecology and other forms of sustainable production, small and medium farmer agency, and the strengthening of native food cultures. In this sense, more recent variants of food security do overlap with aspects of food sovereignty.

Another dimension of the FAO's approach to food security is the use of overarching models to design national right-to-food and food security policies. While these are adapted to specific needs of individual countries, this approach to policymaking, as mentioned earlier in this chapter, not only does not include food sovereignty in its vision but is also at odds with the bottom-up approach of food sovereignty policymaking, which is a very important distinction to make. In the particular case of Nicaragua, following the suspension of the approval process of the *dictamen* in June of 2007, the re-drafting of the proposed law by the FAO expert team was a clear example of a very top-down strategy to overcome the controversy over the law. Here, of course, the government must also be mentioned, as it was at the request of the government that the FAO team revise the law. Ultimately, the powerful approach of food security and the legitimate authority of the FAO as experts in the creation of national legislation on the right to food and food security very much shaped the content of the final law and the outcome of the policy-making process. This is considered to be a factor that posed an important challenge for the institutionalization of food sovereignty.

Agri-food Policy Actor Relationships during the Policy-Making Process

As described in the findings, the relationships between actors in the policy-making process shifted significantly from start to finish. It is important to note that the

relationships between members of the food sovereignty movement and government officials and representatives were critical for advancing the law and the inclusion of food sovereignty within its framework, particularly in successfully introducing the GISSAN Draft SSAN Law into the National Assembly and acquiring the commitment of deputies to supporting the bill. However, other aspects of the relationships between actors were also influential. The one relationship that perhaps endured the most was that between the government and the FAO, which was consistently strong throughout the entire policy-making process. While the *gremio* organizations and GISSAN were strong allies at the start of the process, this relationship deteriorated following the controversy over the FAO Revised SSAN Law when the *gremios* began to increasingly divide from GISSAN and support the negotiation process. Findings from this study suggest that this was likely attributable to the *gremios*'s historically strong ties to the FSLN government and the government's request for technical support and assistance with the policy-making process. In the case of the SSAN Law, Dora Zeledón was the key representative of the FSLN in the process of the law and was heavily influential in terms of shaping the process, and she also had a historical relationship with the FAO beginning with early initiatives for a food security law in the 1990s. The FAO also worked with the government on the development of the PNSAN. Thus, the *gremio* organizations could not oppose the FAO without jeopardizing their relationship with the government. On the other hand, GISSAN opposed the FAO Revised SSAN Law and condemned the actions of the FAO and Dora Zeledón, particularly in terms of re-drafting the law and not maintaining transparency in the process of circulating the new draft among stakeholders following completion. As a result, GISSAN began to be increasingly marginalized from

the policy-making process by the FSLN government, which more generally had a historically rocky relationship with CSOs. The private sector largely maintained good working relationships with the FAO, government, and also GISSAN, with the last of these actors being perhaps a more unlikely alliance and for this reason is notable.

The findings of this study indicate that the relationships that had the most influence on the outcome of the law were those between the government and the *gremios* and the government and GISSAN. It is argued here that the historical ties between the *gremios* and the FSLN perhaps made the *gremios* more open to negotiation (read: compromise) on certain provisions of the law that they perhaps would not have been so flexible about had this relationship not been a factor. Second, the marginalization of GISSAN in the policy-making process resulted in less of a voice of this stakeholder group in the forging of the “consensus” on the law, which looks increasingly more like a compromise between stakeholders. Both of these factors served to obstruct the more comprehensive institutionalization of food sovereignty in the law.

External Dynamics

This last category of factors examines the influence of external actors and events and developments occurring outside of Nicaragua on the institutionalization of food sovereignty in Law 693, some of which have been previously mentioned in the discussion above. It considers three factors, in particular: the position of external actors on the proposed SSAN legislation, the involvement of external actors in the policy-making process, and developments in international environment at time of policymaking.

Position of External Actors on the Proposed SSAN Legislation

Here one of the most important factors to note was the support of ALBA for food sovereignty as well as other countries in the Latin American, some of which were members of ALBA and others not. Thus, by including food sovereignty in the law, Nicaragua was in effect complying with the platform of ALBA and joining three other ALBA nations (Ecuador, Venezuela, and Bolivia) as well as upholding commitments made at other regional forums to deepen policies in favor of food sovereignty. This was helpful for advancing the inclusion of the concept in Nicaragua's law.

On the other hand, and as emphasized in the above discussion, the FAO was particularly influential in shaping the content and outcome of the law via its officials and those consultants hired by the organization to work on the law. It must be emphasized here that many of these actors were Nicaraguan nationals, thus their familiarity with the Nicaraguan context was implied. They also had varying degrees of knowledge about food sovereignty, with one of the main FAO officials having worked with *gremio* organizations prior to working with the FAO. Thus, these are individuals with their own experiences and beliefs that do not always reflect those of the FAO. That being said, the FAO Representative in Nicaragua at the time of the policy-making process was foreign, had had experience in drawing up national legislation for the right to food in Guatemala (which is discussed below), and allegedly did not have strong relations with *gremios*, all of which can be assumed to have had somewhat negative implications for the institutionalization of food sovereignty in Law 693. Furthermore, as reported in the findings, the FAO-Rome office was also consulted and can be seen as influential in the process. Reiterating again that food sovereignty was not reflected in the institutional

policy of FAO, nor did the organization have experience working with the concept, these factors also served to weaken the potential for food sovereignty to be included in the law. At the regional level, the FAO was supporting regional policies to advance the adoption of national policies to support the right to food, namely through the Hunger-Free Latin America initiative that did not recognize food sovereignty in its platform.

On a final note, while little evidence exists to suggest that other external actors had direct influence over the extent to which food sovereignty was included in the law, fear of the implications of including more radical elements of the food sovereignty framework – especially with regard to relations with the United States as a key sponsor and supporter of free trade and regional free trade agreements – can be considered to be a factor that affected the extent to which elements of food sovereignty were adopted in the law.

Involvement of External Actors in the Policy-Making Process

Very briefly, as this has been covered in the above discussion extensively, the central role of the FAO must be considered as having limited the institutionalization of food sovereignty given the position of the FAO and its focus on food security and its stressing of the use of models to construct national legislation to support the right to food and food security.

Development in International Realm during Policy-Making Process

Several important developments occurred in the international level during the policy-making process that served to bolster the inclusion of food sovereignty in the law or hinder it, either directly or indirectly. As previously mentioned, an emerging regional focus on upholding the right to food in the context of the 2007-2008 food crisis began to

increasingly include the concept of food sovereignty, and this was further strengthened by the approval of national laws and/or constitutional reforms upholding food sovereignty in Venezuela, Bolivia, and Ecuador (all of which are fellow ALBA countries) in the 2008-2009 period. Though this development was minimally cited by participants in the present study, it has to be seen as an additional factor that strengthened the impetus for including food sovereignty in the law. This was further strengthened by a resolution of the Foro de Presidentes de Poderes Legislativos de Centroamérica y la Cuenca del Caribe (Forum of Presidents of Legislative Power from Central America and the Caribbean Basin, or FOPREL) in early June of 2009 to draft a Framework Law for Food and Nutritional Sovereignty and Security for nations to reference in the construction of their own policies, a development that was greatly supported by then-Deputy Dora Zeledón.

A factor, however, that can be seen as challenging food sovereignty was the approval of Guatemala's law *sans* food sovereignty. This law created a system for ensuring national food security and FAO officials, namely the FAO Representative who participated in the policy-making process of Nicaragua's law had worked on the law in Guatemala and thus can be assumed to have been influenced by the process there.

Chapter Summary

This chapter reviewed the factors that contributed to the strengthening and obstruction of the institutionalization of food sovereignty in Law 693. In undertaking this analysis, it identified four categories of factors that influenced the extent to which food sovereignty was institutionalized in the law, including historical, context-dependent factors; dynamics of the food sovereignty movement and policy-making process, and,

finally, relationships with regional and international actors as well as developments occurring at the international level. Table 7.1 provides an overview of the analytical findings. Also important to note here is the identification of several new factors that influenced the institutionalization of food sovereignty in the law: protracted crises affecting food security and the diversity of the food sovereignty movement.

In reviewing these findings, it is clear that a complex range of factors affect the extent to which food sovereignty is institutionalized into national legislation to support the right to food and deepen food security. Historical, context-dependent factors were very significant in terms of creating a base for the conceptual development of food sovereignty. It was found that food sovereignty highly resonated with the pre-existing discourses and former policies, which both influenced the concept and discourse of food sovereignty in Nicaragua (and beyond) as well as strengthened the potential for the concept to become embedded within the Nicaraguan context. Furthermore, initial proposals for the SSAN law clearly echoed elements of both previously enacted policies, such as PNSAN, as well as policy initiatives, such as that for the SAN law spearheaded by National Assembly deputies in the late 1990s and early 2000s.

With regard to the movement, it is clear that solidarity existed between members of the movement at the onset of its consolidation and, furthermore, the movement made strong efforts to divulge the concept of food sovereignty and solicit support for it from the broader public. However, the movement faced challenges in terms of reaching a common conceptual understanding of food sovereignty and agreement on its legitimacy, which was reflected in early opposition to the term by some members of GISSAN. Additional challenges in the movement were noted with divisions between different

advocacy groups, namely the CSOs belonging to GISSAN and the *gremio* organizations on account of their differences with respect to the nature of the negotiation process of the law.

Table 7.1. Factors that Advanced and Challenged the Institutionalization of Food Sovereignty in Law 693 (by category)

Category	Strengthened	Challenged
Historical, Context-Dependent Factors	<ul style="list-style-type: none"> • Strong tradition of citizen participation from below and participatory policymaking • Pre-existing discourses that support food sovereignty, like those of Sandinismo; sustainable agriculture, namely agroecology; and environmental conservation and protection • Existence of campaigns to support elements of food sovereignty, such as those supporting economic solidarity, native seeds, and traditional food cultures • Questioned legitimacy of the market-led approach to achieving food security • Overlap between policies passed by former governments (e.g., PAN and PNSAN) as well as previous initiatives for food security laws • Pre-existing policies that support elements of food sovereignty framework (e.g., law protecting the right of citizen participation) • Protracted food security crises spurred by climactic and/or economic instability 	<ul style="list-style-type: none"> • Tendency for technical expertise to dominate over local and citizen knowledge • Pre-existing discourses of agriculture production premises on productivist models; market-led developments (both agroexport-led development and neoliberalism); and food security
Food Sovereignty Movement Dynamics	<ul style="list-style-type: none"> • Strong effort made to clarify the food sovereignty concept and mobilize support from broader public • Movement comprised of diverse actors, which increased the scope, reach, and resources of the movement 	<ul style="list-style-type: none"> • Confusion within the movement over the concept of food sovereignty and initial opposition to it by some • Divisions within the food sovereignty movement between advocates
Policy-Making Process Dynamics	<ul style="list-style-type: none"> • First draft of the SSAN law was written by food sovereignty movement organizations • First draft of SSAN law revised by 	<ul style="list-style-type: none"> • Limited participation of food sovereignty movement advocates in negotiations of the law • Stakeholders participating in the

Category	Strengthened	Challenged
	<p>food sovereignty movement through broad consultations with movement constituencies</p> <ul style="list-style-type: none"> • Food sovereignty advocates participated in negotiation and approval process of the law • Food sovereignty advocates questioned the actions of other stakeholders when their actions posed the risk of limiting the concept of food sovereignty in the law • Strong political will on the part of the Nicaraguan government at the time of making the law to include food sovereignty • Simultaneous development, creation, implementation, and/or approval of policies, programs, and institutions that supported elements of the food sovereignty framework • Simultaneous strengthening of international trade and cooperation agreements that challenge the neoliberal paradigm, in this case ALBA • Overlap between food sovereignty framework and competing approaches to achieving food security embraced by other stakeholders • Supportive relationships between food sovereignty advocates and government officials and representatives, including National Assembly deputies 	<p>revision, negotiation, and approval of the law either were unfamiliar with or had diverging conceptualizations and opinions of food sovereignty</p> <ul style="list-style-type: none"> • Government at the time of making the law did not support all elements of food sovereignty included in the proposal legislation due to competing interests • Some stakeholders did not strongly support the inclusion of the concept of food sovereignty (FAO) or outright opposed it (private sector) • Simultaneous implementation of free trade agreements, in this case DR-CAFTA • Competing approaches to achieving food security, the features of which were at odds with elements of the food sovereignty framework • Contention between some food sovereignty advocates and other stakeholders in the policy-making process, including the government and the FAO • Historical relationship between some food sovereignty advocacy organizations and the government potentially led to acquiescence on the part of these advocacy organizations
External Dynamics	<ul style="list-style-type: none"> • Support for food sovereignty by regional organizations in which the government participated (e.g., ALBA, FOPREL) • Support for food sovereignty by other nations in the region, including the approval of national policies institutionalizing food sovereignty 	<ul style="list-style-type: none"> • Lack of inclusion of food sovereignty concept in regional right-to-food initiatives • Fear of reprisal from other nations for institutionalizing elements of food sovereignty framework at odds with international agreements • Passing of national right-to-food legislation in other regional nations that excluded the concept of food sovereignty

The policy-making process was clearly the site in which both the food sovereignty concept and relationships between stakeholders became deeply tested. The resistance on the part of the movement to reforms made during the first stage of revising the law following the suspension of the approval process in June of 2007 was critical for retaining the concept of food sovereignty in the law, even though food sovereignty movement advocates exercised resistance in different ways: GISSAN took more contentious actions by condemning other stakeholders, while MAF erred on the side of cooperation with other stakeholders to reach a compromise on controversial features of the proposed law.

Furthermore, it was within the policy-making process that the issues of political will and political opportunity become apparent. As emphasized in the preceding discussion, the interest and political will of the government to include food sovereignty in the law cannot be underscored enough. Support from government representatives and National Assembly deputies ultimately allowed the SSAN bill to enter the National Assmebly for consideration, while the change in government to FSLN created the political opportunity the bill needed to advance in the legislative process. Even confronted by the competing perspectives of other stakeholders on how the right to food and food security are best achieved as well as on how the bill should be formulated – namely the FAO and the private sector – food sovereignty was preserved in the law, even though the extent to which the final content of the law featured elements of food sovereignty was diminished. Still, the very inclusion of the concept should not be rendered a small feat and is owed to the perserverence and political will of the food sovereignty movement and support from the government.

Finally, parallel to the policy-making process were several important developments at the regional level that cannot be overlooked. Support for food sovereignty by ALBA and the increasing prominence of food sovereignty in the discourse on the right-to-food and food security legislation was an important factor and gave impetus to the formulation of policies that included the concept. The approval of food sovereignty laws and constitutional reforms that recognized food sovereignty have to be seen as being influential innovations at the regional level and, in the case of Nicaragua, were undertaken by regional allies. In sum, while marred with controversy and political struggle, the successful passing of the law is has to be viewed as a great achievement that is the result of a number of complex factors that ultimately gave way to a degree of agreement between stakeholders. However, to call it a consensus would be overly optimistic.

Chapter Eight

Conclusion

This dissertation analyzed the process of making national policies that incorporate the concept of food sovereignty by examining the case of Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security (hereafter Law 693). The overarching objective of this study was to detail the processes by which the Nicaraguan food sovereignty movement developed and consolidated as well as the policy-making process resulting in Law 693 in order to identify the factors that advanced and obstructed the institutionalization of food sovereignty in the law. Thus, this qualitative single-case study had exploratory and explanatory dimensions.

This dissertation began with a discussion of the recent shift towards adopting framework laws to uphold the right to food and ensure food security. As noted previously, Latin America has been leading the world in the adoption of such policies, boosted by such regional campaigns as the Hunger-Free Latin America initiative and, more recently, by regional institutions such as the Foro de Presidentes de Poderes Legislativos de Centroamérica y la Cuenca del Caribe (Forum of Presidents of Legislative Power from Central America and the Caribbean Basin, or FOPREL). The United Nations Food and Agriculture Organization (FAO) has been a key supporter of these initiatives and the broader goal of promoting the wide adoption of such framework laws by nations worldwide. As such, the FAO has developed a series of tools, including models and guidelines, to guide the formulation of national right-to-food legislation to facilitate the process. Such framework laws were expected to vary State-by-State as per the unique approaches of individual States to ensuring the right to food (CESCR 1999).

Law 693 is an example of a growing number of framework laws for the right to food that include the concept of food sovereignty, particularly in Latin America. Despite the increasing institutionalization of the concept into national policies, including framework laws for the right to food, very little empirical research to date has examined the process by which these laws are constructed. While recent studies have addressed the institutionalization of food sovereignty in different ways (Beauregard 2009; Boyer 2010; K. Peña 2013; Wittman and Desmarais 2013; Wittman, Desmarais and Wiebe 2010), including several studies on Law 693 (Araújo 2010; Araújo and Godek 2014; Drolet et al. 2011; Montano 2009), the intricacies of the policy-making process resulting in the institutionalization of food sovereignty have been largely understudied in the literature. As such, this study represents one of the first major empirical analyses of the process by which this concept becomes institutionalized into law as well as an important attempt to identify the specific factors that both support and obstruct the institutionalization of food sovereignty in such policies. This study is certainly not without its limitations (as outlined in Chapter 3); however, it provides an important base from which to expand and refine the study of the institutionalization of food sovereignty that can be applied not only to national but also local and supranational policymaking.

The objectives of this final chapter of the dissertation are twofold. First, it discusses six salient results and contributions of the study and juxtaposes them against the literature as appropriate, especially that on the institutionalization of food sovereignty. Second, based on the results of this study, four recommendations for future research are made to expand both the scholarship on the study of food sovereignty and the base of information on the topic for practitioners and policymakers.

Key Results and Contributions of the Study

1. Deepening the Understanding of the Development of National Food Sovereignty Movements.

In studying the policy-making process of Law 693 and identifying the factors that advanced and obstructed the institutionalization of food sovereignty in the law, this study went beyond the confines of policymaking and examined the development and consolidation of the food sovereignty movement in Nicaragua, which also permitted the tracing of the emergence of the concept in the Nicaraguan context. Thus, one of the important contributions this study makes is to deepen our understanding of the emergence of food sovereignty in national contexts and also how the concept of food sovereignty and the movements embracing the concept shape and are shaped by their relationship to the transnational movement for food sovereignty. This contribution builds on the work of other food sovereignty scholars who have contributed to historical analyses of the food sovereignty concept and movement (see Borras Jr., Edelman, and Kay 2008, Desmarais 2002/2007/2009, Edelman 1998/2008/2013, and Martinez-Torres and Rosset 2010). In the case of Nicaragua, Nicaraguan peasant and farmer organizations were founding members of La Vía Campesina (LVC), the transnational peasant movement that coined the term food sovereignty. The inclusion of their voices, as documented in this study, represents an important expansion of the study of the history of the food sovereignty movement, as they have largely not been included in the literature.

2. Food Sovereignty as a “Movement of Movements”

Another salient contribution of this study is the outlining of the relationship between the Nicaraguan food sovereignty movement and broader movements. In

particular, food sovereignty was influenced by the Campesino a Campesino movement (Farmer to Farmer, or CaC) and the Movimiento Ambientalista Nicaragüense (Nicaraguan Environmental Movement, or MAN), both of which emerged in the mid- to late 1990s and contributed to deepening the call for more sustainable, ecologically-conscious, and culturally-mindful approaches to agriculture and food production. These movements were cited by food sovereignty activists as being important influences on the Nicaraguan food sovereignty movement. Later, in the late 1990s and early 2000s, the Nicaraguan food sovereignty movement converged with other social movements that called for resisting the emerging threats posed by biotechnology and genetically-modified organisms (GMOs), deepened trade liberalization via regional free trade agreements (such as the Dominican Republic–Central American Free Trade Agreement, or DR–CAFTA), and for increased privatization of formerly public services, particularly that of water. These findings demonstrate that the force of the food sovereignty movement was influenced by its overlap and convergence with other movements that shared common grievances with the food sovereignty movement, thus creating solidarity between activists. Indeed, many of the actors who engaged in the movements mentioned above joined the food sovereignty movement. In this sense, the food sovereignty movement can be considered a “movement of movements” in its own right.

3. Legitimacy of Food Sovereignty and Its Successful Institutionalization

This study also expands the existing knowledge of how food sovereignty is conceptualized on the ground and how this in turn can influence its potential to be fully institutionalized into policies. This contribution has three dimensions, all of which suggest that the strength, cohesiveness, and force of the discourse of food sovereignty –

and by extension, the food sovereignty movement – is a decisive factor for its institutionalization, thus echoing Allen (2004). First, stakeholders in agrifood policy field did not share common conceptualizations of food sovereignty or common visions as to how to achieve it, as multiple interpretations of food sovereignty existed among actors, including, albeit to a lesser extent, participants of the food sovereignty movement. These findings build on those of Wittman and Desmarais (2013). Furthermore, there was reported to be confusion over the concept and particularly when compared with that of “food security,” which had already been embedded in the discourse of practitioners and policymakers. Echoing the argument of Windfur and Jonsén (2005) that confusion over the concept of food sovereignty poses a challenge for its institutionalization, as well as the findings of Boyer (2010) that confusion over food sovereignty concept can negatively impact the broad appropriation of the concept, this study found that the lack of shared conceptual understanding of food sovereignty and acceptance of the full range of elements featured in its framework was found to negatively impact the extent to which the concept was institutionalized in Law 693.

Second, unlike the case of Honduras explored in Boyer (2010), the word “sovereignty” was already embedded in the lexicon of Nicaragua owing to the historical significance of the term. This term (re-)emerged in the lexicon of Nicaraguans at important historical moments, such as during Sandino’s insurrection in the late-1920s to early 1930s, during the Sandinista insurrection and subsequent Revolution, and also in the neoliberal era directly following the fall of the Revolution in 1990. However, herein lies an important challenge that the food sovereignty concept faced in Nicaragua, which was confusion between the term “food sovereignty” and that of “political sovereignty,”

with the latter being emphasized by the historical discourse. This challenge was evidenced in the findings. So while the prior embedding of the concept assisted in one sense to advance the concept of food sovereignty, its confusion with political sovereignty led to multiple interpretations and critiques of the concept. As noted by Windfuhr and Jonsén (2005), such confusion can pose challenges for the institutionalization of food sovereignty.

Third, in addition to confusion over and the reinterpretation of the concept of food sovereignty, there was outright opposition to the term. Initially opposition was reportedly on behalf of some GISSAN members and officials in government ministries. During the policy-making process, it was mainly the private sector that opposed food sovereignty even though they did accept some elements of the concept and framework. Furthermore, the FAO, a key stakeholder in the policy-making process, did not work with nor adopt the concept as part of its institutional policy and rather worked only with the concept of food security. These factors contributed to the lack of appropriation of the term by broad and powerful stakeholders, evidencing a certain lack of legitimacy faced by the concept that is extremely important in terms of policymaking. This had important implications for the capacity of the food sovereignty discourse to compete with the powerful discourses of food independence advocated by the private sector, which emphasized the importance of free trade and markets, and that of food security, which, as stated above was already deeply embedded in the agriculture and food policy field and supported by the FAO.

4. Complexity of Food Sovereignty Policymaking

The findings of this study emphasize that food sovereignty policymaking is complex. This level of paradigm shift should not be taken lightly. Indeed, in the case of

Nicaragua, this process has been on-going for several decades since the concept first emerged in Nicaragua. As such, what has been accomplished in Nicaragua is entirely commendable. However, as was seen in the analysis in the previous chapter, while there were many factors that strengthened the potential for the concept and framework of food sovereignty to be institutionalized in the law, there were important and forceful factors obstructing its full institutionalization. This echoes the broad findings of Windfuhr and Jonsén (2005) and several of those cited by Suppan (2008) on factors that inhibited the institutionalization of food sovereignty as well as those cited in previous studies on national food sovereignty policies that were drawn upon by the present study to guide the analysis of the factors that advanced and obstructed the incorporation of food sovereignty in Law 693, particularly those of Araújo (2010), Aruajo and Godek (2014), Beauregard (2009), Drolet et al. (2011), Montano (2009), Wiitman and Desmarais (2013), and Wittman, Desmarais, and Wiebe (2010). In addition to the factors discussed in the literature, two new factors were identified in this study: the role of crises that result in food insecurity and the diversity of the food sovereignty movement. Finally, with regard to the policy-making process, while Beauregard (2009) made an important contribution in terms of outlining the major trends in organizing for the institutionalization of food sovereignty in national policies, this study takes her approach further by analyzing the full policy-making process, in which it was found that the interactions between various stakeholders participating in the policy-making process, their distinct interests, and the ways in which they seek to achieve these interests was particularly salient.

5. *Political Will and Power of the State Matters*

Beauregard (2009) highlighted the importance of the political will in the struggle to incorporate food sovereignty into national policies. The findings of this study confirm that political will is indeed a crucial factor. In the case of Nicaragua, the political will of the State was key for not only advancing the struggle of earlier initiatives for a framework law to support the right to food and ensure food security (Draft Law of Food Security proposed in 1998 and the Draft Law of Food and Nutritional Security proposed and introduced to the National Assembly in 2000) but also including the concept of food sovereignty in the renewed initiative to pass right-to-food and food security legislation in 2006. The critical factor here was the change in government resulting from the victory of Frente Sandinista Liberación Nacional (Sandinista National Liberation Front, or FSLN) candidate, Comandante Daniel Ortega, in the 2006 presidential election, whose administration immediately took up the issue of food security as a key element of its political agenda. Thus, political opportunity for the SSAN law, and more specifically for the addition of the concept of food sovereignty, was created not only by the change in government but also the political will of the government.

But the political will of the FSLN with regards to the SSAN law was not straightforward, as it had several dimensions. It is clear that the political will of the FSLN government created an impetus for policy change that did not exist in the former governments; however, the political will of the government must be viewed in terms of how it exercised its power over the content of the law and on stakeholders in the policy process, particularly the FAO, *gremio* organizations, and GISSAN. It is important to remember here that the private sector was represented by the liberal opposition in the

National Assembly. This implied that the FSLN government had to mitigate political turmoil through concessions to the private sector in order to retain legitimacy.

First, with regard to the content of the law, while the political will of the FSLN certainly created a space that did not previously exist for the approval of right-to-food, food security, and food sovereignty legislation, the power of the government with respect to its interests also highly influenced the content of the law. Key provisions of the law that reflected fundamental principles of the food sovereignty framework were removed during the re-drafting and negotiation process, and these were allegedly measures that contradicted the interests of FSLN cadres as well as threatened the relationship of the FSLN to the private sector and the political parties that represent them, the latter of which are the opposition parties. Thus, the State exercised its power in not struggling to maintain these elements.

Furthermore, with regard to the exercise of power over actors in the policy process and, more specifically, the State both permitted and constrained certain actions on the part of stakeholders. The FAO was viewed as a legitimate expert in matters of right-to-food and food security legislation and was invited by the State to assist with the approval process. The position of Mesa Agropecuaria y Forestal (Agriculture and Forestry Roundtable, or MAF) and that of other *gremio* organizations (e.g., ATC and UNAPA¹) by extension – the expression of LVC in Nicaragua – on the law and their role in the process of the negotiations was also reported to be influenced by the State. The position of the *gremios*, having very strong historical ties to the FSLN, was different and more complex. It was reported that they were instructed to support the position of the

¹ Asociación de Trabajadores del Campo (Rural Workers Association) and the Unión Nacional Agropecuaria de Productores Asociados (National Union of Associated Agricultural Producers), respectively.

State. In light of this, the question arises as to what extent the *gremios* could conceivably deviate from the position of the government. In this sense, it can be speculated that the *gremios* took a more realistic approach to the policy-making process, struggling to preserve what was possible and sacrificing the more controversial measures included in the *dictamen* (namely the concept of food sovereignty and the measures outlined in Article 5). Indeed, it was mentioned that the *gremios* were largely responsible for preserving food sovereignty in the law, but this also has to be seen in light of the political will for food sovereignty evidenced by the State. Finally, the marginalization of GISSAN in the policy-making process, particularly in the stage of the final negotiation of the content of the law, was reported to be influenced by the State due to the controversy that erupted over the FAO Revised SSAN Law and the historical tensions between the FSLN and civil society. In sum, this study suggests that the State figured prominently in the policy-making process and its power should not be overlooked.

6. *The Content of the Law and Future Struggle*

Claeys (2012) included an important observation by a LVC staff member regarding the content of public policies that incorporate food sovereignty, which was cited earlier in this dissertation and reiterated here:

Public policies for food sovereignty generate much enthusiasm within Vía Campesina, although they usually fail to cover crucial dimensions such as trade, access to land, seeds, marketing or state support. Such policies also generate frustration because of the gap between the instruments that their implementation would require and their often declaratory nature: ‘A few countries make legislative efforts but it looks more like a communication exercise. Is there really any change in agricultural policy?’ [Interview with LVC support staff] (p. 852)

In the case of Law 693, the “crucial dimensions” mentioned by this staff member of LVC were included in Article 5 of the *dictamen* for the law and removed in subsequent

revisions and negotiations. Indeed, Law 693, in terms of its conceptualization of food sovereignty, can be argued to be more declaratory than clearly spelling out specific measures for achieving food sovereignty. This raises the question of how we will know when food sovereignty is being done, a critique of the law that was reflected in the comments of food sovereignty advocates cited in Chapter 6. Indeed, some food sovereignty advocates and government representatives argued that these weaknesses of the law are overcome through the complementarity that Law 693 has with other Nicaraguan laws that address these missing elements. In this view, the elements of the food sovereignty framework missing in the law are recaptured by other national policies.

However, other stakeholders do not agree that complementarity with other laws is sufficient for ensuring food sovereignty. Their struggle to rescue elements of food sovereignty that failed to be included in Law 693 has continued in the implementation process of the law. While an analysis of the implementation of the law was beyond the scope of this study, data compiled for this study indeed suggests that the struggle to rescue such elements and re-embed them into policy has relocated to the local level of Nicaraguan municipalities where civil society organizations belonging to GISSAN have worked to establish the Comisiones Municipales de Soberanía y Seguridad Alimentaria (Municipal Food and Nutritional Sovereignty and Security Committees, or COMUSSANs) and also to construct municipal ordinances that recognize Law 693 but go further by adding measures to ensure food sovereignty that reflect elements of the food sovereignty framework that were removed from the law. Thus, the struggle continues.

Recommendations for Future Research

In closing this dissertation, four recommendations are made to guide future research on the study of food sovereignty. First, the findings of this study indicate that there are competing histories of the origins of LVC, the central actor in the transnational food sovereignty movement. This study captured some of the voices of Nicaraguans that previously were not reflected in the literature, which is an important formative step as Nicaraguan organizations were among the founders of LVC and were thus significant in the formation of the movement. Thus, it is recommended that this history be revisited through empirical research to capture the history from members and founders of the movement who have not already participated in previous studies in order to determine gaps in the important history of LVC.

Second, this study found that the ideas and meanings embodied in the distinct discourses of stakeholders both overlapped and conflicted in important ways, and this, in addition to the interactions and political weight of actors and the broader context, ultimately had implications for the successful institutionalization of food sovereignty. This is an area that is recommended for further study. In particular, several existing analytical approaches may be useful to meet these ends and can be employed to study this phenomenon further. The first of these is frame theory (Goffman 1974), which has been used to analyzing policy discourses, institutional change, and policy controversies and conflict (see, for example, Fischer 2003, Hawkesworth 2012, Rein and Schön 1993, Schön and Rein 1994, and Verloo 2007). A second approach is that of discursive institutionalism (see, for example, Arts and Buizer 2009, Schmidt 2008/2010/2012a/

2012b). These approaches offer much promise for more deeply analyzing the role of discourse in the food sovereignty policy-making process.

Third, as this represents a formative study of the institutionalization of food sovereignty into national policies, it is highly recommended that additional studies on this process be carried out. With the emergence of regional framework laws for food and nutritional sovereignty and security, like the one that was approved in 2012 by the Parlamento Latinoamericano (Latin American Parliament), it is also recommended that these laws be strongly considered for study as they emerge. This study makes a initial attempt at constructing a framework for the analysis of the factors that advance and challenge the institutionalization of food sovereignty in policies (see Tables 2.2 and 2.3 in Chapter 2 and the additional factors of food security crises and the diversity of the food sovereignty movement discussed in Chapter 7) and can be adapted for studies of policies incorporating food sovereignty at multiple spatial scales – from the local to the global. Such studies would serve to advance the study of the institutionalization of food sovereignty and to assist in nuancing the already identified factors influencing this process as well as to assist in identifying new factors.

The final recommendation for future study concerns the implementation of food sovereignty policies. While this is already a subject under investigation (Aruajo 2010; Araújo and Godek 2014; Beauregard 2009; Drolet et al. 2011; Moncayo Márquez 2009; K. Peña 2013; Wittman, Desmarais, and Wiebe 2010), the empirical research on the study is limited and the literature is largely in its nascency. Additional research is needed to document the processes through which policies that incorporate food sovereignty are implemented in order to assess not only the success of such endeavors but also study the

practice of food sovereignty, which was cited by Patel (2009) as being a largely unexplored area. Furthermore, and importantly, data collected in this study suggests that implementation may be an important site of on-going struggle to rescue and/or institutionalize the concept and framework of food sovereignty.

In conclusion, it was the overarching aim of this study to more deeply understand the process by which national policies incorporating food sovereignty are constructed and approved. While this dissertation highlighted conflict between the actors involved in food policy legislation, the common struggle of these actors to deepen the human right to adequate food and freedom from hunger should not be overlooked in the least. While those who engage in the ongoing fight to address hunger, malnutrition, and food insecurity, whether through practice, research, and/or policy, may be deeply divided with respect to the approaches they take to accomplish their goals, their work is both honorable and valuable. In the case of Law 693, the dedication and persistence of stakeholders to advance the approval of the law cannot be underscored enough. The significance of this feat is paramount in a world where a small – yet growing – number of countries have policies that guarantee the right to food and put into place measures to achieve this right for all. It is my greatest hope that the findings of this study, the conclusions drawn, and the recommendations for future research will be of use to scholars, practitioners, and policymakers active in this admirable and unfortunately necessary struggle.

References

** Indicates documents or other materials outside of interviews and personal communications that were collected during the fieldwork.*

Interviews Conducted by Author¹

Food Sovereignty Advocacy Experts

Representative, Mesa Agropecuaria y Forestal, 27 July 2011, Managua.

Representative, Asociación de Trabajadores del Campo/ Unión Nacional Agropecuaria de Productores y Asociados, 1 August 2011, Santa Julia, Department of Carazo.

Representative, Asociación de Trabajadores del Campo, 4 August 2011, Managua.

Representative, Asociación de Trabajadores del Campo, 9 August 2011, Managua.

Former Representative, Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional y Unión Nacional Agropecuaria de Productores y Asociados, 15 August 2011 and 24 May 2013, Managua

Representative, Unión Nacional Agropecuaria de Productores y Asociados, 16 August 2011, Managua.

Representative, Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional, 24 August 2011, Managua.

Representative, Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional, 29 August 2011, Managua.

Representative, Federación Nacional de Cooperativas Agropecuarias y Agroindustriales/ Movimiento de Productores y Productoras Agroecológico y Orgánicos de Nicaragua, 30 August 2011, Managua.

Representative, Servicio de Información Mesoamericano de Agricultura Sostenible, 9 March 2012, Managua.

Representative, Campesino a Campesino, 7 June 2012, San Ramón, Department of Matagalpa.

Representative, Unión Nacional de Agricultores y Ganaderos, 7 June 2012, Matagalpa, Department of Matagalpa.

Representative, member organization of Grupo por la Promoción de Agricultura Ecológica, 8 June 2012, Matagalpa, Department of Matagalpa.

¹ The position listed for each study participant reflects the relationship they had to the respective organization at the time of the interview.

Representative, member organization of Grupo por la Promoción de Agricultura Ecológica, 8 June 2012, Matagalpa, Department of Matagalpa.

Representative, Grupo por la Promoción de Agricultura Ecológica, 15 August 2012, Managua.

Representative, Centro Humboldt, 11 March 2013, Managua.

Representative, Unión de Cooperativas-San Ramón, 21 March 2013, Managua.

Representative, Asociación de Trabajadores del Campo, 2 April 2013, Managua.

Representative, Asociación de Trabajadores del Campo, 3 April 2013, Managua.

Representative, Biolatina, 31 May 2013 and 11 June 2013, Managua.

Representatives of Food and Agriculture Policy Institutions

Consultant, FAO-Nicaragua, 29 August 2011, Managua.

Former Official, FAO-Nicaragua, 9 March 2012, Skype.²

Food Security Expert, Consultant to Food and Agriculture Agencies and Government, 27 June 2012, Managua.

Food Security Expert, Consultant to Food and Agriculture Agencies, 2 July 2012, Managua.

Official, FAO-Nicaragua, 6 July 2012, Managua.

Official, FAO-Nicaragua, 18 August 2012, Managua.

Policymakers and Government Representatives

Deputy, Asamblea Nacional de Nicaragua, 22 August 2011, Managua.

Deputy, Asamblea Nacional de Nicaragua, 26 August 2011, Managua.

Official, Alcaldía de Matagalpa, 6 June 2012, Matagalpa, Department of Matagalpa.

Representative, Consejo de Universidades de Soberanía y Seguridad Alimentaria y Nutricional, 10 July 2012, Managua.

² This study participant was the director FAO-PESA from 2006 to 2009 and played several very key roles in the policy-making process of Law 693 on behalf of the FAO. Apart from being on the FAO expert team that reviewed the law from May to September 2007, this individual was the chief facilitator and technical aid to the final negotiations and drafting of the law from February to August of 2008.

Other

Representative, Consejo Superior de Empresas Privadas, 26 June 2012, Managua.

Anonymous, 13 December 2012.

Personal Communications*Study Participants*

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Appendix A

Food Security Concept

Food security was first defined at the 1974 World Food Conference convened by the United Nations following the world food crisis of the early the 1970s. Since its introduction, the concept has evolved, multiplied, and become increasingly nuanced over time as its multidimensional nature has been more deeply analyzed and articulated. In their well cited study, Smith et al. (1993) showed that the concept has been defined in more than 200 ways by different actors engaging with food security concerns. At the international policy level, official definitions of food security have evolved significantly taking into account important shifts in thinking about food security as a result of research on the various dimensions of food insecurity. Table A.1 below presents four official definitions of food security that were introduced in the 1974–1996 period in order of appearance as well as their sources.

While the first official definition of food security that emerged from the 1974 World Food Conference focused mainly on the world food supply and availability, research begun in the 1970s and deepened in the early 1980s suggested that the availability of food alone did not lead to food security (Maxwell 1996). Amartya Sen's (1981) seminal work, *Hunger and Famine*, was pivotal for reorienting the debate on food security to one that took the question of an individual's capacity to access food increasingly into account, as reflected in the 1983 FAO definition (Sage 2002; Mechlem 2004). The 1986 World Bank definition of food security was introduced in their report, *Poverty and Hunger*,” which made the innovative distinction between chronic food

Table A.1. Official Definitions of Food Security, 1974–1996

Year	Definition	Source
1974	“availability at all times of adequate world food supplies of basic foodstuffs to sustain a steady expansion of food consumption and to offset fluctuations in production and prices”	“Report of the World Food Conference” (UN 1975)
1983	“ensuring that all people at all times have both physical and economic access to the basic food that they need”	“World Food Security: a Reappraisal of the Concepts and Approaches” report (FAO 1983)
1986	“access of all people at all times to enough food for an active, healthy life”	“Poverty and Hunger” report (World Bank 1986)
1996	“Food security, at the individual, household, national, regional and global levels exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”	“World Food Summit, Rome Declaration on World Food Security and World Food Summit Plan of Action” (FAO 1996)

security, linked to long-term persistent poverty and/or lack of resources, and transitory food security, linked to short-term economic, political, or ecological crisis (World Bank 1986; see also FAO 2008b). Two other important areas of contribution were made in the 1980s and early 1990s, and these are reflected in the 1996 World Food Summit definition of food security, which has remained the FAO’s basic standard definition. First, there was an increase in research household and community food security, particularly in rural areas and, second, research on health and nutrition began to better articulate the relationship between food intake and physiological processes, including infection and micro-nutrient absorption (Sage 2002). A final important notable step that has since been taken is the articulation of the four dimensions of food security, which serve as indicators to guide measurement. These are presented in Table A.2. As the FAO (2008b) notes, “For food security objectives to be realized, all four dimensions must be fulfilled simultaneously” (p. 1).

Table A.2. Four Dimensions of Food Security (*Adapted from FAO 2008*)

Dimension	Description
Physical availability of food	Food availability addresses the “supply side” of food security and is determined by the level of food production, stock levels and net trade.
Economic and physical access to food	An adequate supply of food at the national or international level does not in itself guarantee household level food security. Concerns about insufficient food access have resulted in a greater policy focus on incomes, expenditure, markets and prices in achieving food security objectives.
Food utilization	Utilization is commonly understood as the way the body makes the most of various nutrients in the food. Sufficient energy and nutrient intake by individuals is the result of good care and feeding practices, food preparation, diversity of the diet and intra-household distribution of food. Combined with good biological utilization of food consumed, this determines the nutritional status of individuals.
Stability of the other three dimensions over time	Even if your food intake is adequate today, you are still considered to be food insecure if you have inadequate access to food on a periodic basis, risking a deterioration of your nutritional status. Adverse weather conditions, political instability, or economic factors (unemployment, rising food prices) may have an impact on your food security status.

Appendix B

Summary of Civil Society Declarations and Statements on Food Sovereignty

Table A.3. Declarations and Statements on Food Sovereignty

Date	Title	Author(s)/Location
November 1996	“The Right to Produce and Access Land – Food Sovereignty: A Future without Hunger”	La Vía Campesina, 1996 World Food Summit, Rome, Italy
November 1996	“WTO – Shrink or Sink”	Our World is Not For Sale Network
March 2000	“The Right to Food: End Hunger! Fight for the Right to Live! NGOs/CSOs Statement at the Asian Regional Consultation on the World Food Summit Five Years Later”	Asian Regional Consultation, Bangkok, Thailand
August 2001	“Our World is Not for Sale. WTO: Shrink or Sink”	Our World is Not For Sale Network
August 2001	“Final Declaration of the World Forum on Food Sovereignty”	Havana, Cuba
September 2001	“Priority to Peoples’ Food Sovereignty”	La Vía Campesina
May 2002	“End World Hunger – Commit to Food Sovereignty. Asian NGO/CSO Declaration to the World Food Summit-five years later”	Kathmandu, Nepal
June 2002	“Food Sovereignty: A Right for All. Political Statement of the NGO/CSO Forum for Food Sovereignty”	Rome, Italy
September 2003	“Statement on People’s Food Sovereignty: Our world is not for sale. Priority to People’s Food Sovereignty. WTO out of Food and Agriculture”	Cancun, Mexico
November 2004	“Primer on People’s Food Sovereignty. Framework for National Programme on Food Sovereignty. Draft People’s Convention on Food Sovereignty.	People’s Food Sovereignty Network Asia Pacific and Pesticide Action Network Asia and the Pacific, Dhaka, Bangladesh
March 2006	“Final Declaration: Land, Territory and Dignity Forum. For a New Agrarian Reform based on Food Sovereignty!”	Porto Alegre, Brazil
February 2007	“Women’s Declaration on Food Sovereignty, Nyéléni”	Sélingué, Mali
February 2007	“Declaration of the Forum for Food Sovereignty, Nyéléni”	Sélingué, Mali

Date	Title	Author(s)/Location
September 2008	“Women Fight for Food Sovereignty: Declaration of Rural Women”	Coordinadora Latinoamericana de Organizaciones del Campo/Latin American Coordination of Rural Organizations, Rosario, Argentina
June 2008	“Final Declaration: Terra Preta – Forum on the Food Crisis, Climate Change, Agrofuels and Food Sovereignty”	International NGO/CSO Planning Committee for Food Sovereignty, Rome, Italy
November 2009	“Declaration from Social Movements/NGOs/CSOs Parallel Forum to the World Food Summit on Food Security”	Rome, Italy
November 2009	“Declaration of Indigenous Peoples for Food Sovereignty”	Rome, Italy
November 2009	“Food Sovereignty now: young people creating their future. Final Declaration of the Youth Caucus”	Rome, Italy

Adapted and updated from Windfuhr and Jonsén (2005, 47–8).

Appendix C

Most Recent IRB Continuing Review Approval for a Research Project (March 2013)

RUTGERS UNIVERSITY
Office of Research and Sponsored Programs
ASB III, 3 Rutgers Plaza, Cook Campus
New Brunswick, NJ 08901

August 29, 2013

P.I. Name: Godek
Protocol #: 11-670M

Wendy L. Godek
Division of Global Affairs
190 University Ave, Room 111
Newark Campus

Dear Wendy Godek:

(Initial / Amendment / Continuation / Continuation w/ Amendment)

Protocol Title: "The Discursive Institutionalization of Food Sovereignty"

This is to advise you that the above-referenced study has been presented to the Institutional Review Board for the Protection of Human Subjects in Research, and the following action was taken subject to the conditions and explanations provided below:

Approval Date:	3/19/2013	Expiration Date:	3/18/2014	Expedited Category(s):	6,7
Approved # of Subject(s):	45	Currently Enrolled:	26		

This approval is based on the assumption that the materials you submitted to the Office of Research and Sponsored Programs (ORSP) contain a complete and accurate description of the ways in which human subjects are involved in your research. The following conditions apply:

- **This Approval-**The research will be conducted according to the most recent version of the protocol that was submitted. **This approval is valid ONLY for the dates listed above;**
- **Reporting-**ORSP must be immediately informed of any injuries to subjects that occur and/or problems that arise, in the course of your research;
- **Modifications-**Any proposed changes **MUST** be submitted to the IRB as an amendment for review and approval prior to implementation;
- **Consent Form(s)-**Each person who signs a consent document will be given a copy of that document, if you are using such documents in your research. The Principal Investigator must retain all signed documents for at least three years after the conclusion of the research;
- **Continuing Review-**You should receive a courtesy e-mail renewal notice for a Request for Continuing Review before the expiration of this project's approval. However, it is your responsibility to ensure that an application for continuing review has been submitted to the IRB for review and approval prior to the expiration date to extend the approval period;

Additional Notes: Continuation with Amendment Expedited Approval per 45 CFR 46.110(b)(2) for Revised Protocol, Change in Faculty Advisor to K. Schock, Removal of Key Personnel: F. Fischer;

Failure to comply with these conditions will result in withdrawal of this approval.

Please note that the IRB has the authority to observe, or have a third party observe, the consent process or the research itself. The Federal-wide Assurance (FWA) number for the Rutgers University IRB is FWA00003913; this number may be requested on funding applications or by collaborators.

Respectfully yours,



Acting For--
Dr. Beverly Tepper, Ph.D.
Professor
Chair, Rutgers University Institutional Review Board

cc: Dr. Kurt Schock

Appendix D

Sample Email Invitation to Participate in the Study

** These emails have been redacted and the names and personal information of participants and/or others has been removed in order to protect their identity.*



Wendy Godek <[REDACTED]>

Solicitud

Wendy Godek <wgodek@pegasus.rutgers.edu>

Thu, Jun 28, 2012 at 8:59 PM

To:

Cc:

Estimada Sra. [REDACTED],

Espero que este correo le encuentre muy bien. Como [REDACTED] le ha explicado en su correo, mi nombre es Wendy Godek y soy una estudiante doctoral de la Universidad de Rutgers, Nueva Jersey, EEUU. Disculpe, por favor, el retraso en comunicarme con usted. Estoy haciendo un estudio sobre la ley de SSAN, específicamente sobre la divulgación de información sobre la soberanía alimentaria en Nicaragua, la formulación de las propuestas de la ley, y el proceso de aprobación de la ley.

Sería un gusto conversar con usted y aprender de su experiencia con el proceso de la ley. Tal vez, usted tendría algún tiempo en la próxima semana para reunirse? Estoy disponible todos los días aparte del viernes, el 6 de julio.

Muchas gracias y en espera de su amable respuesta.

Saludos cordiales,

Wendy

[REDACTED] (Claro)

[REDACTED] (Movistar)

Appendix E

Interview Protocols

Food Sovereignty Advocacy Experts (English)

Origins of Nicaraguan Food Sovereignty Movement

1. When did the concept of food sovereignty emerge in Nicaragua?
2. Can you name any organizations (or individuals) that were particularly active in introducing food sovereignty to Nicaraguan-based groups, organizations, institutions, and/or the broader public? How were these organizations (or individuals) related to each other?
3. Were there any written or spoken texts that were used by early Nicaraguan food sovereignty advocates to introduce the concept of food sovereignty to other Nicaraguan-based groups, organizations, institutions, and/or the broader public?

Development of the Nicaraguan Movement for Food Sovereignty

4. Can you describe the expansion of the Nicaraguan food sovereignty movement? Were there any particular events that were significant to the growth of the movement? What actions were taken by groups, organizations, and/or individuals that have sought to expand the Nicaraguan food sovereignty movement?
5. Can you describe the formation of GISSAN (Interest Group for Food and Nutritional Sovereignty and Security)?
 - a. What led to the formation of this group?
 - b. Which groups were most active in its formation? How were other groups recruited?
 - c. What have been its successes and challenges?
 - d. What has happened to GISSAN since the passing of the Food Sovereignty, Food Security, and Nutrition Law?
6. Were there any written or spoken texts that were created by groups, organizations, or individuals advocating for food sovereignty that you believe were instrumental or influential in terms of expanding the Nicaraguan movement for food sovereignty?
 - a. If so, what are they? Who are their authors?
 - b. If so, why do you believe these texts to be significant or influential?
7. Can you identify any other organizations, initiatives, or movements in Nicaragua outside of the food sovereignty movement that have supported or aligned with the Nicaraguan food sovereignty movement?
 - a. If so, what are they? How have they supported or aligned with the Nicaraguan food sovereignty movement?
8. Have there been any movements or initiatives that oppose food sovereignty in Nicaragua?
 - a. If so, what are they? Can you tell me about them and how they have organized against the Nicaraguan food sovereignty movement?

Policy Initiatives for Food Sovereignty in Nicaragua

9. What led to the proposal for a national law of food sovereignty in Nicaragua? Can you describe any significant events or circumstances?
10. How were proposals for food sovereignty policies initially introduced to policymakers in Nicaragua?
11. Were there specific policymakers who were particularly supportive of proposals for food sovereignty in Nicaragua? Were there policymakers who opposed legislation for food sovereignty?

Food Sovereignty Advocacy Experts (Spanish)

Los Orígenes del Movimiento Nicaragüense para La Soberanía Alimentaria

1. ¿Cuándo surgió el concepto de soberanía alimentaria en Nicaragua?
2. ¿Puede usted identificar organizaciones (o individuos) que eran especialmente activas en la presentación de soberanía alimentaria a los grupos, las organizaciones, las instituciones, o el pueblo en Nicaragua? ¿En qué forma fueron relacionados estas organizaciones (o individuos)?
3. ¿Cómo presentaron los primeros promotores de soberanía alimentaria en Nicaragua este concepto de soberanía alimentaria a otros grupos, organizaciones, instituciones, o el pueblo nicaragüense? ¿Usaba algún material escrito (informes, declaraciones, anuncios, folletos, etc.)?

El Desarrollo del Movimiento Nicaragüense por la Soberanía Alimentaria

4. ¿Puede usted describir el crecimiento del movimiento nicaragüense de la soberanía alimentaria? ¿Había eventos significativos en el desarrollo del movimiento? ¿Cuáles acciones fueron tomadas por grupos, organizaciones, y/o individuos que han servido al aumento del movimiento de soberanía alimentaria nicaragüense?
5. ¿Puede usted describir la formación de GISSAN (Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional)?
 - a) ¿Qué eventos llevaban a la formación de este grupo?
 - b) ¿Qué grupos eran lo más activos en su formación? ¿Cómo reclutaban otros grupos?
 - c) ¿Cuáles eran los éxitos y obstáculos de GISSAN?
 - d) ¿Qué pasó a GISSAN desde la aprobación de La Ley de Soberanía y Seguridad Alimentaria y Nutricional?
6. ¿Puede usted identificar algunos materiales (oral o escritos) que fueron creados por grupos, organizaciones, o individuos que promovían la soberanía alimentaria y que usted cree eran importantes o influyentes para el aumento del movimiento nicaragüense de la soberanía alimentaria?
 - a) ¿Si es así, cuáles son? ¿Quiénes son los autores de los materiales?
 - b) ¿Si es así, por qué cree usted que esos materiales son significativos o influyentes?
7. Aparte de las organizaciones que formaban el movimiento nicaragüense de la soberanía alimentaria, ¿puede usted identificar otras organizaciones, iniciativas, o movimientos nicaragüenses que apoyaban o se alineaban al movimiento nicaragüense de la soberanía alimentaria?
 - a) Si es así, ¿cuáles son? ¿Cómo apoyaron o se alinearon al movimiento nicaragüense por la soberanía alimentaria?
8. ¿Había alguna organización, movimiento o iniciativa que se hubiera opuesto a la soberanía alimentaria en Nicaragua?
 - a) Si es así, ¿cuáles son? ¿Puede usted hablar de ellos y cómo se organizaban en contra del movimiento nicaragüense por la soberanía alimentaria?

Iniciativas Políticas por la Soberanía Alimentaria en Nicaragua

9. ¿Qué llevó la propuesta para una ley nacional de soberanía alimentaria en Nicaragua? ¿Puede usted describir algunos eventos o circunstancias significativas?

10. ¿Cómo presentaron por primera vez las propuestas para la soberanía alimentaria a los políticos y diputados nicaragüenses?

11. ¿Había formuladores de política que apoyaban las propuestas políticas por la soberanía alimentaria en Nicaragua? ¿Había formuladores de políticas quienes estaban en contra de legislación de soberanía alimentaria?

Policymakers and Government Representatives (English)

1. Could you please tell me your title and occupation?
2. Where did you first learn of food sovereignty?
3. Were you ever given or sent any written materials from organizations in Nicaragua that supported food sovereignty? If so, what were they? Were they influential for you or other policymakers?
4. When was the bill for the Food Sovereignty, Food Security, and Nutrition Law first introduced? By who?
5. Can you describe how the legislation for the Food Sovereignty, Food Security, and Nutrition Law was first introduced?
6. What was the reaction of representatives to the introduction of the bill? Was there support for the bill? Opposition? If so, from who?
7. Regarding the inclusion of food sovereignty in the bill, what was the rationale behind this? What is significant about food sovereignty for the people of Nicaragua?
8. Once the food sovereignty bill was introduced, how did legislation proceed?
9. Were any written reports or materials prepared by policymakers that supported or opposed the bill? If so, what were they? To whom were they distributed?
10. What was the role of Nicaraguan civil society in the policy-making process? Were any international civil society organizations or international organizations involved in this process? If so, how were they involved?
11. What factors, do you believe, were influential in the passing of this legislation? Were there any significant obstacles to passing the bill?

Policymakers and Government Representative (Spanish)

1. ¿Puede usted, por favor, describir su trabajo?
2. ¿Dónde aprendió usted de la soberanía alimentaria por la primera vez?
3. ¿Ha recibido usted alguna vez unos materiales escritos por organizaciones nicaragüenses que promueven a la soberanía alimentaria? Si es así, ¿cuáles fueron? ¿Cree que esos materiales fueron influyentes para usted u otros diputados?
4. ¿Cuándo fue presentada a la Asamblea Nacional la iniciativa por SSAN? ¿Por quién(es)?
5. ¿Puede usted describir la presentación de la iniciativa para la Ley de Soberanía y Seguridad Alimentaria y Nutricional que fue presentado a la Asamblea Nacional?
6. ¿Cuál fue la reacción de los diputados cuando la iniciativa por esta ley fue presentada? ¿Apoyaron algunos diputados esta iniciativa? ¿Estaban otros en contra de la iniciativa? Si fue así, ¿puede usted describir los puntos de vista de las dos perspectivas?
7. ¿Con respecto a la introducción de la soberanía alimentaria, ¿Cuál fue el propósito detrás la inclusión de este concepto en la propuesta de la ley? ¿Cuál es significado acerca de la soberanía alimentaria para el pueblo nicaragüense?
8. ¿Después la presentación de la Ley de Soberanía y Seguridad Alimentaria y Nutricional al plenario, que sucedió? ¿Cuáles fueron los siguientes pasos de la formación de la ley?
9. ¿Había algún informe escrito u otro material preparado por diputados u otros representantes de agencias gubernamentales que apoyaban o se oponían a la ley de SSAN? Si fue así, ¿cuáles fueron? ¿A quién fueron distribuidos?
10. ¿Cuál fue el papel de la sociedad civil nicaragüense en el proceso legislativo? ¿Fueron organizaciones internacionales de sociedad civil u organizaciones internacionales involucradas en el proceso legislativo? Si fue así, ¿En qué forma estaban involucrados?
11. En su opinión, ¿cuáles fueron los factores más influyentes en la aprobación de esta legislación? ¿Había algunos obstáculos significativos?

Representatives of Food and Agriculture Policy Institutions (English)

1. Can you please describe your occupation?
2. Are you familiar with food sovereignty? If so, where did you first learn of it?
3. Have you received any written materials from civil society organizations, government agencies, or other organizations that discuss or advocate for food sovereignty? If so, what were they? Did you find them influential? Why or why not?
4. Has the organization you work with or for collaborated on any food sovereignty policy initiatives in Nicaragua?
 - a. If so, can you tell me about them and the activities of your organization specifically?
 - b. If not, has the organization you work with cooperated on other food policy initiatives? If so, can you describe them?
5. In your opinion, what have been the factors that have served to promote the interests of advocates of food sovereignty in Nicaragua? What have been the factors that have served as obstacles to food sovereignty advocates in Nicaragua?

Representatives of Food and Agriculture Policy Institutions (Spanish)

1. ¿Puede, por favor, describir su trabajo?
2. ¿Conoce usted de la soberanía alimentaria? ¿Dónde se enteró de la soberanía alimentaria por la primera vez?
3. ¿Ha recibido usted algún material escrito de organizaciones de sociedad civil, agencias gubernamentales, u otras organizaciones que tratan o promueve la soberanía alimentaria? Si es así, ¿cuáles son? ¿Cree que esos materiales fueron influyentes? ¿Por qué sí o por qué no?
4. ¿La organización con la que trabaja, ha trabajado o colaborado en algunas iniciativas para promover la soberanía alimentaria en Nicaragua?
 - a) Sí es así, ¿me puede decir acerca de ellos y las actividades de su organización en concreto?
 - b) Si no, ¿ha colaborado su organización en otras iniciativas de política alimentaria? Si es así, ¿puede describirlas?
5. En su opinión, ¿cuáles fueron los factores que han servido para promover el interés de los defensores de la soberanía alimentaria en Nicaragua? ¿Cuáles fueron los factores que han servido de obstáculos para los defensores de la soberanía alimentaria?

Appendix F

October 2013 Letter Sent to Participants Regarding Status of Study, First Major Study Document, and Interview Transcript (if applicable)

** This letter has been redacted and the name and personal information of participant and/or others has been removed in order to protect their identity.*



Wendy Godek <[REDACTED]>

Estudio de Ley 693

Wendy Godek <wgodek@pegasus.rutgers.edu>

Tue, Oct 1, 2013 at 1:21 PM

To: [REDACTED]

Estimado Jose Angel,

Muchos saludos y espero que este mensaje le encuentre muy bien. Quería escribirle para dejarle saber que estoy en las últimas etapas del estudio doctoral sobre la ley 693 con la meta de tener un borrador final al inicio de diciembre y defender la tesis al fin de enero.

Ha habido un rato desde realizamos la primera entrevista (al final de Julio 2011!) pero quería compartir una copia de la transcripción de entrevista para que usted la tiene, y he lo adjuntado a este correo. Le invito a revisar la entrevista y si usted quiere clarificar alguna información o elaborar un poco más sobre algún tema que tratamos en la entrevista o algo relacionado a la ley, le doy la bienvenida y sería muy apreciado. Me gustaría tener lo más certeza que la información que tengo es lo más precisa posible.

Finalmente, me gustaría compartir con usted uno de los primeros documentos que salió de este estudio que elaboré como una contribución a un congreso sobre el tema de soberanía alimentaria que se realiza en la Universidad de Yale, EEUU, hace unas semanas. Se puede encontrar el documento por este enlace: http://www.yale.edu/agrarianstudies/foodsovereignty/pprs/63_Godek_2013.pdf. Mil disculpas por no tener una versión traducida en español, pero, en todas las formas, yo quería compartirlo y espero tener una versión traducida en algún momento.

Si usted tiene interés, se puede encontrar la página de web del congreso de Yale por este enlace: <http://www.yale.edu/agrarianstudies/foodsovereignty/index.html>. Hay más que 70 contribuciones de académicos y otros sobre temas relacionados a la soberanía alimentaria y me alegra decirle que hay varios sobre la Nicaragua.

Estoy muy, muy agradecida por su voluntad en participar en este estudio. Ha sido un gran privilegio realizarlo, conocer a y aprender de todos los participantes, y (con mucha esperanza) contribuir a contar la historia de la Ley 693 y analizar críticamente su proceso de aprobación. Espero tener la oportunidad de presentar la tesis en Nicaragua en algún momento en el futuro y le avisaré sobre eso.

Por favor, si usted tiene alguna pregunta relacionada al estudio, usted puede contactarme en cualquier momento.

Muchas gracias por toda su amable atención y todo el apoyo con este gran esfuerzo.

Saludos,
Wendy

[REDACTED] (Claro)



Wendy Godek <[REDACTED]>

(no subject)

Wendy Godek <wgodek@pegasus.rutgers.edu>

Wed, Oct 2, 2013 at 11:04 AM

To: [REDACTED]

Buenos días, [REDACTED]!

Gracias por tu correo y espero que este mensaje le encuentre muy bien! Le escribo para compartir con usted unas cosas relacionadas a mi tesis sobre la Ley 693. Estoy en las últimas etapas del proceso y voy a entregar un borrador en diciembre con la intención de defender al fin de enero.

Me gustaría compartir uno de los primeros documentos que salió de este estudio que elaboré como una contribución a un congreso sobre el tema de soberanía alimentaria que se realizó en la Universidad de Yale, EEUU, hace unas semanas. Se puede encontrar el documento por este enlace: http://www.yale.edu/agrarianstudies/foodsovereignty/pprs/63_Godek_2013.pdf Mil disculpas por no tener una versión traducida en español, pero, en todas las formas, yo quería compartirlo y espero tener una versión traducida en algún momento.

Si usted tiene interés, se puede encontrar la página de web del congreso de Yale por este enlace: <http://www.yale.edu/agrarianstudies/foodsovereignty/index.html> Hay más que 70 contribuciones de académicos y otros sobre temas relacionados a la soberanía alimentaria y me alegra decirle que hay varios estudios sobre la Nicaragua.

Estoy muy, muy agradecida por su participación en este estudio y toda la información que me compartió. Si usted tenga alguna pregunta sobre el estudio, puede contactarme en cualquier momento.

Muchas gracias por toda su amable atención y todo el apoyo con este gran esfuerzo. Espero tener la oportunidad de presentar la tesis en algún momento aquí en Nicaragua y le avisaré.

Muchos saludos,
Wendy

—
Wendy Godek
PhD Candidate, Division of Global Affairs
Part-Time Lecturer, Department of Political Science
Rutgers, The State University of New Jersey
360 Martin Luther King, Jr. Blvd., 7th Floor
Newark, NJ 07102
wgodek@pegasus.rutgers.edu

Appendix G

Events Attended during Fieldwork and Corresponding Agendas

Date	Event	Location	Sponsoring/Collaborating Organizations
17-18 July 2011	Encuentro de Movimientos Sociales del ALBA, las Américas, y El Caribe: “Construyendo la Solidaridad”	Managua	ALBA de los Movimientos Sociales en Nicaragua
12 August 2011	Foro de Seguridad y Soberanía Alimentaria en Comunidades Cafetaleras	Matagalpa, Matagalpa	Green Mountain Coffee Roasters, Community Agroecology Network
27 February 2012	Foro Centroamericano para el intercambio de agendas de incidencia política de SSAN	Managua	Asociación de Trabajadores del Campo (ATC), Coordinadora Latinoamericana de Organizaciones del Campo-La Vía Campesina (CLOC-LVC)
19 April 2012	Conversatorio sobre la Situación del Agroecología y Soberanía Alimentaria en Nicaragua	Managua	La Vía Campesina, Escuela Obrera Campesina Internacional Francisco Morazán, Asociación de Trabajadores del Campo (ATC), Universidad Nacional Agraria (UNA)
30 August 2012	Presentación de la Guía de Incidencia para el Derecho a la Alimentación	Managua	La Campaña Derecho a la Alimentación URGENTE
18 October 2012	I Asamblea de La CLOC-LVC [Coordinadora Latinoamericana de Organizaciones del Campo-La Vía Campesina]	Managua	La Vía Campesina-Coordinadora Latinoamericana de Organizaciones del Campo
30 November 2012	Intercambio de Experiencia Municipal: Comisiones Municipales por la Soberanía Alimentaria y la Seguridad alimentaria y Nutricional	San Dionisio, Matagalpa	ODESAR, Municipalities of San Dionisio, Muy Muy, San Ramón, and Esquipulas, FENACOOOP
15 October 2013	Diálogo Regional: Cambio Climático, Agricultura y Seguridad Alimentaria en el Corredor Seco de	Managua	Programa Salvadoreño de Investigación sobre Desarrollo y Medio Ambiente (PRISMA),

Date	Event	Location	Sponsoring/Collaborating Organizations
	Centroamérica		Consejo Agropecuario Centroamericano (CAC), and Climate and Development Knowledge Network
16 October 2013	VIII Foro DMA 2013 “Sistemas Alimentarios Sostenibles para la Seguridad Alimentaria y la Nutrición”	Managua	Universidad Nacional Agraria (UNA), Food and Agriculture Organization of the United Nations- Nicaragua (FAO-Nicaragua), Ministerio de Agricultura y Forestal (MAGFOR)
30 October 2013	Foro de Soberanía y Seguridad Alimentaria: Pilar de la Economía Solidaria”	Managua	Red Nicaragüense de Comercio Comunitario (RENICC), Plataforma de Economía Solidaria (PECOSOL), ICCO-ACT Alliance, Universidad Centroamericana (UCA), Oxfam-CRECE

Encuentro de Movimientos Sociales del ALBA, las Américas y el Caribe

“Reconstruyendo la Solidaridad”

17 y 18 de Julio, Managua, Nicaragua

En saludo al 50 aniversario de la Fundación del FSLN y al 32

Aniversario de la Revolución Popular Sandinista

PROGRAMA

17 de julio 2011

Actividad	Horario	Responsable
Acreditación de Invitados UNI	8 am- 9:30 am	Comisión de Acreditación
Inauguración del Encuentro UNI	9:30 am-10 am	Comisión Organizadora
Situación de los Movimientos Sociales en Nicaragua. Información Política y Cifras-UNI.	10 am-10:30 am	Cra. Esperancita Prado INFOCOOP, Cra. Janeth-Chávez MITRAB, Cra. Gustavo Porras. FNT
Visita de campo (experiencias exitosas) Cooperativa de Mujeres FE Y REVOLUCION del Programa “Hambre Cero”. Comunidad Rural Nejapa	10:30-1:30 pm	Cra. Justa Pérez, Cra. Esperancita Prado
ALMUERZO en el campo	1:30 pm-2 pm	
Visita de campo (experiencias exitosas) Grupos Solidarios del Programa “Usura Cero”. Barrio Nueva Libia	2:00 pm-4 pm	Cra. Justa Pérez Cra. Leonor Corea
Sistematización de las visitas, e información global sobre el modelo actual destacando el esfuerzo conjunto gobierno-organizaciones populares-empresarios-trabajadores-PODER CIUDADANO, UNI	5:00 pm- 6 pm	Cra. Leonor Corea Resp. Programa Usura Cero, Cra. Ariel Bucardo Ministro MAGFOR

18 de julio 2011

Actividad	Horario	Responsable
Plan de Desarrollo Humano, Programas y Proyectos Económicos-Sociales, Impacto y Cifras. UNI	8:30 am-10:30 am	Presentación; Paul Oquist, comentarios: Iván Acosta
Intercambio de experiencias exitosas de Lucha y Solidaridad en los diferentes Países. UNI	10 am - 12:00 md	Coordina Orlando Núñez, participan delegados
Balanza de la lucha política emprendida por gobiernos de izquierda y movimientos sociales en América Latina. UNI	12md-1:30 pm	Coordina Dr. Aldo Díaz, participan delegados
ALMUERZO UNI	1:30pm- 2pm	
Articular y fortalecer red de solidaridad (dejar puntos de contacto por cada país para dar seguimiento a los planteamientos y/o acuerdos del encuentro) UNI	3:00 pm a 4:00 pm	Cro. William Grigsby Cra. Alma Nubia Baltodano
Aprobación de Resolución final. UNI	4:00 pm a 5:00 pm	Cro. Gustavo Porrás
Clausura	5:00 pm a 5:30 pm	

Foro de seguridad y soberanía alimentaria en comunidades cafetaleras

UNIVERSIDAD NACIONAL AUTONOMA DE NICARAGUA-UNAN MATAGALPA, 12 de agosto de 2011

Objetivo general del foro: fortalecer alianzas para aumentar el acceso a la comida sana, fortalecer la agricultura sostenible y eliminar los meses flacos en zonas cafetaleras de Nicaragua

Tiempo	Actividad	Desarrollo/ objetivo
8:30-9:40	Sesión de apertura: La propuesta agroecológica para sistemas agro-alimentarios sostenibles en zonas cafetaleras Acciones desde las cooperativas de pequeños productores de café Perspectivas de compradores/tostadores de café especial	Puntos de partida
9:40-10:40	Compartiendo estrategias coordinados por los comités municipales de seguridad y soberanía alimentaria	buscando oportunidades de sinergias para reducir el hambre en las zonas productoras de café en la escala municipal
10:45-11:45	<p>Mesas redondas discutiendo estrategias para la seguridad y/o soberanía alimentaria en zonas cafetaleras de Nicaragua: Temas propuestas para las mesas redondas son las siguientes:</p> <ul style="list-style-type: none"> • Estrategias de las cooperativas de café y aliados para relocalizar del sistema de alimentación con equidad y conservación de la biodiversidad. • Estrategias y prácticas para intensificar y diversificar la producción y los medios de subsistencia • Estrategias prácticas para mejorar la coordinación e impacto entre programas del gobierno de salud y nutrición con esfuerzos de ONGs, organizaciones internacionales y cooperativas. • Estrategias que respalden el acceso y empoderamiento social con las personas más vulnerables para obtener granos básicos y la economía política alimentaria a nivel nacional/global. • Estrategias participativas que parten desde las culturas locales para una propuesta intercultural de seguridad y/o soberanía alimentaria. • Estrategias para adaptar y mitigar el cambio climático en zonas cafetaleras. • Experimentación e innovaciones para almacenar granos básicos y disminuir las pérdidas de comida. • Resultados de investigaciones agroecológicas sobre los meses flacos y la producción de café sostenible. • Estrategias de seguridad y soberanía alimentaria tiene que ser liderado por mujeres y jóvenes. • Propuesta de pasos para crear una alianza para la seguridad y soberanía alimentaria en zonas cafetaleras. 	<p>Intercambiar experiencias y estrategias operacionales entre cooperativas, ONGs locales, agricultores, organizaciones internacionales, agencias del gobierno, trabajadores, académicos etc.</p> <p>Conocemos mejor y generar la confianza para colaboraciones.</p> <p>Los participantes eligen la mesa redonda de interés y luego de la discusión comparten con el resto del grupo—hay facilitadores</p>
12-12:30	Informes de grupos y discusión.	Compartir las reflexiones en plenaria
12:30pm	Clausura	Pasos hacia una alianza para que haya comida sana y agricultura sostenible para tod@s.
1:15pm	Almuerzo	

Conferencistas, Facilitadores y Participantes Confirmados Incluyen: Cesar Castillo—Catholic Relief Services; Rick Peyser— Director of Social Advocacy and Coffee Community Outreach Green Mountain Coffee Roasters; V. Ernesto Méndez, Universidad de Vermont; Heather Putnam-Red de Agroecología Comunitaria; Falguni Guharay, SIMAS; Blanca Rosa Molina- Presidente de CECOCAFEN; Jefferson Shriver—Catholic Relief Services; Christopher M. Bacon, Santa Clara University / Red de Agroecología; Jairo Rojas-UNAN-Managua-CUR Matagalpa; Raúl Díaz—CII-ASDENIC; Helmut Rauch--Prgrama Mundial de Alimentos; María Eugenia Flores Gómez; Colleen Bramhall, GMCR; Salatiel Valdivia—PRODECOOP; Save the Children; Gero Vaagt—FAO; Laura Tilghman--Sustainable Harvest; Eddy Tenorio; **Conferencistas y Facilitadores Participantes Invitados:** Merling Preza—Gerente PRODECOOP, Pedro Haslam--Presidente Ejecutivo del IDR; Fatima Ismeal—Gerente SOPPEXCCA, Amanda Loria-vice ministra, MAGFOR; Nick Hoskyns; Root Capital; Maritza Pallavicini-MAGFOR; Martha Stella-CAFENICA; Henry Mendoza—CAFENICA.

**Foro Centroamericano para el intercambio de agendas de
incidencia política en Soberanía y Seguridad Alimentaria
Nutricional.**

27 y 28 de Febrero del 2012

Objetivo General: Posicionar el tema Soberanía y Seguridad Alimentaria y Nutricional desde el ámbito legislativo, productivo y comercio justo propiciando un espacio de discusión para la construcción de propuestas puntuales a los tomadores de decisión de la región centroamericana-

Programa de actividades

Hora	Actividades	Responsables
07:00 am	Conferencia de prensa	José Angel Cruz
08:00 am	Mística	Sayra Ticay L.
09:00 am	Palabras de bienvenida	Edgardo García y Rafael Alegria
09:30 am	Contexto regional sobre la Crisis Alimentaria	Delegado de la FAO
10:15 am	Preguntas y respuestas	
10:35 am	Descanso	
10:55 am	Balance regional sobre la situación de la seguridad y Soberanía alimentaria en Centroamérica	PRESANCA
11:40 am	Preguntas y respuestas	
12:00 md	Almuerzo	
1:30 pm	Presentación Ley 693 y su aplicación en Nicaragua.	Dr. Guillermo González
2:15 pm	Preguntas y respuestas	
2:35 pm	Avances de la ley de soberanía alimentaria en Centroamérica	Un expositor por país
3:20 pm	Preguntas y respuestas	
3:40 pm	Descanso	
4:00 pm	Acciones desarrolladas sobre la Soberanía y Seguridad Alimentaria en el ámbito regional	Fausto Torrez y Fernanda Siles
5:00 pm	Preguntas y respuestas	
5:20 pm	Conclusiones del día	Fernanda Siles
8:00 am	Mística	Sayra Ticay
8:30 am	Trabajos Grupales (Acciones nacionales sobre tema)	José Angel Cruz
9:30 am	Presentación de resultados	Fernanda Siles
10:45 am	Descanso	
11:05 am	Proceso de discusión, acuerdos sobre incidencias y acciones a realizar a nivel regional	Fausto Torrez
12:00 md	Almuerzo	
1:30 pm	Evaluación	Fernanda Siles
2:30 pm	Conclusiones finales	Oxfam Internacional



ESCUELA OBRERA CAMPESTINA INTERNACIONAL

Francisco Morazán



**La Universidad Nacional Agraria –UNA-
La Escuela Obrera Campesina Internacional Francisco Morazán/Vía Campesina
Invita a:
CONVERSATORIO SOBRE LA SITUACION DE LA AGROECOLOGIA Y SOBERANIA ALIMENTARIA EN
NICARAGUA
CON LA PARTICIPACION DEL DOCTOR MIGUEL ALTIERI,
PROFESOR DE LA UNIVERSIDAD DE BERKELY, CALIFORNIA-EEUU
PRESIDENTE DE SOCLA (SOCIEDAD CIENTÍFICA LATINOAMERICANA
DE AGROECOLOGIA)**

LUGAR: Escuela Internacional Francisco Morazán
Carretera Masaya Km. 13.2, 2 km. Al suroeste
Cuatro Esquinas

FECHA: 19 de abril del 2012



HORA:

Francisco Morazán

9:00 AM a



1:00 PM

PROGRAMA 19 de abril 2012

8:45 9:00	Mística: agua, la tierra, el aire, ESCAMPI
9:00 9:30	Presentación de la actividad Dr. Telémaco Talavera RECTOR UNA
9:45 10:45	Exposición Miguel Altieri
11:00 12:00	Debate Facilitador: Francisco Salmerón
12:00 12:30	Palabras de Delegado de Gobierno
12:30 1:00	Síntesis de Jóvenes de la Maestría/UNA Síntesis de jóvenes Escampi/Vía Campesina
1:00 2:00	Almuerzo
2:30 4:00	Conversatorio estudiantes Escuela/agroecología



Wendy Godek <[REDACTED]>

Invitación a la presentación de la Guía de Incidencia para el Derecho al la Alimentación

9 messages

GISSAN Coordinación <coordinacion.gissan@gmail.com>

Fri, Aug 24, 2012 at 7:37 PM

To: [REDACTED]

Estimados Miembros del GISSAN

La Campaña Derecho a la Alimentación URGENTE tiene el agrado de invitarle a participar en la presentación de la publicación: **Guía de Incidencia para el Derecho a la Alimentación.**

Fecha: 30 de Agosto de 2012

Lugar: Auditorio de la Universidad Evangélica (UENIC)

Hora: 10 am a 12 m

Por favor confirme asistencia al los siguientes correos:

coordinacion.gissan@gmail.com

ongawa.org

Ahora es Tiempo de Soberania Alimentaria !!!

—

[REDACTED]



ASOCIACION DE TRABAJADORES DEL CAMPO
 Rotonda Metro Centro 120 mts abajo, contiguo al CIPRES, Managua, Nicaragua
 Teléfonos 00505 2780616, Telefax 00505 2784575,
 E - mail atcnic@ibw.com.ni

Managua, 25 de septiembre de 2012

Cro.

Nicaragua

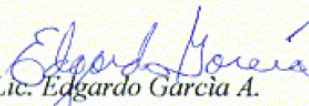
Estimado compañero: La Asociación de Trabajadores del Campo (ATC), en nombre de la Coordinadora Latinoamericana de Organizaciones del Campo y La Vía Campesina, tiene el agrado de invitarle a la **I Asamblea de la CLOC-LVC** que se realizara del 17 al 21 de octubre en la ciudad de Managua, Nicaragua.

La ATC, como parte del movimiento internacional de la CLOC-LVC, y como anfitrión nacional de la actividad, asumirá los aspectos de organización de los eventos señalados, así mismo cubrirá (transporte local, alimentación y hospedaje). Es importante para construir procesos de solidaridad entre su organización y la CLOC – Vía Campesina de América.

Para apoyar la gestión de todos los trámites necesarios para llegar a nuestro país, es importante que notifique su confirmación de asistencia para apoyar la tramitación correspondiente en nuestro país. Para los contactos favor llamar a los telf.: (505) 22784575, 22780616, o a los siguientes correos: faustino.torrez@gmail.com.

El día 19 de Octubre por la tarde tendremos el encuentro con aliados y el 21 haremos una jornada de solidaridad con Honduras y Guatemala.

Con un fraternal saludo,


 Lic. Edgardo García A.
 Secretario General
 ATC – Nacional

**INTERCAMBIO DE EXPERIENCIA MUNICIPAL
COMISIONES MUNICIPALES POR LA SOBERANIA Y LA SEGURIDAD ALIMENTARIA Y
NUTRICIONAL**

30 de Noviembre del 2012

9:00 am

Oficinas ODESAR, Municipio de San Dionisio, Matagalpa

AGENDA

Hora	Duración	Actividad	
9:00	20 minutos	Presentación de Participantes	Facilitador
9:20	10 minutos	Palabras de Bienvenida (Alcalde de San Dionisio)	Alcalde Electo
9:30	75 minutos	Presentación de Experiencia de COMUSAN's	
	15 Minutos	COMUSSAN SAN RAMON	Delegado
	15 Minutos	COMUSSAN ESQUIPULAS	Delegado
	15 Minutos	COMUSSAN MUY MUY	Delegado
	15 Minutos	COMUSSAN SAN DIONISIO	Delegado
	15 Minutos	Comentarios plenario Durante este momento se comparte el refrigerio.	
11:45	20	Presentación SSAN y el Poder Local	FENACOOOP RL
12:15		Compromisos que se asumen, nuevos pasos a seguir	Facilitador
12:45		Palabras de Clausura Alcade o delegado San Ramón	
1:00 pm		Almuerzo	

Agenda

Martes, 15 de octubre

8:00 - 8:15 a.m.	Bienvenida e introducción al diálogo: Susan Kandel (Coordinadora Protempore, PRISMA)
8:15 - 8:45 a.m.	Ponencia de Apertura: Hugo Martínez (Secretario General SICA)
8:45-10:15 a.m.	PANEL 1: Características, problemáticas y políticas para el Corredor Seco CA Facilitación: Nelson Cuéllar, PRISMA Panelistas (20 minutos por panelista): <ul style="list-style-type: none"> • Manuel Jiménez (Secretaría General de Consejo Agropecuario Centroamericano) • Raúl Artiga, (Coordinador Unidad de Cambio Climático y Riesgos en Comisión Centroamericana de Ambiente y Desarrollo). • Vice- Ministra Amanda Lorío (Viceministra Agropecuario y Forestal, Nicaragua) <i>Diálogo entre participantes</i>
10:15- 10:30 a.m.	Refrigerio
10:30- 12:30 p.m.	PANEL 2: Experiencias y los desafíos de transformación de prácticas agrícolas en los territorios en el Corredor Seco Centroamericano Facilitación: Ileana Gómez, PRISMA Panelistas (15 minutos por panelista): <ul style="list-style-type: none"> • Marcial López, Programa de Campesino a Campesino (PCaC) • Nils McCune, Marlen Sánchez, Vía Campesina • Amado Ordoñez, Red de Gestión de Riesgos • Javier Noé Gámez Pineda, Ex Alcalde de Candelaria, Honduras • Juan Arnulfo Alberto Alberto, La Mancomunidad de La Montañona, El Salvador (Coordinador Unidad Técnica) • Otoniel Matus, La experiencia territorial de Matagalpa, Nicaragua (ADDAC) <i>Diálogo entre participantes</i>
12:30 - 1:30 p.m.	Almuerzo
1:30 - 2:30p.m.	PANEL 3: Experiencias y los desafíos de transformación de prácticas agrícolas desde el sector privado Facilitación: Susan Kandel, PRISMA Panelistas (20 minutos por panelista): <ul style="list-style-type: none"> • Pamela Molina, Directora Ejecutiva, Fundación Agrolibano • Enzo Graniello, Gerente General, Ingenio El Ángel <i>Diálogo entre participantes</i>
2:30- 2:45 p.m.	Refrigerio
2:45 - 4:00 p.m.	PANEL 4: Enfoques e iniciativas en el Corredor Seco Centroamericano Facilitación: Rafael Cartagena, PRISMA Panelistas (20 minutos por panelista): <ul style="list-style-type: none"> • Julio Castillo, Coordinador de Proyecto, Food and Agriculture Organization (FAO) • Mario Samper, Coordinador de ECADERT, Instituto Interamericano de Cooperación para la Agricultura (IICA) • Deborah Barry, Coordinadora Regional, Iniciativa Global de Agua, Catholic Relief Services • Nelson Cuéllar, Equipo de Dirección, PRISMA
4:00- 5:30p.m.	Conclusiones y Diálogo entre participantes Comentarios: Tania Molina, Álvaro Fiallos, Ian Cherrett
6:00 p.m.	Cierre y Coctel



UNA POBLACIÓN SANA DEPENDE
DE SISTEMAS ALIMENTARIOS SALUDABLES

Día Mundial de la Alimentación
16 de octubre de 2013

FACULTAD DE DESARROLLO RURAL - UNA
VIII FORO DMA 2013 "Sistemas Alimentarios Sostenibles para la Seguridad Alimentaria y la Nutrición"
LÓCAL: AUDITORIO GERMAN POMARES
Miércoles 16 de Octubre 2013

HORA	ACTIVIDAD	RESPONSABLE
8:30 - 9:00 AM	INSCRIPCIÓN	Comité de logística
9:00 - 9:10 AM	INVITACIÓN AL PRESIDIO HIMNO NACIONAL	Comité de logística
09:10 - 9:45 AM	PALABRAS DE APERTURA	Telémaco Talavera S Rector UNA Fernando Soto Representante FAO Nicaragua Manuel Gutiérrez Director General DGPSA - MAGFOR Francisco Zamora - Vice- Decano FDR Axell Mayela Vellecillo Sieza Reina de FDR
9:45 - 9:50 AM	OBJETIVOS Y METODOLOGIA	Ing. Francisco Zamora Vicedecano FDR
9:50 - 10:20 A.M.	PONENCIA N° 1 Sistemas Alimentarios Sostenibles para la Seguridad Alimentaria y la Nutrición	Pedro Noel Torres / Jefe del Departamento de Ciencias Económicas y Administrativas UNA-FDR
10:20 - 11:00 AM	PONENCIA N° 2 Experiencias de Implementación de Buenas Prácticas Agrícolas en los rubros de pitahaya y Piña en el departamento Masaya, La concepción Comarca San Ignacio.	Productora Vivian Vásquez Ampie
11:00 - 11:30 AM	PONENCIA N° 3 Agenda de Investigación consensuada y multisectorial en Seguridad Alimentaria y Nutricional en Nicaragua	Luis Balmaceda / Jefe de Departamento de Desarrollo Rural UNA-FDR
11:30 AM - 12:00 PM	DEBATE	Lic. Roberto Altamirano
12:00 - 12:15 PM	CLAUSURA	Ing. Francisco Zamora Vicedecano FDR
12:15 PM	ALMUERZO	Comité de logística



Programa

Fecha: Miércoles 30 de octubre

Hora: De 9:00 am a 1:30 pm

Local: UCA Auditorio Xabier Gorostiaga

Hora	Actividad	Responsable
08:30-09:00	Inscripción de participantes	RENICC
09:00-09:15	Palabras de Bienvenida	Msc. Guillermo Bornemann M. Decano Facultad de Ciencias Económicas y Empresariales
09:15-10:30	Panel No.1 Soberanía y Seguridad Alimentaria pilar de la Economía Solidaria 1. Desafíos desde la Seguridad Alimentaria y Nutricional en Nicaragua (30") 2. Soberanía y Seguridad alimentaria y su vínculo con la Economía Solidaria. (30") 3. Presentación Campaña CRECE	Lic. José Luis Solórzano Universidad Centroamericana Georgina Muñoz Directora RENICC Rafael Henríquez García Campañas e Incidencia - Oxfam
10:30-11:00	Periodo de preguntas y repuestas	Moderador(a)
11:00-11:15	Refrigerio	RENICC
11:15-12:45	Panel No.2 Políticas Públicas y su puesta en Práctica 1. Aplicación de la Ley 693 Soberanía y Seguridad Alimentaria y Nutricional (30") 2. Participación de Gobiernos Municipales sobre la puesta en práctica de Ordenanzas Municipales (30") 3. Participación de Organizaciones sociales en la formulación y puesta en práctica de las ordenanzas (30")	Diputada Argentina Parajón Frente Parlamentario Contra el Hambre Reyna Chavarria Alcaldesa de Quezalguaque Lic. Jhony Acosta Concejal de Nandaime Comisión Medio Ambiente y SSAN María Eugenia Morales Presidenta RENICC/Nochari
12:45-1:15	Periodo de preguntas y repuestas	Moderador(a)
1:15-1:30	Palabras de Cierre y agradecimiento	Georgina Muñoz-RENICC
1:30-2:30	Almuerzo	RENICC



Appendix H

Sample Pages of Table Constructed through Open-Coding

PROPOSAL IN THE NATIONAL ASSEMBLY: FEBRUARY 2005–JUNE 2007 (DICTAMEN/APPROVAL IN GENERAL AND THROUGH ARTICLE 4)		
"So that was the first version of the law, the law was presented to the government and deputies that were leaving in 2006... When the law was first presented, the Sandinistas presented it, the law was accepted for discussion, it was given dictamen, and it was passed to the plenary. When the government began, the new government that received it virtually as a dictamen and everything else, when Daniel Ortega won in 2007 and Walmaro had already passed the opposition to be the president of the commission for economic affairs, the law was put up for approval."		██████████, interview, 6 July 2012, p. 5
On this process: "So now it appears that the water issue that is maturing and you have this experience now, the time has come back to put back food sovereignty and food security. In 2003, that movement would become now in the head and now that proposal [] – and it is passed. The first proposal that was passed was proposed by the civil society. And you have to understand that this is also a fact where Sandinista legislators were looking for [] proposal that are coming out of this movement because they were so weak by all these 15 years of drought that they didn't have good proposals. Because we didn't have legislators. Few of them survived like Edwin Castro makes contact and everything and said bring me proposal and I will put it, whatever, and we did that."		██████████, interview, 9 March 2012, p. 4-5
Sandinista Deputy to the National Assembly, Walmarro Gutierrez, introduced the second draft of the law as a proposal to the National Assembly on behalf of GISSAN, which was passed to the Special Commission for the Monitoring of the Poverty Reduction Strategy to render official opinion on whether to add the law to the plenary agenda for debate.	According to ██████████, interview, 24 May 2011, this was about 1 month or so before it was dictiminada	Letter to the Primera Secretaría of the National Assembly, dated 5 October 2006
This version of the law was the one prepared by GISSAN which was based on the one by MAF/UNAPA and "this version of the law was completely different than that of the work by Dip. Zeledón."		██████████, personal communication, 14 March 2012, p. 2
Daniel Ortega was elected president. Sandinistas return to power ending 16 years of rule under liberal/conservative political parties.		
Change in government brings renewed interest in pursuing food security as a priority of the new government, the law specifically		██████████, interview, 6 June 2012, p. 5

DIFFERENCE BETWEEN FOOD SECURITY AND FOOD SOVEREIGNTY	
<p>██████████ (interview, 15 August 2011, p. 1)</p>	<p>"Food sovereignty, when I began to hear about it, it spoke about conceptual differences between food sovereignty and food security. It was a struggle between the food security experts, which I call public health professionals because their focus is on health, the deficiency of vitamins, calcium, malnutrition, and never cared why people suffer from hunger. While food sovereignty began to raise the concept from Via Campesina and it evolved a little more in 2001, but even like this the discussion was kept at the conceptual level and for me I have always said on as many occasions as I have been able to that it must be removed from the conceptual level and brought to taken to real life and politics that exists because I have always said, 'Who determined public policies?' From there, it has to begin... and who has the power over decisions in public policy? Obviously, in my opinion, it is capital that rules over public policy from the government."</p>
<p>██████████ interview, 7 June 2012, p. 6 +7</p>	<p>"It is that the concept of security only is administered to the access to food, also at the time and quality. But there are other political rights that are important and these groups discuss that food sovereignty – in whatever model can always guarantee if we have willingness and it is to permit that the business that destroys nature continues functioning [], [but it doesn't say] the reason of being [] nature has sustainability for future generations and also means that leaders care more about labor access to education, to healthcare, land, financing/credit. They do not end with money but end with facilitating the possibility that people will stop being poor, stop having limitations that delay their development.</p> <p>A more sustainable society must be created, so food security is not found to be a concept, a philosophy, a model of living. But food sovereignty, yes, it is broader – not only about food..." (p. 6)</p> <p>*****</p> <p>"The difference between food security and food sovereignty has to be made. Food security refers to nothing more than access and distribution. Sovereignty is political, it has a distinct vision of agriculture and of society. Like an ideal, like a proposal to disaster [] and to those same relations. But it cannot be said that they are – security and sovereignty – the same. Because food security, after the first crisis of the 30s, the necessity emerged. There were regions of the work that this crisis, the businesses, were made in charge of the storing of food, that in the work they were put in charge to attend to the crisis. Which countries? There was a world crisis, even the United States companies that []... After the war. The same in Latin America, now, sovereignty is different from this. So, sovereignty is the capacity to empowerment of the citizens so that that take their development []...[min 37'06] they are different.</p> <p>Because, to give an example, They are dying of hunger in Nicaragua, I don't know how many people – 50,000 people. The president comes and he says to whatever minister, 'Go see which country can help us.' They are going to invite them and encourage a meeting with two, three, four business people – there are 51,000 families that do not have anything to eat and the best businessperson days, 'I will take on everything.' But what he gives to each of the families is not the capacity to produce their own processes and sovereignty, this is that which intends that each family recognizes what are its capacities and with what help from the state and if the private business also wants to participate, it can.</p>
	<p>And rather to be people who support solutions, in addition to financing/investors, in addition to social. So, the compromise is very big that it is not only to approve a law, it can be that the law is applied, but is it enough to apply the law if the citizens do not assume what is theirs – do not do anything? The citizens too need to have responsibilities." (p. 7)</p>
<p>██████████ #16, interview, 2 July 2012 [on why food sovereignty and why not only food sovereignty]</p>	<p>"I think the issue comes from civil society to add the word sovereignty for political and ideological reasons, with a focus to ensure food security. So, But if one gets strict on the concept, your question is valid. Now, but there is another aspect. The issue of sovereignty, if you review it well, is really more related to the component of availability and access to food. These components come from the concept of food security.</p> <p>In the concept of food security comes availability as well as consumption, and also the biological processing of food, the health of people; it is an issue more of sustainability. The issue of food [sovereignty] is broader, more comprehensive because it touches on issues of education, health topics. What has been in the mind in Nicaragua where sovereignty has been discussed, even the concept that the FAO says this is what is understood by sovereignty, is more related to the production side – that is the possibility that a country that can produce their own food, not depend on imports of food. Here there is the issue of sovereignty, not the subject of the Nicaraguan sovereign health, or sovereign education, rather it is linked to the theme of the production..." (p. 5)</p> <p>*****</p> <p>"But when it comes to food security, many people fall back on the subject of production again and there is the link with the issue of food sovereignty, which is what we are talking about and the issue of transformation, of commercialization, which is important for the issue of food security, is put aside..." (p. 7)</p>
<p>██████████ interview, 6 June 2012, p. 9-10</p>	<p>"For us, how we see it from Campesino a Campesino, they are like two different concepts. Security is like the physical, it is like to have food and sovereignty is like more political.</p> <p>Thus, how we have analyzed it, when my family has food, then I am not worried about my family. But if I begin to see community or municipal problems, social problems or things that they see more there. So, sovereignty, we understand it more from there. They are to different concepts but they have to be worked on together, because without food, with hunger, I cannot work, I cannot do anything for anyone else. From these things sovereignty is seen.</p> <p>The other is not depending on other people to eat – this is like indignant. To be dependent on the FP making a line, that is giving me food, so that I do not have my own sovereignty because I depend that the WFP sends me this food and that many times the food is not healthy or is expired, or it is transgenic food or it is food for animals. So I have to go as a beggar, like I beg, from this point we see sovereignty. Clearly at the level of Nicaragua this is another thing. For this I say I am sovereign, free from that another gives me food."</p>

Appendix I

Timeline of Major Events and Developments in the History of the Nicaraguan Food Sovereignty Movement and the Making of Law 693

1920s-1930s	Sandino's Popular Nationalist Movement for national sovereignty and social egalitarianism, with peasants and workers at the core of the movement
1936	Anastasio Somoza assumes the presidency of the Republic of Nicaragua, beginning a 45 year dictatorship under the family dynasty
Late 1960s/early 1970s	Sandinista Insurrection begins in Nicaragua to overthrow the dictatorship
March 1978	Asociación de Trabajadores del Campo (Rural Workers Union, or ATC) is founded
July 1979	Dictatorship is overthrown by with the Triumph of the Revolution under the direction of the FSLN
1981	Unión Nacional de Agricultores y Ganaderos (National Farmers and Ranchers Union, or UNAG) is founded
1981	President Ronald Reagan suspends wheat shipments to Nicaragua, making food security a more salient issue
1982	Counter-revolution against the Sandinista State begins with support from the United States
1982	Nicaraguan office of the United Nations Food and Agriculture Organization (FAO) is established
1983	Programa Alimentario Nacional (National Food Program, or PAN) is officially launched by presidential decree, to address food security matters and foster food self-sufficiency – the first of its kind in Central America
1985	United States imposes economic blockade against Nicaragua
1986	Campesino a Campesino (Farmer to Farmer movement, or CaC) arrives to Nicaragua and is promoted by UNAG

1987	New constitution of Nicaragua includes the right to adequate food and protection from hunger (Article 63)
1989	Movimiento Ambientalista Nicaragüense (Nicaraguan Environmental Movement, MAN) emerges in Nicaragua
1990	Comandante Daniel Ortega loses the General Election to Violeta Chamorro of the opposition, thus commencing a period of neoliberalism in Nicaragua
1990	Federación Nacional de Cooperativas Agropecuarias y Agroindustriales (National Federation of Agricultural and Agroindustrial Cooperatives, or FENACOOOP) is founded
1991	Asociación de Organizaciones Campesinas de Centromérica para la Cooperación y el Desarrollo (Central American Association of Rural Organizations for Cooperation and Development, or ASOCODE) is founded as one of the first expressions of transnational peasant activism with Nicaraguan peasant and farmer organizations playing a key role
1991	First structural adjustment agreement is agreed with the International Monetary Fund (IMF) and begins to be implemented in Nicaragua
1992	“Commemoration” of Columbus’ arrival to the Americas in 1492
1992	Unión Nacional Agropecuaria de Productores Asociados (National Union of Associated Agricultural Producers, or UNAPA) is founded with the support of the ATC
April 1992	International meeting convened in Managua, Nicaragua, in honor of UNAG’s anniversary at which the idea for La Vía Campesina is born
June 1992	Rio Earth Summit is held in Brazil
August 1992	Coordinadora Latinoamericana de Organizaciones del Campo (Regional Coordination of Latin American Rural Organizations, or CLOC) is founded with the participation of Nicaraguan peasant organizations
1993	Nicaragua begins to import food to meet national demand
May 1993	La Vía Campesina is officially founded in Mons, Belgium, with the active participation of the ATC and UNAG
April 1996	2 nd International Conference of La Vía Campesina is convened in Tlaxcala, Mexico, with the ATC and UNAG in attendance
(1995-)1996	UNAG leaves La Vía Campesina

November 1996	World Food Summit held in Rome, Italy, thus renewing a focus on global hunger and the need for policies and initiatives to reinforce the right to food and food security
1998	GMOs first detected in food aid from the World Food Program (WFP) in Nicaragua
1998	First initiative for a food security law is undertaken by Sandinista deputies in the National Assembly led by Dora Zeledón but fails to be approved for plenary debate
October 1998	Hurricane Mitch results in widespread devastation and food insecurity in Nicaragua
1998–2000	Mesa Agropecuaria y Forestal (Agriculture and Forestry Roundtable, or MAF) is founded by Nicaraguan <i>gremio</i> organizations from both sides of the political spectrum and consolidated
2000	Alemán government begins to unveil a national food security policy by presidential decree, called the Política Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutritional Security Policy, or PNSAN)
2000	A revised proposal for a food security law, the Law of Food and Nutritional Security, is introduced to the National Assembly by Dora Zeledón and is approved for plenary debate (though fails to advance through the legislative process)
2000–2001	Coffee Crisis hits and devastates Nicaragua, creating major food insecurity among rural families
2001	PNSAN Action Plan is released by the government, though never fully implemented
2001	World Forum for Food Sovereignty is convened in Havana, Cuba, in which Nicaraguan peasant organizations and civil society organizations participate
2002	Alianza por una Nicaragua Libre de Transgenicos (Alliance for a Nicaragua Free of Transgenics) in 2002, which later changed its name to the Alianza de Protección de la Biodiversidad (Alliance for the Protection of Biodiversity, or APB) is founded by peasant and civil society organizations

2003	Movement against the privatization of water emerges among Nicaraguan civil society organizations. Meanwhile, the struggle against the agreeing of free trade agreements, specifically the Dominican Republic–Central American Free Trade Agreement (DR-CAFTA), was growing forcefully among peasant organizations, civil society organizations, and a broad range of other social and political actors
2004	Consejo Inter-Universitaria de Seguridad Alimentaria y Nutricional (Inter-University Council for Food and Nutritional Security (CIUSAN) is founded
April 1, 2004	Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (Interest Group for Food and Nutritional Sovereignty and Security, or GISSAN) was officially established
2004–2005	First proposal for a Law of Food and Nutritional Sovereignty and Security (SSAN) is drafted by MAF/UNAPA representatives
April 2005	Guatemala’s food security law, Ley de Sistema Nacional de Seguridad Alimentaria (National Food and Nutritional Security System Law) is passed
September 2005	Hunger-Free Latin America initiative is launched with the objective of eradicating hunger in the region and promoting the adoption of national framework laws to support the right to food and food security
2005	GISSAN is contacted by an aide to FSLN Deputy Walmaro Gutiérrez to see if they have a draft of a food security law
2005–2006	Certificate program in food and nutritional security is established in Nicaraguan universities with the support of the FAO and Instituto Nicaragüense de Tecnología Agropecuaria (Nicaraguan Institute of Agricultural Technology, or INTA)
2006	DR-CAFTA enters into force in Nicaragua
2006	GISSAN revises the MAF/UNAPA Draft SSAN Law through a process of consultation with member organizations and their constituents and delivered to Deputy Walmaro Gutiérrez, who then introduces it to the National Assembly for review
October 5, 2006	GISSAN Draft SSAN Law is given a favorable opinion (<i>dictamen</i>) by the National Assembly and recommended for plenary debate
November 2006	Comandante Daniel Ortega wins the Nicaraguan presidential election, thereby bringing the FSLN back to power

2007	World Food Crisis begins
January 2007	Then-Deputy Dora Zeledón is charged with reviewing and revising the SSAN Law <i>dictamen</i> by the National Assembly
February 2007	Nyéléni Forum for Food Sovereignty is held in Sélingue, Mali, and Nicaraguan peasant and civil society organizations (including GISSAN) participate
April 2007	Cero Hambre (Zero Hunger) program is officially introduced by the government under the direction of Orlando Nuñez Soto
June 7, 2007	World Vision sponsors a workshop to discuss the SSAN Law <i>dictamen</i> , at which stakeholders from the FAO, government, and GISSAN forge an agreement regarding changes in the content of the law
June 12, 2007	The SSAN Law <i>dictamen</i> is passed in general by the National Assembly before changes can be made
June 13, 2007	Article 1–4 of the SSAN Law <i>dictamen</i> are approved but the process of approving the law in the particular is suspended with contention among deputies over the content of Article 5
July–August 2007	At the request of the National Assembly, a FAO team of experts reviews and revises the SSAN Law <i>dictamen</i> , including the first four article which had already been approved in general
September 2007	The FAO Revised SSAN Law is made available to a limited number of stakeholders (namely the FAO and National Assembly); controversy erupts over the new version of the law when GISSAN realizes that the law has been re-written, including Article 1–4
December 2007	GISSAN national facilitator begins to publically denounce the FAO Revised SSAN Law, the FAO, and then-Deputy Dora Zeledón
January 2008	Regional FAO workshop on national right-to-food legislation is held in Managua, Nicaragua, at which time the FAO Revised SSAN Law is shared with attendees
February 2008	Pursuant to controversy over the FAO Revised SSAN Law, the draft is put aside and negotiations are re-initiated between stakeholders (private sector, government ministries, <i>gremios</i> , and GISSAN facilitated by the FAO)

May 2008	Cumbre Presidencial Soberanía y Seguridad Alimentaria: Alimentos para la Vida” (“Food Sovereignty and Security Presidential Summit: Food for Life”) was convened in Managua, Nicaragua
July 2008	Venezuela approves a Law of Food Security and Food Sovereignty
August 2008	Final revised version of the SSAN Law is finished following multiple-stakeholder negotiations; revised version is shared with National Assembly <i>bancadas</i> through consultations, meetings, and presentations in the months that follow
September 2008	Ecuador approves a new constitution that recognizing food sovereignty
November 2008	Municipal elections are held in Nicaragua, the results of which lead to allegations of fraud due to the predominant victory of the FSLN and wide-scale protest
January 2009	Bolivia approves a new constitution that recognizes the right to food sovereignty
2009	Foro de Presidentes de Poderes Legislativos de Centroamérica y la Cuenca del Caribe (Forum of Presidents of Legislative Power from Central America and the Caribbean Basin, or FOPREL) takes up issue of SAN; then-Deputy Dora Zeledón lobbies in FOPREL for a regional framework SSAN law
2009	United Nations Special Rapporteur on the Right to Food is invited to visit by the Nicaraguan government but the visit is delayed by the change from Jean Ziegler to Olivier De Schutter, rendering the visit pending (ultimately realized in September of 2009)
June 7, 2009	FOPREL mandates the drafting of a Framework Law of Food and Nutritional Sovereignty and Security
June 18, 2009	Law 693, the Law of Food and Nutritional Sovereignty and Security is passed by the National Assembly rapidly and with majority vote in favor

Appendix J

Final Declaration of the World Forum on Food Sovereignty 7 September 2011, Havana, Cuba



Final Declaration of the World Forum on Food Sovereignty

Havana, Cuba, September 7, 2001

*For the peoples' right to produce, feed themselves
and exercise their food sovereignty*

From September 3 to 7, 2001, some 400 delegates from peasant and indigenous organizations, fishing associations, non-governmental organizations, social agencies, academics and researchers from 60 countries around the world met in Havana, Cuba at the World Forum on Food Sovereignty.

This Forum was convened in Cuba by the Cuban National Association of Small Farmers and a group of international movements, networks, organizations and people committed to peasant and indigenous agriculture, artisanal fisheries, sustainable food systems and the peoples' right to feed themselves. It also serves as recognition of the efforts of a Third World country which, despite suffering over four decades of the illegal and inhuman blockade imposed by the United States and the use of food as a weapon of economic and political pressure, has managed to guarantee the human right to nutrition for all of its population by way of a coherent, active, participatory and long-term state policy based on profound agrarian reform, appreciation and support for small and medium-sized producers, and the participation and mobilization of the entire society.

We gathered to analyze the reasons why hunger and malnutrition grow every day throughout the world, why the crisis in peasant and indigenous agriculture, artisanal fisheries and sustainable food systems has worsened, and why the peoples are losing sovereignty over their resources. Likewise, we gathered to collectively develop, from the perspective of the peoples and not the transnational food corporations, viable proposals, alternatives and strategies for action on a local, national and global scale, aimed at reversing current trends and promoting new focuses, policies and initiatives that can guarantee a dignified and hunger-free present and future for all the men and women of the world.

Five years after the World Food Summit, seven years after the agricultural agreements of the GATT (now WTO) Uruguay Round, and following two decades of the application of neoliberal policies by a large part of governments, the promises and commitments made to satisfy the food and nutritional needs of all are far from being fulfilled. On the contrary, the reality is that the economic, agricultural, fishing and trade policies imposed by the World Bank, IMF and WTO, promoted by the transnational corporations, have widened

the gap between the wealthy and poor countries and accentuated the unequal distribution of earnings within countries. They have worsened the conditions of food production and access to healthy and sufficient nutrition for the majority of the world's peoples, even in the so-called developed countries. As a consequence, the most basic human right of all, the right to food and nutritional well-being enshrined in the Universal Declaration of Human Rights, is not guaranteed to the majority of the world's peoples.

The sustainability of food systems is not merely a technical matter. It constitutes a challenge demanding the highest political will of states. The profit motive leads to the unsustainability of food systems by surpassing the limits on production allowed by nature. The sustainability of food systems is not viable within the current trade system and the context of liberalization promoted by the WTO and international financial organizations.

The hope for a new millennium free of hunger has been frustrated, to the shame of all humanity.

The real causes of hunger and malnutrition

Hunger, malnutrition and the exclusion of millions of people from access to productive goods and resources, such as land, the forests, the seas, water, seeds, technology and know-how, are not a result of fate, of happenstance, of geographical location or climatic phenomena. Above all, they are a consequence of determined economic, agricultural and trade policies on a global, regional and national scale that have been imposed by the powers of the developed countries and their corporations for the purpose of maintaining and increasing their political, economic, cultural and military hegemony within the current process of global economic restructuring.

In the face of the neoliberal ideological theories behind these policies:

- We affirm that food is not just another merchandise and that the food system cannot be viewed solely according to market logic.
- We consider as fallacious the argument that the liberalization of international agricultural and fishing trade guarantees the people's right to food.
- Trade liberalization does not necessarily facilitate the economic growth and well-being of the population.
- The underdeveloped countries are capable of producing their own food and could be capable of doing so in the future.
- The neoliberal concept of comparative advantages severely affects food systems. In keeping with this concept, the importing of basic food commodities leads to the dismantling of domestic production, given the possibility of buying them "cheaper" from the wealthy countries. This in turn leads to the reorientation of their productive resources towards export crops that are "more competitive and have greater value

with establishing and implementing state policies to guarantee food security for their citizens. Neoliberal theorists argue that the global supermarket of exporter countries

- farmers and artisanal fisheries are inefficient and unable to meet the growing needs for food production. They use this claim in the attempt to impose widescale, intensive
- comparison with its contribution to the gross domestic product. In reality, this reflects an attempt to brutally expel the rural population from its lands and fishing
- means to confront the world's growing food needs.
- They attempt to convince us that the only alternative for peasants, fishers and indigenous peoples is to give way to the privatization of their lands and natural
- abroad in order to expand the supply of cheap labor needed to increase the "competitiveness" of the dynamic sectors of national economies linked to exports and
- on the rise in the developed countries.
- There is an attempt to impose the food model of the transnational corporations as the only viable, appropriate and correct model in a global world. This is veritable food
- national, cultural and ethnic identities.
- In this context, the hegemonic powers use food as a weapon of political and economic pressure against sovereign countries and popular resistance movements.
- All of the above is taking place within the framework of the systematic weakening of
- interest and real participation of society in general and the rural population in particular in the discussion, design, adoption, implementation and control of public

The consequences of neoliberal policies

The consequences of these false and erroneous policies are visible: they have increased peoples of the Third World have seen the growth of their external debt and heightened levels of poverty, extreme poverty and social exclusion. The concentration of the accelerated, while the dependence and food insecurity of the majority of peoples has increased.

There continue to be heavy subsidies for export agriculture and fishing, at the same time that many governments provide absolutely no protection for small and medium-sized producers who produce mainly for the domestic market.

Policies of production and export subsidies in the developed countries allow the transnationals to acquire products at very low prices and sell them at much higher prices to consumers in both the South and the North.

Neoliberal policies towards the countryside have in fact promoted a process of forced deruralization of vast proportions and dramatic consequences, a genuine war against peasant and indigenous agriculture, which in some cases has come to constitute veritable genocide and ethnicide.

Artisanal fishing communities have been increasingly losing access to their own resources.

As a result of neoliberal policies, hunger and malnutrition are growing, not because of an absence of food, but rather because of an absence of rights.

We are witnesses of examples that allow us to assert that the eradication of hunger and malnutrition and the exercise of lasting and sustainable food sovereignty are possible. Likewise, we have seen in practically every country countless examples of sustainable and organic food production in peasant and indigenous communities and sustainable and diversified management of rural areas.

In view of the foregoing, the participants in the World Forum on Food Sovereignty declare:

1. Food sovereignty is the means to eradicate hunger and malnutrition and to guarantee lasting and sustainable food security for all of the peoples. We define food sovereignty as the peoples' right to define their own policies and strategies for the sustainable production, distribution and consumption of food that guarantee the right to food for the entire population, on the basis of small and medium-sized production, respecting their own cultures and the diversity of peasant, fishing and indigenous forms of agricultural production, marketing and management of rural areas, in which women play a fundamental role.
2. Food sovereignty fosters the economic, political and cultural sovereignty of the peoples.
3. Food sovereignty recognizes agriculture involving peasants, indigenous peoples and fishing communities with links to the territory; primarily oriented towards the satisfaction of the needs of the local and national markets; agriculture whose central concern is human beings; agriculture which preserves, values and fosters the multifunctionality of peasant and indigenous forms of production and management of

rural areas. Likewise, food sovereignty entails the recognition and appreciation of the economic, social, environmental and cultural advantages of small-scale, family-

4. peoples in all countries as an imperative requisite for combating hunger and malnutrition and guaranteeing the right to food for the population. Food sovereignty appreciation of the identities of aboriginal peoples. This implies, as well, the recognition of autonomous control of their territories, natural resources, systems of forms. In this sense, we support the struggles of all of the indigenous peoples and peoples of African descent in the world, and demand full respect for their rights. Food sovereignty further implies the guarantee of access to healthy and sufficient obligation for national governments and the full exercise of civil rights. Access to food should not be viewed as a form of assistance from governments or of charity from
6. agrarian reform adapted to the conditions of each country and region, which will provide peasant and indigenous farmers – with equal opportunities for women – with the means of production, financing, training and capacity building for management and interlocation. Agrarian reform, above all, should be recognized as an obligation of rights and as an efficient public policy to combat poverty. These agrarian reform processes must be controlled by peasant organizations – including the land rents lands, as articulated in coherent agricultural and trade policies. We oppose the policies and programs for the commercialization of land promoted by the World Bank
7. states to draw up a code of conduct on the human right to adequate food, to effectively serve as an instrument for the implementation and promotion of this right. ratified at the World Food Summit in Rome in 1996 by the member states of the United Nations Food and Agriculture Organization (FAO). We propose the most rapid ratification possible and application by a larger number of adopted by the United Nations General Assembly in 1966.
9. In defense of the principle of the people's inalienable right to food, we propose the adoption by the United Nations of an International Convention on Food Sovereignty international trade and other domains.

10. International food trade should be subordinated to the supreme purpose of serving human beings. Food sovereignty does not mean autarchy, full self-sufficiency or the disappearance of international agricultural and fishing trade.
11. We oppose any interference by the WTO in food, agriculture and fishing and its attempt to determine national food policies. We categorically oppose its agreements on intellectual property rights over plants and other living organisms, as well as its intention to carry out a new round of negotiations (the so-called Millennium Round) including new themes for negotiation. Keep the WTO out of food.
12. We propose the creation of a new democratic and transparent order for the regulation of international trade, including the creation of an international appeals court independent of the WTO and the strengthening of UNCTAD as a forum for multilateral negotiations on fair food trade. At the same time, we propose the promotion of regional integration schemes among producers' organizations, unrelated to neoliberal goals and parameters.
13. We demand an immediate end to dishonest practices that establish market prices below production costs and provide subsidies for production and exports.
14. We oppose the FTAA, which is nothing more than a hegemonic strategic plan developed by the United States to consolidate its control over Latin America and the Caribbean, expand its economic borders, and guarantee itself a large captive market.
15. We support the demands made by peasant and social organizations in Mexico for the suspension of the NAFTA agreements concerning agriculture.
16. Genetic resources are the result of millennia of evolution and belong to all of humanity. Therefore, there should be a prohibition on biopiracy and patents on living organisms, including the development of sterile varieties through genetic engineering processes. Seeds are the patrimony of all of humanity. The monopolization by a number of transnational corporations of the technologies to create genetically modified organisms (GMOs) represents a grave threat to the peoples' food sovereignty. At the same time, in light of the fact that the effects of GMOs on health and the environment are unknown, we demand a ban on open experimentation, production and marketing until there is conclusive knowledge of their nature and impact, strictly applying the principle of precaution.
17. It is necessary to promote widespread dissemination and appreciation of the agricultural history and food culture of every country, while denouncing the imposition of food models alien to the food cultures of the peoples.
18. We express our determination to integrate the goals of nutritional well-being into national food policies and programs, including local productive systems, promoting their diversification towards foods rich in micronutrients; to defend the quality and safety of foods consumed by populations; and to fight for the right of all individuals to information on the foods they consume, by stepping up regulations on food labels and the content of food-related advertising, exercising the principle of precaution.
19. Food sovereignty should be founded on diversified systems of production, based on ecologically sustainable technologies. It is essential to develop initiatives for sustainable food production and consumption generated at the local level by small

- producers, with the establishment of public policies that contribute to building sustainable food systems around the world.
20. We demand the justly deserved appreciation of peasant, indigenous and fishing communities for their sustainable and diversified management of rural areas, through appropriate prices and incentive programs.
 21. When addressing the problem of food on a worldwide scale, we must take into account the cultural diversity that leads to different local and regional contexts, because the protection of the environment and biodiversity are closely related to the recognition of cultural diversity.
 22. The development of sustainable food systems must include nutritional considerations, such as the demand for the regulation of the handling of agrottoxins.
 23. We recognize and appreciate the fundamental role played by women in the production, harvesting, marketing and preparation of the products of agriculture and fishing and in passing on the food cultures of the peoples. We support the struggles waged by women for access to productive resources, and for their right to produce and consume local products.
 24. Artisanal fishers and their organizations will not relinquish their rights to free access to fishing resources and the establishment and protection of reserve areas for the exclusive use of artisanal fishing methods. Likewise, we demand recognition of ancestral and historic rights over the coasts and inland waters.
 25. Food aid policies and programs must be reviewed. They should not be an inhibiting factor for the development of local and national food production capacities, nor should they foster dependence, the distortion of local and national markets, corruption, or the dumping of foods that are harmful to health, particularly with regard to GMOs.
 26. Food sovereignty can only be achieved, defended and exercised through the democratic strengthening of states and the self-organization, initiative and mobilization of all of society. It requires long-term state policies, an effective democratization of public policies, and the development of a solidarity-based social setting.
 27. We condemn the U.S. policy of blockading Cuba and other peoples and the use of food as a weapon of economic and political pressure against countries and popular movements. This unilateral policy must end immediately.
 28. Food sovereignty is a civil concept that concerns society as a whole. For this reason, social dialogue should be open to all the social sectors involved.
 29. Achieving food sovereignty and eradicating hunger and malnutrition are possible in all countries and for all peoples. We express our determination to continue struggling against neoliberal globalization, maintaining and increasing active social mobilization, building strategic alliances and adopting firm political decisions.
 30. We agree to launch a call for intensive activity and widespread mobilization around the following focuses of struggle:
 - Declaring October 16 as World Food Sovereignty Day, known until now as World Food Day.

- Demanding that the World Food Summit Five Years Later go ahead as planned from November 5 to 10 of this year, and that the FAO fully assume its mandate and responsibility. Social organizations should organize events at the national and continental level to promote their proposals and pressure official delegations.
- Demanding that the Italian government fully respect the freedom to demonstrate and refrain from repressing social movements opposed to neoliberal globalization.
- Participating in and mobilizing around the WTO Ministerial Meeting, to be held in Qatar from November 9 to 13, 2001; the Hemispheric Conference Against the FTAA, to be held in Havana from November 13 to 16, 2001; and the 2nd World Social Forum, to be held in Porto Alegre from January 31 to February 6, 2002.

Done at the International Conference Center in Havana, Cuba
on September 7, 2001

Keep the WTO out of food
Another world is possible

Appendix K

GISSAN Membership Lists (2007 and 2009–2011)

Two membership lists for GISSAN were located during the research. The first was included in a pamphlet published by the interest group in 2007 and includes a list of the organizations belonging to GISSAN's National Facilitation Group, which was a subsection of the group's total membership. The second was located on the interest group's website in April of 2011 before the website was disabled later that year. These lists are reproduced below.

GISSAN's National Facilitation Group (2007) (*Source: GISSAN 2007*)

Asociación Soya de Nicaragua (SOYNICA)
 Mesa Agropecuaria y Forestal (MAF)
 Asociación de Trabajadores del Campo (ATC)
 Unión Nacional Agropecuaria de Productores (UNAPA)
 Coordinadora Nacional de Oficiales en Retiro
 Asociación de Veteranos de Guerra Carlos Fonseca
 Facultad de Desarrollo Rural de la Universidad Nacional Agraria
 Grupo de la Promoción de Agricultura Ecológica (GPAE)
 Red anti plaguicidas (RAPPAL)
 Asociación Ecuménica de Proyectos Sociales (OFNICA)
 Asociación SODIS
 Centro de Desarrollo Rural (CEDRU)
 Oxfam Bélgica
 Acción contra el Hambre
 Ayuda en Acción
 Acción Técnica para el Desarrollo (ACTED)
 Liga de Defensa del Consumidor (LIDECONIC)
 CEDECAM
 Asociación Desarrollo Municipal (ADM)

GISSAN Membership (Roughly 2009-2011) (*Source: GISSAN website, Accessed April 2011; website no longer active*)

Asociación de Profesionales para Desarrollo Agrario (APORODESA)
 Asociación de Desarrollo Municipal (ADM)
 Asociación NOCHARIS Nandaime (NOCHARIS)
 Asociación OCTUPAN Condega (OCTUPAN)
 Asociación Tierra y Vida Santa Teresa Carazo (ATV)
 Certificadora Biolatina (BIOLATINA)
 BOLETINA
 Centro Alexander Von Humboldt (HUMBOLDT)
 Centro Nicaragüense de Derechos Humanos (CENIDH)
 Managua Santa Ana Consejo de Iglesias Evangélicas Pro-alianzas (CEPAD)
 Centro Antonio Valdivieso Managua (CEAV)
 Centro de Estudio de Promoción Social (CEPS)

Escuelas Radiofónicas (ER)
 Fundación Luciérnaga (LUCIERNAGA)
 Fundación Mujeres y Desarrollo Económico Comunitario (FUMDEC)
 Asociación de Trabajadores del Campo (ATC)
 Grupo de Promoción de Agricultura Ecológica (GPAE)
 Grupo de Incidencia Sur Norte (GISN)
 Asociación Hijas e Hijos de Maíz (AHHM)
 Instituto de Promoción Humana (INPRHU)
 Asociación de Educación y Comunicación Jinotega (CUCULMECA)
 Liga de Defensa del Consumidor Nicaragua (LIDECONIC)
 Unión Nacional de Agricultores y Ganaderos (UNAG)
 Programa Campesino a Campesino (PCAC)
 Consejo Nicaragüense de Certificación Forestal Voluntaria (CONICEFV)
 Mesa Agropecuaria y Forestal (MAF)
 Unión Nacional Agropecuaria de Productores Asociados (UNAPA)
 Federación Nacional de Cooperativa Agropecuaria y Agroindustriales (FENACOOOP)
 Centro de Investigación y Promoción para el Desarrollo Rural y Social (CIPRES)
 Coordinación Nacional de Oficiales en Retiro (CNOR)
 Servicio de Información Mesoamericano sobre Agricultura Sostenible (SIMAS)
 Asociación Soya de Nicaragua (SOYNICA)
 Universidad Agraria Nacional (UNA)
 Universidad Nacional Autónoma de Nicaragua – León (UNAN-LEON)
 Auto Desarrollo de los Pueblos Indígenas (TUAHKA)
 Centro de Información de Servicios de Asesoría en Salud (CISAS)
 Abejas Centro para la Participación Democrática y el Desarrollo (CENZONTLE)
 Centro de Servicios Educativos en Salud y Medio Ambiente (CESESMA)
 Movimiento de Mujeres Trabajadoras y Desempleadas “María Elena Cuadra” (MEC)
 Centro Intereclesial de Estudios Teológicos y Sociales (CIEETS)
 Ciudadano Sin Fronteras
 Fundación Iluminación (FI)
 Soynica Norte (SOYNICA-Norte)

Appendix L

GISSAN's Platform

Four early documents produced and distributed by GISSAN express their platform. The first is a PowerPoint presentation that was shared in meetings and workshops, several slides of which articulate GISSAN's platform. The second is a pamphlet that was created and distributed in "Commemoration of World Food Day, October 2006" in which the organization makes a call for "concrete actions" (GISSAN 2006b). The third was also created for World Food Day 1996 titled, "Now is the Time for Food Sovereignty and Nutritional Well-Being," which included an executive summary of a report produced by GISSAN on the state of food insecurity and argued food sovereignty as the solution. At the end of the report is a list of recommendation made for the Nicaraguan government, which is reproduced below. Finally, in a pamphlet published by the GISSAN in 2007, their general position is stated. Owing to the dates of the last three of the publications, the proposed food and nutritional sovereignty and security law, at this point, had already been introduced to the National Assembly for consideration.

The portions of these documents, referred to above, have been translated and reproduced below. They show not only the elements of GISSAN's platform but also how this evolved over a period of several years during which the SSAN law was being drafted and approved for consideration by the National Assembly. There is a clear focus of the group on public policies, which was also clearly expressed in their mission statement.

2004 – "Food and Nutritional Sovereignty and Security in Nicaragua" (Source: GISSAN 2004)

"Recommendations: Position Statement of GISSAN"

- Fulfillment of international agreements (SA [seguridad alimentaria], summits)
- Approval and implementation of the SAN [Food and Nutritional Security] law
- Promote civil society participation and advocacy in SSAN [food and nutritional sovereignty and security] agencies and in the definition and implementation of SSAN public policies
- Incorporate a SSAN focus
 - National [and] municipal policies and strategies
 - in political, trade, and cooperation agreements with the US, EU, [and] others
- Guarantee citizen participation processes
 - National [and] municipal policies and strategies
 - in political, trade, and cooperation agreements with the US, EU, [and] others
- Incorporation of local development strategies (community, municipal, regional) in national policies
- Information system (transparent, accessible)
- Promote rural family production
- Strengthen local markets
- Fulfill land titling and demarcation agreements

2006 “Call for Concrete Actions” (Source: GISSAN 2006a)

“On the occasion of World Food Day, 16 October 2006, the year of Rome+10, we call for concrete actions:

- Make food and nutritional security an issue of **National Security and Sovereignty**
- Activate CONASAN
- Create a presidential **secretariat of Food and Nutritional Sovereignty and Security**
- Approve and regulate the **Law of Food and Nutritional Sovereignty and Security**, defining **urgent national programs** based primarily on small-scale, rural agriculture (national food program, access to and security with land, seeds, water...) in the spirit of the law and in agreement with the nutritional situation of the population.
- Create institutional mechanisms for **real citizen participation**, including empowerment of actors (decentralization of funds).
- **Reorient international cooperation** programs and projects to focus particularly on food vulnerability.
- In the next government, establish a **program to fight against hunger** and malnutrition for the next **10 years** (including a compliance schedule).
- Incorporate **Food and Nutritional Sovereignty and Security** issues in **political, trade, and cooperation negotiations** between the European Union and other countries with Central America.
- Urgently guarantee and implement **protection measures** for vulnerable [agricultural] products.
- Establish **municipal**, departmental, and regional (RAAN and RAAS) **policies for rural development, strengthening of local markets**, and food and nutritional sovereignty and security.
- Include food and nutritional sovereignty and security themes in the **regular curriculum of the education system** at the primary, secondary, and university levels.
- Guarantee the population’s access to a quality healthcare system with a preventative focus.
- Nicaraguan Women must be considered to be the main actor in Food Sovereignty and Security programs, through which their success is guaranteed.

2006 “Recommendations to the Nicaraguan State” (Source: GISSAN 2006b)

“The following is recommended to the Nicaraguan State:

- It is necessary to harmonize the disperse efforts in the matter of SSAN [food and nutritional sovereignty and security], making comprehensive interventions under guidelines of a policy administered by the presidency of the Republic, supported by the Law of Food and Nutritional Sovereignty and Security and with the active and forceful participation of local governments in coordination with Civil Society, Non-Government Organizations, and Cooperation Agencies, to have a result with positive and lasting impact on SSAN.
- Make efforts to maintain multi-annual budgetary allocations for food security and coordinate with the private sector and cooperation agencies to provide resources when the government does not have the capacity to cover [them].

- The State must have gradual policy of widening the institutional coverage of basic services and of supporting production that favors Food and Nutritional Sovereignty and Security.
- As a means to broaden the availability and improve access to healthy and nutritious foods, the State must have an agrarian reform policy that favors the male and female producers with little land or without land. Also, native seeds must be protected, promoted, and saved.
- Through the National Assembly, the state must prioritize the approval of the Law of Food and Nutritional Sovereignty and Security.
- Create special food and nutrition programs for the Caribbean Coast, taking into account their food culture, and train the available human resources in this area to reduce transaction costs.
- Resume Policy and review or update the Action Plan to guide the work of SSAN with state leadership to obtain the following results:
 1. Strengthen local governments with broad civil society participation to incorporate the SSAN in their municipal actions.
 2. Create a strategy to reduce poverty, eradicate hunger and malnutrition, which contributes to reducing inequality.
 3. Achieve sustained food and nutritional Sovereignty and security.

GISSAN Position Statement, 2007 (*Source: GISSAN 2007*)

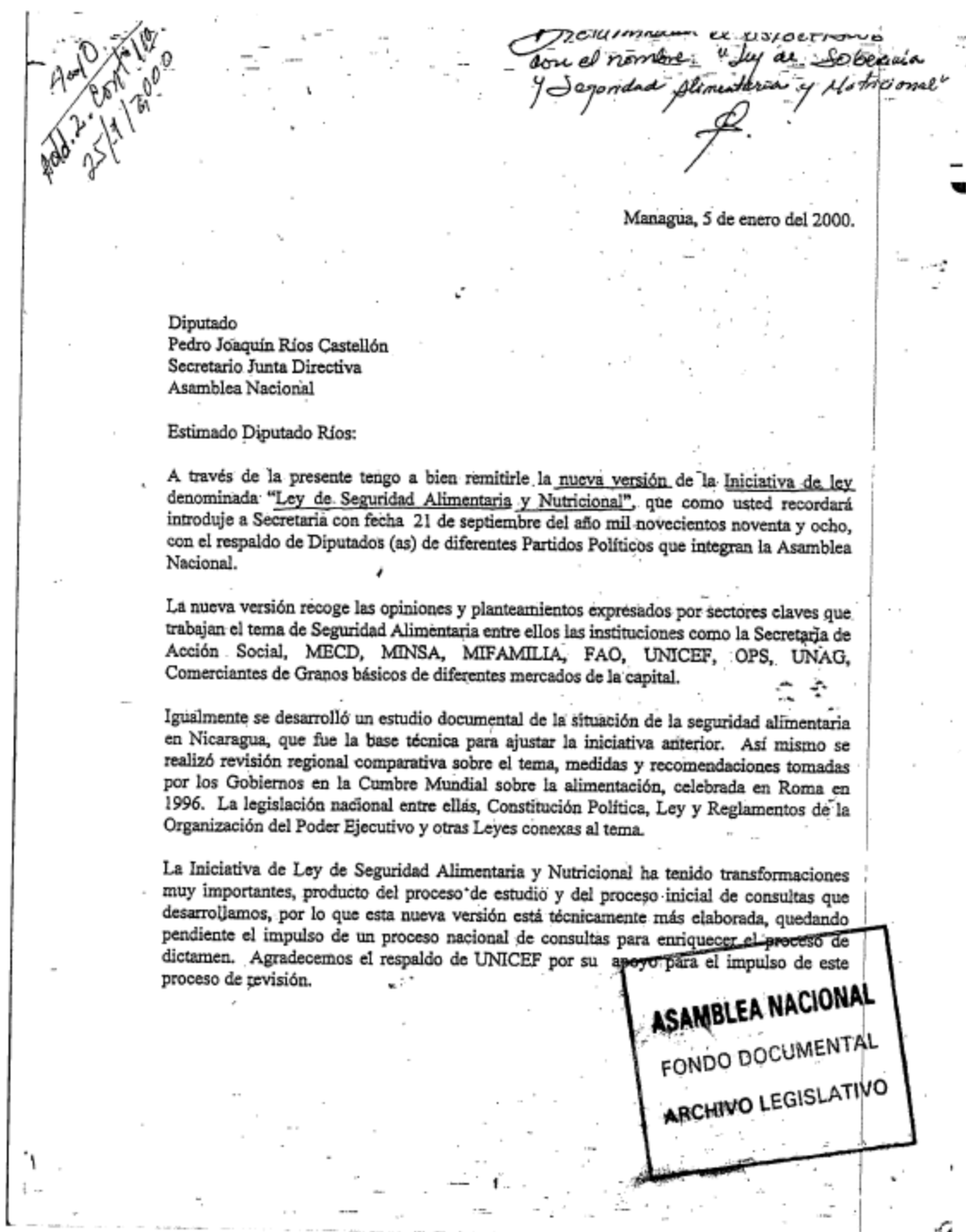
Our general position is

1. Promote the urgent approval of the Law of Food and Nutritional Sovereignty and Security with the consensus of all, which allows for the defining of a legal framework in favor of Food and Nutritional Sovereignty and Security, which currently is currently stalled in the National Assembly.
2. Develop the purpose of the Food Security and Sovereignty Council-CSSA [Consejo de Seguridad y Soberanía Alimentaria] for which it was created, filling the void that CONASAN never filled, activating the coordination between sectorial institutions, ensuring participation and dialogue with civil society within and outside of the Council.
3. Ensure that CSSA clearly defines the organizational location and the functions that the Technical Committee on Food and Nutritional Security – COTESAN – and the Food and Nutritional Security Information and Monitoring System – SISSAN, currently assigned to MINSA [Ministry of Health] and MAGFOR [Ministry of Agriculture and Forestry], respectively, need to carry out.
4. Include the issue of access to land and funding in the discussion of food sovereignty for the sake of implementing comprehensive agrarian reform. Furthermore, the role and follow-up of the Nicaraguan Government with the FAO, after the agreements of the World Summit for Land Reform celebrated in Brazil in 2006. For this purpose, we propose to integrate members of peasant associations from civil society into the delegations.
5. Review the National Seed Policy with the objective of protecting and promoting Native Seeds. The contribution that small male and female producers make is critical for the protection of our seed and ensures Food Sovereignty in its various aspects, especially with respect to the increasing importation of food.

6. Work on a five-year Action Plan that allows for the operationalizing of policy with specific activities to reverse the problem of hunger and malnutrition, with a holistic approach of Food Sovereignty.
7. Not permit the entrance of transgenic products in food aid or in commercial production if it is not labelled as such.
8. Strengthen and broaden civil society representation in existing agencies (CONASAN and COTESAN among others) so that they have a forceful, informed, and proactive position.
9. Include local and municipal development strategies, as well as those of Autonomous Regions of the Caribbean Coast, in national development policies and programs, especially those that refer to Food and Nutritional Sovereignty and Security.

Appendix M

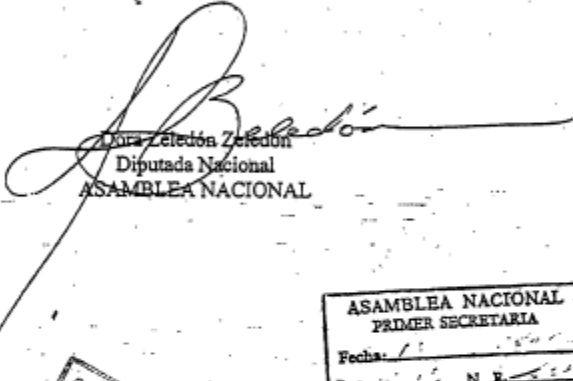
2000 Draft Law of Food and Nutritional Security

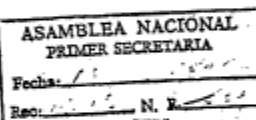


Por lo anteriormente expresado solicito se introduzca al plenario para su presentación priorizada.

Esperando el apoyo que usted nos ha brindado aprovecho para saludarle.

Atentamente


Dora Zefedón Zefedón
Diputada Nacional
ASAMBLEA NACIONAL



EXPOSICIÓN DE MOTIVOS

De la Ley de Seguridad Alimentaria y Nutricional

La suscrita diputada de la Asamblea Nacional con fundamento en los artículos 138 y 140 Cn., del Estatuto y Reglamento de la Asamblea Nacional, somete a consideración de la Asamblea Nacional la presente iniciativa de ley denominada "*Ley de Seguridad Alimentaria y Nutricional*".

Necesidad de la Ley: Los alimentos en todas las regiones del mundo son cada vez mas limitados, Nicaragua no es la excepción, según los parámetros de las Organizaciones Internacionales como la OMS, OPS la población nicaragüense que vive por debajo de la línea de pobreza no alcanza los niveles nutricionales permisibles.

El Estado de vulnerabilidad de Nicaragua frente a los desastres naturales son factores que amenazan el desarrollo humano y sostenible del país así lo demostraron los efectos del terremoto de 1931, 1972, los huracanes Juana (1988) y Mitch (1998), las sequías prolongadas y últimamente las inundaciones que han afectado la producción en todo el país, sin olvidar los daños que dejaron los conflictos bélicos a lo largo de toda la historia nacional.

El modelo económico desde la colonia a la fecha ha estado sustentado en la producción de agro-exportación y las prioridades no han privilegiado la elaboración de una estrategia que resuelva los problemas de la inseguridad alimentaria, los planes de ajuste estructural han incrementado el desempleo, se ha empobrecido a la población, se ha privatizado los servicios y en el caso de los servicios a la producción han desaparecido los centros de acopio y almacenamiento de granos básicos en el territorio nacional.

La falta de una correlación adecuada en los factores de producción (trabajo, tierra y capital) han generado conflictos sociales, económicos y productivos que se expresan en una insuficiencia de producción alimentaria, falta de recursos para financiar a los productores importación de alimentos con carácter estrictamente empresarial e inseguridad en la tenencia de la tierra.

De aquí, la necesidad de que el país desarrolle una política de seguridad alimentaria y nutricional que propicie la capacidad no sólo de producir alimentos sino de generar ingresos a través de un entorno socio-ambiental (trabajo, servicios básicos) que provea a las familias de recursos suficiente para poder adquirir los alimentos.

La política de seguridad alimentaria debe de tomar en cuenta a los decisores y a los consumidores, para garantizar acceso, disponibilidad, calidad y uso de los alimentos básicos, los cuales no deben circular sólo como mercancía sino que como fuente de la vida humana.

Por ello la necesidad que nuestra legislación desarrolle el principio constitucional de estar protegido contra el hambre, propicie el desarrollo humano sustentable para los y las nicaragüenses regulando en una ley las políticas públicas de seguridad alimentaria y nutricional.

Contenidos de la iniciativa de Ley:

Los títulos y capítulos, abordan los contenidos siguientes:

El título I aborda las disposiciones generales, objeto, fines y principios de la ley. Se plantea la adopción de una política de seguridad alimentaria y nutricional que contribuya con el desarrollo humano de hombres y mujeres, jóvenes, niños y niñas asegurando el acceso y la disponibilidad suficiente a los alimentos así como una nutrición sana y balanceada.

La política debe de contribuir con programas, a largo, mediano y corto plazo que mejoren las condiciones de vida de hombres y mujeres en el área rural, productores de granos básicos y a la vez aliviar la pobreza, marginación, abandono y exclusión de la población mejorando el acceso físico y económico a los alimentos de manera suficientes con calidad y culturalmente adecuada.

Este mismo título recoge los principios de la política de seguridad alimentaria y nutricional que son los siguientes:

- ⇒ Integralidad, buscando la participación de las instituciones de gobierno gremios, iniciativa privada, las comunidades, los Organismo de Cooperación en la solución de las necesidades básicas de la población que vive por debajo de la línea de pobreza.
- ⇒ La eficiencia en la utilización de los recursos humanos y técnicos priorizando la generación de capacidades de producción y rendimiento productivo.
- ⇒ Equidad en los recursos que den preferencia a los sectores en condiciones de extrema pobreza o pobreza sin olvidar a los sectores que económicamente adquieren más de la canasta básica.
- ⇒ No discriminación: Se entenderá como la no exclusión, o restricción por edad, sexo que tenga por objeto o por resultado menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos de los hombres y mujeres, en especial el derecho a obtener, disponer y acceder a alimentos suficientes.

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En el título II, se establecen las siguientes medidas para el desarrollo de la política de seguridad alimentaria y nutricional:

Desarrollo de una Estrategia de corto, mediano y largo plazo que mejore las condiciones de vida de la población a través de las medidas económicas y sociales que garanticen disponibilidad, estabilidad en el suministro y acceso a los alimentos.

Mobilización de recursos para el desarrollo de créditos y capacitación técnica alternativa en el medio rural para las mujeres, pequeños y medianos productores, así como para la inversión.

Promoción e incentivos al mercado nacional de alimentos provenientes de la producción nacional, el papel de las importaciones regionales y mundiales como complemento de la producción nacional, así como la constitución del fondo de alimentos..

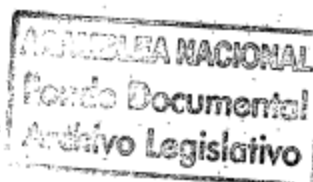
Estabilizar los mercados, garantizar disponibilidad de suministros y asesoramiento técnico uso y manejo de tecnologías, tendencias del mercado interno e internacional, situación fitosanitaria, nacional y regional, prácticas inadecuadas en manejo de suelos y el manto acuífero con el objeto de analizar los efectos que tienen en la producción agrícola.

Coordinar acciones en la comercialización de alimentos orientando las tendencias en los precios y estabilizando los mismos.

Crear redes de seguridad alimentaria para orientarlas hacia el manejo de una adecuada nutrición, medidas higiénicas de salud así como en la promoción y protección al ambiente y suministros adecuados de alimentos.

El título III, crea las Contisiones de seguridad alimentaria y nutricional, su integración así como las instituciones que coordinarán la política y formularán el plan nacional de Seguridad Alimentaria y nutricional.

De igual manera establece la estrategia de participación de los diferentes sectores y organizaciones de la sociedad civil, de los pequeños y medianos productores, la iniciativa privada, que trabajen en el programa alimentario a fin concertar las políticas nacionales, regionales y locales que contribuyan a la promoción, desarrollo de los planes alimentarios y nutricionales.



El Título IV establece el Fondo Nacional Permanente de Alimentos que organizará el Gobierno de la República, así como la promoción de un sistema de incentivos que anime a la banca privada nacional y extranjera, a destinar préstamos al sector agrícola productor de granos básicos. Se establece que la generación de recursos para el fondo provendrán de los fondos no retornables de la Cooperación Internacional y/o de la Banca Multilateral que recibe el gobierno, así como de recursos que produzca la comercialización de las donaciones de alimentos debidamente autorizadas por los donantes, todo ello con el fin de garantizar el acceso y disponibilidad de alimentos, durante períodos de escasez por sequías, inundaciones y otros desastres naturales.

Se crea un Fondo de Emergencia Alimentaria, el que deberá ser utilizado para promover la producción de alimentos con calidad adecuada, tecnología apropiada o en caso de desastres naturales, los recursos para ello provendrán de los fondos no retornables de la cooperación internacional y/o de la Banca Multilateral.

Y se señala las medidas especiales que la comisión de seguridad alimentaria preverá para el cumplimiento de los objetivos de la seguridad alimentaria y nutricional

Debo señalar que esta iniciativa se respaldó con un estudio diagnóstico de lo que existe sobre seguridad alimentaria actualmente; la cual tiene como base las actividades, opiniones y criterios iniciales de ministerios de estado y organismos internacionales que trabajan la materia de seguridad alimentaria como la Secretaría de Acción Social, MINSA, MI FAMILIA, MECD, FAO UNICEF, UNAG, Comerciantes de Granos Básicos de diferentes mercados de la capital de igual manera se estudiaron las medidas y recomendaciones que los gobiernos tomaron como compromiso en la Cumbre de Roma y en especial las recomendaciones que la FAO ha hecho para nuestro país

En consecuencia y por lo anteriormente expuesto, presento a esta Honorable Asamblea para su debate y posterior aprobación, el Proyecto denominado "Ley de Seguridad Alimentaria y Nutricional".

Managua, _____ de _____ del año dos mil.

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EL PRESIDENTE DE LA REPÚBLICA DE NICARAGUA
Hace saber al pueblo de Nicaragua que
LA ASAMBLEA NACIONAL DE LA REPÚBLICA DE NICARAGUA
ha aprobado la Ley de Seguridad Alimentaria y Nutricional

CONSIDERANDO

I

Que Seguridad Alimentaria y Nutricional, es el estado en el cual todas las personas gozan en forma oportuna y permanente al acceso, disponibilidad y uso biológico de los alimentos que necesitan en cantidad y calidad suficiente para su adecuado consumo y utilización, garantizándoles un estado nutricional y de bienestar que les permita alcanzar su desarrollo humano sostenible.

CONSIDERANDO

II

Que es un derecho de hombres, mujeres, jóvenes, niños y niñas, acceder a una alimentación y nutrición sana y balanceada, que les permita un buen desarrollo físico e intelectual y estar protegidos contra el hambre.

CONSIDERANDO

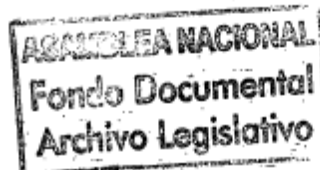
III

Que Nicaragua es un país que ha demostrado ser vulnerable ante desastres naturales y conflictos sociales, lo que nos obliga a estar preparados para atender situaciones de escasez, en alimentos básicos para la población y que el Gobierno debería prever algunos mecanismos que le permitan, por un lado, solventar de manera eventual los efectos de los desastres y por otro, dar respuesta de manera estratégica y gradual a la inseguridad alimentaria para disminuir los niveles de vulnerabilidad.

CONSIDERANDO

IV

Que Nicaragua necesita de una política de Seguridad Alimentaria y Nutricional, que permita a todas y todos los nicaragüenses, independiente del nivel de ingresos, acceder y disponer de alimentos suficientes, que les asegure ingerir el nivel calórico que cada persona necesita para su desarrollo integral, ya que actualmente el 70 % de la población que vive bajo la línea de pobreza, no dispone del recurso e ingresos que les permita ingerir las 2070 calorías establecidas para cada persona, por los organismos internacionales especializados, cuyos efectos en el estado nutricional de la niñez y la adolescencia son de carácter irreversible para su desarrollo integral.



CONSIDERANDO**V**

La Seguridad Alimentaria y Nutricional, no debe verse solamente como la necesidad de la producción de alimentos, sino de manera complementaria, como la posibilidad de que las familias sean capaces de generar sus propios ingresos para que puedan tener acceso a los alimentos y servicios básicos necesarios.

CONSIDERANDO**VI**

Que se hace indispensable desarrollar una estrategia que armonice y tome en cuenta la capacidad de producción de alimentos, de los sectores que participan en la producción de los mismos, pequeños y medianos productores de granos básicos y otros productos necesarios en la alimentación de la población, además de los recursos financieros y técnicos que necesitan para ejecutar la misma, respecto a la necesidad de ingestas calóricas requeridas por la población.

CONSIDERANDO**VII**

Que el modelo de crecimiento económico actual del país, ha acrecentado la brecha entre ricos y pobres, entre la población rural y la urbana, entre hombres y mujeres y entre jóvenes y adultos, a pesar de que las mujeres contribuyen con la producción de alimentos, son ellas las más pobres del país y sus familias no cuentan con los recursos que le permitan mejorar su calidad de vida.

CONSIDERANDO**VIII**

Que en base a lo expuesto anteriormente es necesaria la formulación diseño y ejecución de una ley de la que se deriven Políticas de Seguridad Alimentaria y Nutricional que permitan la articulación de las instancias de Gobierno, de los agentes económicos y de la Sociedad Civil, involucrados en dicha problemática.

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POR TANTO

En uso de sus facultades
Ha dictado

Lo siguiente:

LEY DE SEGURIDAD ALIMENTARIA Y NUTRICIONAL

TITULO I

Capítulo Único

Disposiciones Generales

Artículo 1. Esta ley tiene por objeto contribuir con el desarrollo humano de hombres, mujeres, jóvenes; niños y niñas asegurando el derecho, de contar con alimentos para la satisfacción de esa necesidad vital y de estar protegido contra el hambre y la desnutrición a través del desarrollo de una política de Seguridad Alimentaria y Nutricional.

Artículo 2. Son fines de esta ley:

- a.) Reconocer el derecho que tienen todas las personas a estar protegidas contra el hambre y la desnutrición y que es responsabilidad del Estado Nicaragüense generar las capacidades nacionales para proporcionar alimentos a su población y/o las condiciones necesarias para que puedan adquirirlos, de tal manera que satisfagan sus necesidades nutricionales.
- b.) Adoptar la formulación de políticas institucionales de Seguridad Alimentaria y Nutricional, de carácter Nacional, Local y Regional, que asegure a las y los Nicaragüenses acceso y disponibilidad suficiente a una alimentación y calidad en cuanto a una nutrición sana y balanceada que cumpla con las especificaciones calóricas, expresadas por las organizaciones Internacionales.
- c.) Implementar el desarrollo de una estrategia, que se fundamente en estudios de factibilidad, planificación y con un diseño que establezca las medidas para su implementación seguimiento y evaluación, tomando en cuenta a los actores, económicos, sociales y políticos que intervienen en la capacidad de producción de alimentos, los comercializadores, la política crediticia, el sistema de mercado, los consumidores, así como los recursos humanos, técnicos y naturales que se necesitan para ejecutarla.

- d.) Propiciar el impulso de programas, de largo, mediano y corto plazo que mejoren las condiciones de vida, tanto en las áreas rurales como urbanas, de los hombres y mujeres, a través del desarrollo agrícola en el área rural, mejorando los niveles de producción y productividad de granos básicos, garantizando el acceso a sistemas de crédito que apoyen a pequeños y medianos productores para que puedan incrementar sus ingresos, y en el área urbana la generación de empleos sostenido, promoviendo programas de desarrollo industrial y artesanal de alimentos.
- e.) Contribuir a aliviar la pobreza, marginación, abandono y exclusión de la población mejorando el acceso físico y económico de todas y todos a los alimentos de manera suficientes y culturalmente adecuada.

Para efectos de esta ley se entiende como alimentos básicos los productos de consumo alimenticio establecidos en la canasta básica, de 53 productos.

Artículo 3. Principios de la política de Seguridad Alimentaria y Nutricional.

a.) Integralidad:

La Política de Seguridad Alimentaria y Nutricional, debe lograr la participación articulada de las Instituciones de Gobierno encargadas del desarrollo de las políticas agrícolas y forestales, de salud y nutrición, educativas y agroindustriales, crediticias, técnicas y financieras, con el objetivo de armonizar desde sus entidades ministeriales las acciones y medidas de la política de Seguridad Alimentaria y Nutricional:

Deben concentrar esfuerzos las Instituciones de Gobierno, los Gremios, la Empresa Privada, las Organizaciones Cíviles y los Organismo de Cooperación en la solución de las necesidades básicas de la población que vive por debajo de la línea de pobreza y que actualmente consumen menos de las 2070 calorías requeridas.

b.) Eficiencia:

Debe de incentivarse la utilización de los recursos humanos y técnicos, priorizando la generación de capacidades de producción y rendimiento productivo, de los pequeños y medianos productores, estabilidad en las políticas económicas que permita asegurar recursos financieros a los productores, implementando programas de rehabilitación del sector agropecuario generador de alimentos, los servicios básicos deben brindar una mayor cobertura y mejorar la calidad.

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c.) Equidad:

Los recursos asignados en el marco de la presente ley, deben de ser destinados de preferencia a los sectores sociales en condiciones de pobreza o pobreza extrema, sin olvidar a los sectores que económicamente adquieren mas de una canasta básica, a fin de evitar que esas condiciones se reproduzcan y lleve a mayor marginalidad. Los programas económicos y sociales promoverán el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que les permita obtener recursos para producir, acceder y/o disponer de alimentos, propiciar medidas para las mujeres productoras de alimentos y que no acceden a los recursos técnicos y financieros así como a bienes y servicios, lo tengan.

d.) No discriminación:

Para efectos de esta ley la no discriminación, se entenderá como la no exclusión, o restricción basada en la edad o en el sexo que tenga por objeto o por resultado menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos de los hombres y mujeres en especial el derecho a producir, obtener, disponer y acceder a alimentos suficientes.

TITULO II

Capítulo I

Medidas para el desarrollo de la Política de Seguridad Alimentaria y Nutricional

Artículo 4. El Gobierno, La empresa privada, La Sociedad Civil y Los Organismos No Gubernamentales, Nacionales y otros actores interesados, fomentarán y desarrollarán la formulación e implementación de la política de Seguridad Alimentaria y Nutricional para la población Nicaragüense, a través de las siguientes medidas:

1. Desarrollar Estrategias, planes, programas y proyectos que a corto, mediano y largo plazo, mejoren las condiciones de vida de la población urbana y rural a través de las medidas económicas y sociales que garanticen la disponibilidad en cantidades suficientes, estabilidad en el suministro y acceso a los alimentos.
2. Movilización de recursos para el desarrollo de créditos y capacitación técnica alternativa en el medio rural para las mujeres, pequeños y medianos productores, así como para la inversión en instalaciones de almacenamiento de granos básicos que estén al servicio de los y las productoras locales, individuales o asociados en formas de cooperativas o gremiales.

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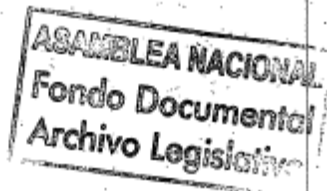
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3. En el medio urbano reactivar la pequeña y mediana industria a mediano y largo plazo, para lograr a través de la generación de empleo, un desarrollo económico social y humano sostenible.
4. Promoción e incentivos a los alimentos provenientes de la producción nacional a los cuales se les dará preferencia en el mercado nacional, las importaciones regionales y mundiales se harán como complemento de la producción nacional, las donaciones que reciba el gobierno en calidad de donaciones podrán ser comercializadas en el mercado nacional para enfrentar situaciones de escasez y estabilizar el mercado nacional en precios y existencia
5. Articular una política agraria, que permita a los pequeños y medianos productores agrícolas, obtener ingresos justos estabilizando los mercados y garantizando la disponibilidad de suministros, la rotación de los cultivos de acuerdo a la vocación de los suelos, asesoramiento técnico necesario y modernización de la maquinaria agrícola.
6. Coordinar acciones en la comercialización de alimentos orientando las tendencias en los precios, estabilizando los mismos.
7. Capacitar e informar al productor pequeño, mediano de alimentos básicos, tanto en el área urbana como rural, en el uso y manejo de tecnologías, tendencias del mercado interno e internacional, situación fitosanitaria, nacional y regional, prácticas inadecuadas en manejo de suelos, manto acuífero entre otros, con el objeto de analizar los efectos que tienen en la producción agrícola. Los programas en esta materia deberán ser permanentes fluidos, oportunos, sistemáticos y de uso público. Las instituciones de gobierno ejecutoras de la política alimentaria dispondrá de los recursos técnicos informativos y administrativos para garantizar el desarrollo de estas medidas.
8. Crear redes de Seguridad Alimentaria para orientarlas hacia el manejo de una adecuada nutrición, medidas higiénicas de salud así como en la promoción y protección al ambiente y suministros adecuados de alimentos.

Artículo 5. La Institución Gubernamental encargada de coordinar la Política de Seguridad Alimentaria formulará el plan nacional de Seguridad Alimentaria y Nutricional el que será ejecutado de forma intersectorial entre los Entes y Ministerio de Estado que por disposición de la Ley Orgánica del Poder Ejecutivo, están facultados para ejecutar las políticas agrícolas, forestales, pesqueras, financieras y crediticias así como las de desarrollo tecnológico.

Artículo 6. Para el desarrollo e implementación de la estrategia de Seguridad Alimentaria y nutricional, se promoverá la participación con los diferentes sectores y actores interesados, los pequeños y medianos productores, la Empresa Privada, así como las expresiones de la Sociedad Civil que trabajen en programas alimentarios, a fin de concertar políticas nacionales, regionales y locales que contribuyan a la promoción y desarrollo de

los planes alimentarios y nutricionales.



TÍTULO III
Capítulo único

Organismos encargados de implementar la Política y Estrategia de Seguridad Alimentaria.

Artículo 7. Créanse las Comisiones de seguridad alimentaria y nutricional Nacional, regional y local. La comisión nacional, tendrá su sede en Managua, las regionales en cada una de las regiones autónomas y las locales en cada uno de los municipios del país. La comisión nacional estará integrada de la siguiente manera.

- a) Un representante de La Secretaría que delegue el Presidente de la República, quien lo coordinará.
- b) Un representante de los Ministerios de Agricultura, Salud, Educación, Economía y Finanzas.
- c) Un delegado por cada Organismo, no Gubernamental que trabaje por el problema de la Seguridad Alimentaria y Nutricional.
- d) Un delegado por cada una de las Organizaciones de Productores.
- e) Un delegado por cada una de las Asociaciones u Organizaciones de Consumidores.
- f) Las instancias de desarrollo tecnológico como las Universidades y las Instituciones de Desarrollo Agropecuario.

Artículo 8. De las comisiones locales de Seguridad Alimentaria y Nutricional.

Las Comisiones Municipales estarán integradas por redes locales que se conformarán con los actores sociales del sector productor de alimentos, Gobiernos Locales y los Delegados Ministeriales que ejecuten programas y proyectos en el área de Salud, Educación, Medio Ambiente y programas de Desarrollo Agrícola en cada uno de los municipios del país, priorizando aquellos caracterizados por su situación de pobreza, hambruna y desnutrición.

Artículo 9. De las Comisiones Regionales de Seguridad Alimentaria y Nutricional.

Las comisiones de las Regiones Autónomas del Atlántico estarán integradas por los Gobiernos Autónomos delegados del Consejo Regional, Productores, Gobiernos Locales y los Delegados Ministeriales que ejecuten programas y proyectos en el área de Salud, Educación, Medio Ambiente y programas de Desarrollo Agrícola.

Artículo 10. Las comisiones en cada uno de los niveles establecidos, funcionarán de conformidad a un reglamento interno en el cual deberán de regular, reuniones, formas de desarrollo e implementación de las estrategias, o cualquier otra facultad que se requiera de conformidad a cada uno de los niveles aquí establecido.

Título IV

Capítulo I

Del Fondo Nacional de Alimentos

Artículo 11. El Gobierno de la República deberá de organizar un sistema de incentivos que anime a la Banca Privada Nacional y Extranjera, a destinar un porcentaje suficiente de sus capacidades de préstamos al sector agrícola productor de granos básicos y convertir a este sector en sujeto de crédito nacional. Así mismo se ampliará el fondo de crédito rural.

Artículo 12. Créanse el Fondo Nacional Permanente y el Fondo de Emergencia Alimentario con un porcentaje adecuado de los fondos no retornables de la Cooperación Internacional y/o de la Banca Multilateral, así mismo integrar al fondo los recursos que genere la comercialización de las donaciones debidamente autorizados por los donantes, los que serán utilizados para promover la producción de alimentos con calidad adecuada, tecnología apropiada y no contaminante del medio ambiente o en casos de emergencia producidas por desastres naturales.

Artículo 13. Las donaciones de alimentos que recibe el país, deben de contribuir a estabilizar el mercado y la disponibilidad de alimentos, estas circularán en el mercado en caso de escasez.

Artículo 14. La Comisión Alimentaria promoverá a la Empresa Nicaragüense de Granos Básicos (ENABAS), como instrumento técnico y de reserva, que permita al Gobierno de Nicaragua el cumplimiento de medidas de la Seguridad Alimentaria y Nutricional, tanto a nivel municipal, regional y nacional.

Capítulo II

Medidas Especiales

Artículo 15. La Comisión Nacional de Seguridad Alimentaria, debe promover que la Seguridad Alimentaria y Nutricional, alcance los elementos indispensable de la política para:

- Asegurar los alimentos en cantidades suficientes.

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- Lograr la máxima estabilidad en el suministro .
- Garantizar que las personas más necesitadas obtengan los alimentos.

Artículo 16. La comisión nacional de seguridad alimentaria promoverá como medidas especiales:

- a.) La agilización en la legalización de la propiedad en el área rural como un factor importante de estabilidad a los productores y productoras que les permita acceso al crédito y a la tecnología para producir los alimentos.
- b.) Desarrollar la producción de alimentos, a fin de generar empleos, evitar la desnutrición y disminuir los eslabones de la cadena de comercialización que impida el acceso a los alimentos a la población Nicaragüense.
- c.) Promover la lactancia materna como, medida de nutrición adecuada del niño y la niña, atención de mujeres embarazadas e igualmente se deberá impulsar programas de acceso a métodos de anticoncepción como medida de prevención en la salud reproductiva de las mujeres.

Artículo 17. Los salarios deben garantizar los ingresos económicos necesarios, para que hombres y mujeres puedan acceder a los alimentos y servicios básicos que permitan a ellos y su familia tener Seguridad Alimentaria y Nutricional.

Artículo 18. Los programas sociales darán atención especial a la población en la tercera edad, que por falta de ingresos económicos, sufren de inseguridad alimenticia y por consiguiente de desnutrición.

Dado en la ciudad de Managua, sala de sesiones de la Asamblea nacional a los _____ días de mes de _____ del año dos mil,

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Appendix N

2001 National Food and Nutritional Security Policy (PNSAN)

3

Fundamentos de la Política

La Política de Seguridad Alimentaria y Nutricional es diseñada para establecer un instrumento que garantice el derecho humano básico a una alimentación suficiente y adecuada, disminuir la población en riesgo de inseguridad alimentaria y nutricional, así como de sus causas básicas y subyacentes.

I. Marco Legal ♦

El marco legal de la presente política se encuentra en la Constitución Política de la República de Nicaragua, en el CAPITULO III sobre los DERECHOS SOCIALES, en los artículos siguientes:

Arto. 59.

«Los nicaragüenses tienen derecho, por igual, a la salud. El Estado establecerá las condiciones básicas para su promoción, recuperación y rehabilitación»

«Corresponde al Estado dirigir y organizar los programas, servicios y acciones de salud y promover la participación popular en defensa de la misma».

«Los ciudadanos tienen la obligación de acatar las medidas sanitarias que se determinan»

Arto. 60.

«Los nicaragüenses tienen derecho de habitar en un ambiente saludable. Es obligación del Estado la preservación, conservación y rescate del medio ambiente y de los recursos naturales».

Arto. 63.

«Es derecho de los nicaragüenses estar protegidos contra el hambre. El Estado promoverá programas que aseguren una adecuada disponibilidad de alimentos y una distribución equitativa de los mismos»

II.**Marco Conceptual ♦**

“La Seguridad Alimentaria y Nutricional se refiere al estado de disponibilidad y estabilidad en el suministro de alimentos (culturalmente aceptables), de tal forma que todas las personas todos los días de manera oportuna gocen del acceso y puedan consumir los mismos en cantidad y calidad libre de contaminantes y tengan acceso a otros servicios (saneamiento, salud y educación) que aseguren el bienestar nutricional y le permita hacer una buena utilización biológica de los alimentos para alcanzar su desarrollo, sin que ello signifique un deterioro del ecosistema”.

III.**Principios ♦**

La Política de Seguridad Alimentaria y Nutricional en aras de dar integralidad a los lineamientos y estrategias tiene como principio los cuatro componentes de la cadena alimentaria nutricional: disponibilidad, acceso, consumo y utilización biológica de los alimentos.

La política reconoce la riqueza y variedad de nuestra cultura alimentaria en donde existen alimentos que cualitativamente responden a los requerimientos nutricionales de nuestra población y a la vocación productiva de nuestro suelo así como la idiosincracia de nuestro pueblo

1. Disponibilidad

El Estado promoverá que existan los recursos disponibles en el país para poder sostener la oferta de alimentos en cantidad y calidad suficiente para garantizar las necesidades de alimentación y nutrición de la población.

2. Acceso

La política promoverá el acceso por parte de todas las personas a los alimentos necesarios para una buena salud y nutrición, ésta debe ser de manera oportuna adecuada y permanente.

3. Consumo

La política promueve la ingesta de alimentos sanos que se precisan, en cantidad y calidad necesaria para que las personas tengan una alimentación adecuada y saludable.

4. Utilización Biológica

La política persigue alcanzar el máximo aprovechamiento que da el organismo de las personas de los nutrientes contenidos en los alimentos que consume y el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.

5. Participación

La Política respalda toda la participación comunitaria en las acciones encaminadas a mejorar la seguridad alimentaria nutricional.

IV.

Objetivos ♦

4.1. Objetivos Generales

1. Contribuir a mejorar las condiciones de seguridad alimentaria y nutricional del pueblo nicaragüense, a través de los esfuerzos coordinados de las instituciones del Estado y Sociedad Civil en las acciones (en ejecución y por ejecutarse) que demanda la política con relación a la seguridad alimentaria y nutricional, para fortalecer el desarrollo económico social del país.
2. Facilitar la seguridad alimentaria y nutricional que permita el desarrollo físico y mental de las personas para que puedan integrarse de manera activa y creativa al desarrollo sostenible del país.

4.2. Objetivos Específicos

1. Propiciar las condiciones que incidan en el mejoramiento de la producción interna de alimentos, para facilitar la disponibilidad a la población nicaragüense.
2. Facilitar el acceso permanente de las personas a los alimentos inocuos y culturalmente aceptables para una alimentación nutricionalmente adecuada en cantidad y calidad.

3. Propiciar cambios a hábitos y patrones de alimentación saludable.
4. Disminuir los índices de deficiencia de micronutrientes y la Desnutrición Proteico-Energética en los niños menores de cinco años.
5. Garantizar el control higiénico - sanitario y nutricional de los alimentos.
6. Ordenar y coordinar los esfuerzos que realizan tanto las instituciones estatales dentro de sus asignaciones presupuestarias como instituciones privadas, nacionales e internacionales hacia la Seguridad Alimentaria y Nutricional.
7. Propiciar una educación basada en la aplicación de prácticas saludables, alimentación sana y nutritiva, recreación y cuidado del ambiente.

V. Lineamientos ♦

La política de Seguridad Alimentaria y Nutricional está dividida en los componentes siguientes: disponibilidad, acceso, consumo y utilización biológica de los alimentos. Esta división se corresponde con el enfoque integral de cómo atacar los problemas de inseguridad alimentaria y nutricional que afectan a la población. En tal sentido define los lineamientos de política siguientes:

1. Promover los proyectos de producción de alimentos de origen agrícola, ganadero (ganado mayor y menor), piscícola y acuícola así como la producción artesanal y uso de semillas mejorada de granos básicos, dando prioridad a aquellos que fomenten la economía familiar.
2. Mantener libre de aranceles la importación de maquinarias, equipos e insumos utilizados directamente en la producción agropecuaria.
3. Acelerar el proceso de legalización de tierras priorizando al pequeño productor, a las comunidades indígenas y facilitar el acceso a la tierra a la mujer campesina.
4. Identificar y priorizar la demanda de crédito e incentivar la inversión, generación, transferencia y divulgación tecnológica para mejorar e incentivar la producción de alimentos.
5. Revisar la legislación a fin de dar una protección más efectiva a los recursos naturales.

6. Crear un Sistema de Información y Seguimiento Alimentario (Sistema de Alerta Temprano, Hojas de Balance, Canasta Alimentaria), fortalecer y asegurar el servicio adecuado y oportuno de información de precios y mercados.
7. Fortalecer la capacidad técnica de pequeñ@s y median@s productor@s a fin de contribuir al incremento en la productividad y producción de alimentos.
8. Promover y apoyar a las organizaciones de productor@s agrícolas.
9. Las donaciones de alimentos deben estar en correspondencia con los patrones de consumo del país y mantener el marco regulatorio vigente contenido en la Ley de Justicia Tributaria y Comercial.
10. Mantener reservas de alimentos para auxiliar a la población afectada en caso de desastres.
11. Promover la participación de los productor@s en la comercialización de sus productos, acortando la cadena de intermediación entre productor@s y consumidor@s.
12. Incorporar el programa de Seguridad Alimentaria y Nutricional dentro de la red de estrategias de combate a la pobreza.
13. Mejorar las condiciones de infraestructura comercial de los alimentos.
14. Promover la justa distribución de los alimentos en el seno familiar.
15. Promover la educación de consumo de alimentos sanos y nutritivos, libres de contaminación y manipulación genética y que favorezcan la economía familiar.
16. Fortalecer y ampliar los programas de alimentación complementaria dirigida a la población vulnerable y grupos en riesgos (la niñez menor de cinco años y mujeres embarazadas y en período de lactancia).
17. Divulgar la Ley de Protección al Consumidor y Vigilar su cumplimiento.
18. Fortalecer el Sistema de Vigilancia y Control de las Enfermedades transmitidas por los alimentos.
19. Divulgar y vigilar el cumplimiento de la Ley de Lactancia Materna.

20. Fortalecer el Programa de Prevención y Control de las deficiencias de micronutrientes.
21. Promover la investigación sobre factibilidad de fortificación de los alimentos de consumo popular con micronutrientes.
22. Fortalecer el sistema de garantía de calidad de los alimentos fortificados y desarrollar el de los nutricionalmente mejorados.
23. Fortalecer la investigación y el desarrollo de tecnología de los alimentos.
24. Fortalecer y ampliar el sistema de vigilancia epidemiológica establecido por el Gobierno, incorporando contenidos (indicadores) de alimentación y nutrición.
25. Aumentar la cobertura con calidad de los servicios básicos de agua, luz, educación y depósitos de sólidos de acuerdo a las prioridades en los territorios no atendidos.

VI. Estrategias ♦

El Gobierno en aras de dar fiel cumplimiento a los enunciados de los lineamientos de la presente Política de Seguridad Alimentaria y Nutricional, así como los objetivos y principios fundamentales, pondrá en práctica las siguientes estrategias:

- **Coordinar y armonizar** la Política Alimentaria Nutricional con las políticas globales y sectoriales del país con el propósito de mejorar la seguridad alimentaria y nutricional; permitiendo ordenar los esfuerzos dispersos, hacer buena utilización de los recursos y que facilite el acceso y el proceso de legalización de la tierra principalmente para la pequeña y la mediana producción de alimentos.
- **Garantizar condiciones** para que el sector privado genere empleos productivos y permanentes para mejorar los niveles de ingresos y las condiciones de vida de la población nicaragüense.
- **Crear mecanismos** que faciliten al pequeño y mediano productor el acceso al financiamiento para la producción, así como su participación en el proceso de comercialización.

- **Fortalecer la coordinación y articulación interinstitucional** que permita ampliar la cobertura y calidad de la prestación de servicios básicos: salud, educación, agua y saneamiento ambiental entre otros.
- **Continuar con la descentralización** del Gobierno promoviendo la participación de los Gobiernos locales para asegurar a la población el acceso a los servicios públicos de manera más eficiente, focalizada y transparente que contribuya a mejorar la seguridad alimentaria y nutricional.
- **Comunicar y divulgar** en todas sus formas la temática de seguridad alimentaria y nutricional, a través de programas de educación formal y no formal, para influir en cambios de actitudes y hábitos alimentarios de la población.
- **Fortalecer la Comisión Nacional de Seguridad Alimentaria y Nutricional** para velar por el cumplimiento de los aspectos establecidos en la presente Política de Seguridad Alimentaria y Nutricional y evaluar el impacto de todas las acciones.
- **Elaborar un Plan de Acción** para la ejecución de la presente Política de Seguridad Alimentaria y Nutricional, en el cual se señale claramente las acciones que deben ser realizadas en el corto, mediano y largo plazo, los responsables de la ejecución de las mismas y las fuentes de financiamiento.
- **Apoyar e impulsar** iniciativas regionales que en materia de seguridad alimentaria y nutricional se enmarquen en el contexto de Integración Social Centroamericana.

VII.

Lineamientos para el Plan de Acción ♦

Es importante delimitar la participación o intervención del Estado con sus instituciones que forman parte de la Comisión Nacional de Seguridad Alimentaria y Nutricional, para ejecutar la actual Política de Seguridad Alimentaria y Nutricional.

Primeramente se debe procurar una mayor presencia en todo el país de las instituciones del Estado y ampliar la cobertura de los servicios básicos y de apoyo a la producción.

El Estado debe crear un sistema de información y seguimiento alimentario y nutricional, no solo en información estadística, sino también cualitativa que permita hacer predicciones de futuras situaciones de inseguridad alimentaria en el corto plazo.

El Sistema de información debe contener en: Disponibilidad, seguimiento a la producción agrícola e información de mercado; Acceso, seguimiento a los grupos vulnerables; Consumo y Utilización Biológica, los hábitos y patrones alimentarios, el entorno ambiental, genético e inmunológico.

Se deben coordinar los esfuerzos a fin de lograr tasas de aumento de la producción de alimentos acordes a la tasa de crecimiento poblacional y que la asistencia en materia de ayuda alimentaria sirva de incentivo a la producción nacional.

Impulsar de manera especial estrategias de educación, capacitación investigación y apropiación tecnológica y comunicación social que contribuya a elevar las capacidades de autogestión de los individuos y comunidades en riesgo. Incorporar el enfoque de género de manera transversal en seguridad alimentaria y nutricional e integrar de manera focalizada a los sectores vulnerables.

Coordinación y complementación de la comunidad internacional, multilateral y bilateral, el financiamiento para formular y ejecutar el plan nacional de Seguridad Alimentaria y Nutricional. Establecer con apoyo de las Agencias de Cooperación vinculadas con la seguridad alimentaria y nutricional, una Unidad de Soporte Técnico adscrito a la Comisión Nacional de Seguridad Alimentaria y Nutricional, en apoyo a la iniciativa nacional en Seguridad Alimentaria y Nutricional. Involucrar de manera permanente en las distintas acciones y actividades a la sociedad civil en función de la seguridad alimentaria y nutricional.

Fomento del desarrollo rural, consolidar el comercio intraregional de productos agropecuarios e incrementar y diversificar las exportaciones y consolidar la articulación de las cadenas productivas, comercial y de servicio. Estos programas permitirán la generación de empleos e ingresos, la racionalización de la migración campo ciudad.

Formular proyectos por zonas agroecológicas de acuerdo a necesidades de cada sector rural con participación comunal. Trabajo territorial con fincas modelos con enfoque integrativo del sistema de producción (insumo infraestructura, crédito, etc.).

La inclusión de un módulo de educación sobre alimentación y nutrición en la currícula académica de la educación formal a todos los niveles e incorporarlo en la educación no formal como las campañas de educación masiva sobre la dieta popular.

Los lineamientos especificados en el marco de la Política y su correspondiente Estrategia implica el diseño de un Plan de Acción para un periodo de ejecución de cinco años, en donde se especifique claramente la responsabilidad de la

ejecución de cada una de las acciones, así como su fuente de financiamiento. Discriminándose las acciones de corto y mediano plazo.

VIII.

Estructura Organizacional ♦

La ejecución de la Política de Seguridad Alimentaria y Nutricional es responsabilidad en forma coordinada de muchas instancias de las instituciones de Gobierno, organizaciones nacionales del sector privado, organismos internacionales y hasta los beneficiarios. Esto exige un marco institucional donde participen los tomadores de decisión política al más alto nivel, con el fin de establecer la coordinación intersectorial necesaria para el cumplimiento de los objetivos que plantea la política.

Para la ejecución de la política se ha creado una primera instancia gubernamental que es la Comisión Nacional de Seguridad Alimentaria y Nutricional (CONASAN), y en un segundo nivel, un Comité Técnico de Seguridad Alimentaria y Nutricional (COTESAN).

A. Comisión Nacional de Seguridad Alimentaria y Nutricional (CONASAN)

La Comisión Nacional de Seguridad Alimentaria y Nutricional, está conformada por los miembros titulares de las siguientes instituciones: Ministerio de Salud (MINSA), Ministerio Agropecuario y Forestal (MAG-FOR), Ministerio de la Familia (MIFAMILIA), Ministerio de Industria, Fomento y Comercio (MIFIC), Ministerio de Educación, Cultura y Deporte (MECD), la Empresa Nacional de Acueductos y Alcantarillados (ENACAL), y la Secretaría de Acción Social (SAS), (Decreto No. 65-2000).

Tomando en cuenta los rangos y competencia de cada una de las entidades gubernamentales que participan, el coordinador y presidente de la Comisión es el Presidente de la República facultado por el Decreto No. 65-2000, o en su defecto nombrará su delegado.

La Comisión tendrá las siguientes funciones:

1. Analizar, interpretar y orientar las líneas de acción en relación a la información existente sobre la situación alimentaria y nutricional del país;

2. Promover y coordinar la elaboración de la Política Nacional de Seguridad Alimentaria y Nutricional y su Plan de Acción, enmarcado dentro de los compromisos nacionales e internacionales suscritos en materia de alimentación y nutrición;
3. Vigilar la situación alimentaria y nutricional del país y proponer alternativas de solución de forma eficaz y oportuna ante situaciones de emergencia o que pongan en riesgo la seguridad alimentaria y nutricional de los nicaragüenses;
4. Gestionar directamente mediante las Instituciones de Gobierno correspondientes, la obtención y movilización de recursos técnicos y financieros necesarios para el desarrollo de proyectos, programas y acciones contempladas en el Plan Nacional de Seguridad Alimentaria y Nutricional;
5. Mantener estrecha relación intersectorial con la planificación, programación, ejecución, seguimiento y evaluación del Plan Nacional de desarrollo económico - social, sus Programas y Proyectos específicos;
6. Nombrar un Comité Técnico conformado por técnicos especializados de cada institución que tengan representatividad y carácter permanente;
7. Presentar informe anual al Presidente de la República;
8. Cualquier otra función que le sea asignada.

B. Comité Técnico de Seguridad Alimentaria Nutricional (COTESAN)

En el segundo nivel que sería "Técnico", estarían los delegados de cada uno de los ministerios que integran el primer nivel, y otras instancias vinculadas a la Seguridad Alimentaria y Nutricional, las municipalidades, la sociedad civil (empresa privada, universidades, ONGs), y se incorporará en calidad de observadores con derecho a voz a las Agencias Internacionales que apoyan la iniciativa.

El Comité Técnico tendrá las funciones siguientes:

1. Recopilar, documentar y analizar la información existente sobre la situación alimentaria y nutricional;
2. Diseñar y elaborar las propuestas de instrumentos de investigación y de Sistemas de Información, para el monitoreo y evaluación de los Planes, Programas y Proyectos que la Comisión determine en el contexto de la Política Nacional de Seguridad Alimentaria y Nutricional;

3. Elaborar, monitorear y evaluar el Plan Anual de Trabajo de la Comisión en el marco del Plan Nacional de Seguridad Alimentaria y Nutricional;
4. Proponer estudios, proyectos e investigaciones, y hacer recomendaciones en relación a problemas específicos que se presenten en el país, vinculados al campo alimentario y nutricional, ya sea por mandato del Gabinete de Gobierno del Plan de Seguridad Alimentaria y Nutricional;
5. Analizar y recomendar solicitudes de donación de alimentos y/o otros artículos que incidan en la aplicación de la Política Nacional de Seguridad Alimentaria y Nutricional, tomando en cuenta la recepción de las donaciones;
6. Presentar un informe periódico a la Comisión.
7. Otras funciones que sean encomendadas por la Comisión.

C. Coordinación Intersectorial y Ejecución Multisectorial

Debido a que la ejecución de las acciones de Seguridad Alimentaria y Nutricional toma un carácter multisectorial, deberán participar todas las instituciones mencionadas en la conformación del Comité Técnico. La coordinación de carácter intersectorial se aplica a las acciones de diferentes sectores integrados entre sí, con objetivos comunes que requieren un esfuerzo coordinado de las instituciones ejecutoras, instancias inter institucional, los gobiernos locales y los beneficiarios y grupos vulnerables.

Se deben destinar recursos institucionales para crear las distintas áreas de atención a la Seguridad Alimentaria y Nutricional en los ministerios que les correspondan y establecer la coordinación intersectorial y ejecución multisectorial.

Las acciones deben estar orientadas al cumplimiento de los objetivos generales de la política que tiende hacia la seguridad alimentaria y nutricional de la población siendo estas acciones estrechamente relacionadas.

Además, todas las acciones que demande la política requiere la participación de los distintos sectores agropecuario, industrial, comercio, educación, salud, agua y saneamiento. Así mismo se requiere establecer los mecanismos que aseguren la participación y representatividad de los grupos y organizaciones sociales y comunitarias.

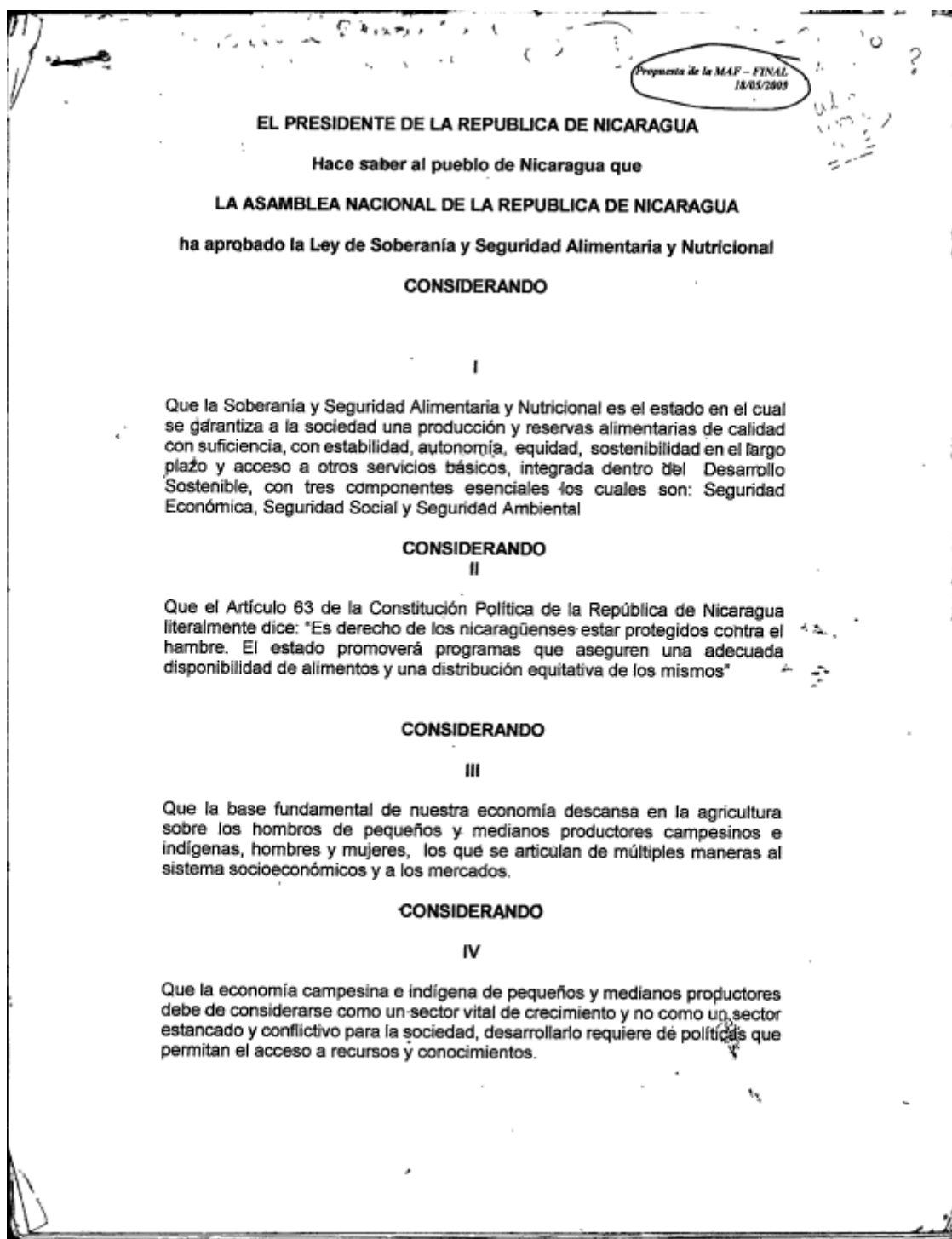
IX. Beneficiarios ♦

Con base en el mapa de la pobreza basado en las Necesidades Básicas Insatisfechas, la Encuesta Nacional de Medición de Vida y la Encuesta Nicaragüense de Demografía y Salud, se puede determinar los grupos sociales en riesgo que atenderá la Política de Seguridad Alimentaria y Nutricional y las acciones a desarrollar en el corto, mediano y largo plazo.

En términos generales la política priorizará en el corto plazo a los siguientes grupos sociales: mujeres embarazadas y lactantes, familias en extrema pobreza y pobreza relativa, infancia en condiciones especialmente difíciles, pequeños y medianos productor@s, a los obrer@s agrícolas y adultos mayores en condiciones de riesgo. En el mediano y largo Plazo todas las acciones estarán dirigidas a toda la población.

Appendix O

MAF/UNAPA Draft SSAN Law (2004–2005)



CONSIDERANDO

V

Que la soberanía y seguridad alimentaria y nutricional es una necesidad priorizada, que permita a todas y todos las y los nicaragüenses, independientemente del nivel de ingresos, acceder y disponer en cantidad y calidad de alimentos suficientes nutricionalmente adecuados e inocuos.

CONSIDERANDO

VI

Que Nicaragua es un país que ha demostrado ser vulnerable ante desastres naturales y conflictos sociales, lo que nos obliga a estar preparados para atender situaciones de escasez, en alimentos para la población.

CONSIDERANDO

VII

Que es obligación del Estado nicaragüense implementar políticas públicas que contribuyan al desarrollo alimentario, agrícola, pecuario, acuícola y forestal que armonice la participación de hombres y mujeres pequeños y medianos productores, campesinos e indígenas.

CONSIDERANDO

VIII

Que la soberanía y seguridad alimentaria y nutricional es el estado en que el gobierno está en la obligación de proteger la producción campesina ante políticas de liberación de mercados que atentan flagrantemente en contra de la producción de alimentos y el medio ambiente.

CONSIDERANDO**IX**

Que la mujer nicaragüense incansable luchadora y pilar fundamental en el sustento alimenticio de la familia, debe ser considerada principal beneficiaria de la presente ley garantizando así el bienestar de los niños y niñas y demás miembros de la familia.

POR TANTO

En uso de sus facultades

Ha dictado

Lo siguiente:

LEY DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL**Capítulo I****Disposiciones generales**

Arto.1 Esta Ley tiene por objeto garantizar la soberanía y seguridad alimentaria y nutricional de la población nicaragüense, así como el mejoramiento de las condiciones de vida de la población campesina e indígena en todas sus manifestaciones.

Arto. 2 Son fines de la presente Ley de Soberanía y Seguridad Alimentaria y Nutricional:

Contribuir a reducir el hambre y la desnutrición a través de políticas públicas que creen condiciones para bajar los índices de pobreza a través de la generación de capacidades nacionales que proporcionen alimentos a la población y/o las condiciones necesarias para que puedan adquirirlos, de tal manera que satisfagan sus necesidades nutricionales.

Mejorar la seguridad alimentaria y nutricional, que asegure a las y los nicaragüenses acceso físico y disponibilidad suficiente a alimentos

nutricionalmente adecuados e inocuos y su utilización efectiva. Así mismo, contar con servicios de saneamiento, educación, salud preventiva, sexual y reproductiva, que aseguren el desarrollo de una vida sana y activa en todas las personas.

Apoyar a los pequeños y medianos productores, hombres y mujeres, con financiamiento, asistencia técnica, infraestructura, comercialización, que les permita producir más y con mejor calidad, promoviendo la utilización de semillas criollas, disminuyendo el uso de químicos y protegiendo el medio ambiente de organismos genéticamente modificados y el manejo adecuado de los recursos naturales.

Arto. 3 Son Principios de la Política de Soberanía y Seguridad Alimentaria y Nutricional.

Disponibilidad:

El estado promoverá que existan los recursos necesarios en el país para garantizar de manera permanente la estabilidad de la oferta de alimentos en cantidad y calidad suficientes, que permita satisfacer las necesidades de alimentación y nutrición de la población.

Equidad y acceso:

Los programas económicos y sociales de las instituciones de gobierno promoverán el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que permitan obtener recursos para producir, acceder y/o disponer de alimentos, propiciar medidas para que las mujeres productoras de alimentos accedan a los recursos técnicos y financieros así como a bienes y servicios disponibles.

La política de seguridad alimentaria promoverá el acceso de todas las personas a los alimentos necesarios para una buena salud, y nutrición, éste debe ser de oportuno adecuado y permanente.

Consumo:

La política promueve la ingesta de alimentos sanos que se precisan, en cantidad y calidad necesaria para que las personas tengan una alimentación adecuada y saludable.

Utilización Biológica:

El estado promoverá alcanzar el máximo aprovechamiento que da el organismo de las personas a los nutrientes contenidos en los alimentos que consume y el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.

Participación e Integralidad:

La política de seguridad alimentaria y nutricional, se basa en la participación articulada de las instituciones de gobierno encargadas del desarrollo de las políticas agrícolas, pecuaria, pesquera, forestal, de la mujer, de salud y nutrición, educativas y agroindustriales, crediticias, técnicas y financieras, con el objetivo de armonizar desde sus entidades ministeriales las acciones y medidas de la política de seguridad alimentaria y nutricional.

La política respalda la participación comunitaria en las acciones encaminadas a mejorar la seguridad alimentaria y nutricional.

El estado de Nicaragua a través de la presente Ley promueve la concertación entre las instituciones de gobierno, los gremios, la empresa privada, las organizaciones civiles, el sistema de información cartográfica sobre la inseguridad alimentaria / nutricional y la vulnerabilidad (SICIAV) y los organismos de cooperación en la solución de las necesidades básicas de la población que vive por debajo de la línea de pobreza y que actualmente consumen menos de los 2155 kilos de calorías requeridas.

Eficiencia:

La presente Ley incentiva la utilización de los recursos humanos y técnicos priorizando la generación de capacidades de producción y rendimiento productivo, de los pequeños y medianos productores, estabilidad en las políticas económicas que permita asegurar recursos financieros a los productores, implementando programas de rehabilitación del sector agropecuario generador de alimentos y que los servicios básicos brinden una mayor cobertura y mejorar la calidad.

No Discriminación:

La política de seguridad alimentaria contribuirá a que ningún grupo o persona sea discriminada por edad, sexo, etnia, credo religioso, político o discapacidad, al acceso de los recursos o, goce de los derechos humanos de los hombres y mujeres en

especial el derecho a producir, obtener, disponer y acceder a alimentos suficientes.

CAPÍTULO II

De los Objetivos de la Política de Soberanía y Seguridad Alimentaria y Nutricional.

Arto. 4 Son objetivos de la política de Soberanía Alimentaria los siguientes:

Propiciar las condiciones que incidan en el mejoramiento de la producción interna de alimentos para facilitar la disponibilidad a la población nicaragüense, impulsando programas de largo, mediano y corto plazo que mejoren los niveles de producción y productividad de alimentos, y la protección de la producción nacional frente a la introducción de productos por políticas de libre mercado.

Contribuir a aliviar la pobreza, marginación, abandono y exclusión de la población mejorando las condiciones para acceder a un empleo, a los recursos productivos, tierra, agua, crédito, entre otros.

Facilitar el acceso permanente de las personas a los alimentos inocuos y culturalmente aceptables, para una alimentación nutricionalmente adecuada en cantidad y calidad.

Contribuir a los cambios de hábitos y patrones de alimentación saludable.

Disminuir los índices de deficiencia de micro-nutrientes y la desnutrición proteínica-energética en los niños menores de cinco años.

Garantizar el control higiénico sanitario y nutricional de los alimentos.

Ordenar y coordinar los esfuerzos que realizan tanto las instituciones estatales dentro de las asignaciones presupuestarias, como las instituciones privadas nacionales e internacionales hacia la seguridad alimentaria.

Propiciar una educación basada en la aplicación de prácticas saludables de alimentación sana y nutritiva, recreación y cuidado del medio ambiente.

Capítulo III

Lineamientos de la Política de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 5 Los Componentes de la política de **Soberanía y Seguridad Alimentaria y Nutricional** son los siguientes: disponibilidad, acceso, consumo y utilización biológica de los alimentos, para el desarrollo de los mismos, se definen los siguientes lineamientos:

Promover proyectos de producción de alimentos de origen agrícola, ganadero mayor y menor, piscícola, acuícola, así como la producción artesanal y uso de semilla criolla mejorada de granos básicos dando prioridad a aquellos que fomentan la economía familiar.

Mantener libre de aranceles la importación de maquinarias, equipos, insumos utilizados directamente en la producción agropecuaria a los pequeños y medianos productores organizados en cooperativas.

A través del Instituto de la Propiedad acelerar el proceso de legalización de tierras al pequeño productor o productora, a las comunidades indígenas y facilitar el acceso a la tierra a la mujer campesina, como titular de la misma de forma individual o mancomunada.

Priorizar la demanda de créditos la inversión, creando un Banco de Fomento dentro del cual exista representación de pequeños y medianos productores, campesinos e indígenas.

Promover la generación, transferencia y divulgación tecnológica para mejorar e incentivar la producción de alimentos.

Crear el **Sistema de Información Cartográfica sobre Inseguridad Alimentaria / Nutricional y Vulnerabilidad (SICIAV)**, así como un sistema de información y seguimiento alimentario para fortalecer y asegurar el servicio adecuado y oportuno de información de precios y mercados.

Fortalecer la capacidad técnica de pequeños y medianos productores y productoras que contribuyan al incremento en la productividad y producción de alimentos.

Promover y apoyar las organizaciones gremiales de productoras y productores agropecuarios.

Solicitar y recibir donaciones de alimentos en correspondencia con los patrones de consumo del país, observándose para ello las disposiciones vigentes en materia de donaciones establecidas en la Ley de Justicia Tributaria y Comercial. Establecer sistema de control nacional que evite la entrada de productos para proteger la producción nacional.

Mantener reservas de alimentos para auxiliar a la población afectada en casos de desastres naturales y/o emergencias de cualquier tipo, que atañen a la problemática alimentaria.

Promover la participación de los y las productoras en la comercialización de productos, acortando la cadena de inter-mediación entre productores productoras, y consumidores y consumidoras.

Incorporar el programa de seguridad alimentaria y nutricional dentro de la red de estrategias de combate a la pobreza.

Mejorar las condiciones de infraestructura comercial de los alimentos entre otros: vías de comunicación y acopios hasta centros focalizados de comercialización.

Promover la justa seguridad de los alimentos en el seno familiar y la paternidad responsable, protegiendo a las madres e hijos abandonados.

Fortalecer y ampliar los programas de seguridad complementaria dirigida a la población vulnerable y grupos de riesgos (la niñez menor de cinco años, mujeres embarazadas y en el período de lactancia).

Divulgar y vigilar el cumplimiento de las normas de protección al consumidor establecidas en la Ley de Defensa del Consumidor.

Fortalecer el sistema de vigilancia y control de las enfermedades transmitidas por alimentos (ETA's).

Divulgar, promover y aplicar la Ley de la Lactancia Materna.

Fortalecer el programa de prevención y control de deficiencias de micro-nutrientes.

Promover la investigación sobre factibilidad de fortificación de los alimentos de consumo popular con micro-nutrientes.

Fortalecer y ampliar el sistema de vigilancia epidemiológica establecido por el gobierno, incorporando contenidos de alimentación y nutrición.

Aumentar la cobertura con calidad de los servicios básicos de agua, luz, educación y depósitos de sólidos de acuerdo a las prioridades en los territorios no atendidos.

CAPITULO IV

Estrategia de la Política de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 6 Para poner en práctica los objetivos, principios y lineamientos de la Política de Soberanía y Seguridad Alimentaria y Nutricional se implementará una estrategia, que se fundamente en estudios de factibilidad, planificación y con un diseño que establezca las medidas para su implementación, seguimiento y evaluación.

Son base para la estrategia:

Coordinar y armonizar la política de soberanía y seguridad alimentaria y nutricional con las políticas globales y sectoriales, ordenar prioridades sobre la base de la disponibilidad de recursos.

Garantizar condiciones para que el sector privado genere empleos productivos y permanentes para mejorar los niveles de ingresos y las condiciones de la población nicaragüense.

Crear mecanismos que faciliten al pequeño y mediano productor y productora el acceso al financiamiento para la producción, así como su participación en el proceso de comercialización.

Fortalecer la coordinación y articulación interinstitucional que permita ampliar la cobertura y calidad de la prestación de servicios básicos, salud, educación, agua y saneamiento ambiental entre otros.

Continuar con la descentralización del gobierno promoviendo la participación de los gobiernos locales los que deben constituirse en la estructura principal para asegurar a la población el acceso a los servicios públicos de manera más eficiente, focalizada y transparente que contribuya a mejorar la soberanía y seguridad alimentaria y nutricional.

Comunicar y divulgar en todas sus formas la temática de soberanía y seguridad alimentaria y nutricional a través de programas de educación formal y no formal para influir en cambios de actitudes y hábitos alimentarios.

Fortalecer la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional, para velar por el cumplimiento de los aspectos establecidos en la política de soberanía y seguridad alimentaria y nutricional y evaluar el impacto de todas las acciones.

Elaborar un plan de acción para la ejecución de la política de soberanía y seguridad alimentaria y nutricional, que señale las acciones a realizar en el corto, mediano y largo plazo, responsables de su ejecución y las fuentes de financiamiento.

Apoyar e impulsar iniciativas regionales que en materia de soberanía y seguridad alimentaria y nutricional se impulsen en el contexto de la integración centroamericana.

CAPITULO V

Organismos encargados de implementar la Política y Estrategia de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 7 La política de soberanía y seguridad alimentaria y nutricional será formulada, implementada y evaluada por las siguientes instancias:

Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional CONASSAN, que es la instancia rectora nacional para la formulación, implementación y evaluación de la política de soberanía y seguridad alimentaria y nutricional

Comité Técnico de Seguridad Alimentaria y Nutricional COTESAN

Comisiones Departamentales y municipales de Soberanía y Seguridad Alimentaria y Nutricional miembros de los Consejos De Desarrollo Departamentales y Municipales

Arto. 8 La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional estará integrada de la siguiente manera:

El Presidente de la República, quien lo coordinará y presidirá o en su defecto a quien él delegue.

Un representante de cada uno de los ministerios siguientes: Agricultura y Forestal, del Ambiente y Recursos Naturales, Familia, Fomento, Industria y Comercio, Salud, Educación, Cultura y Deportes y la Empresa Nacional de Acueductos y Alcantarillados, la igual que la Secretaría de Acción Social.

Un delegado por los Organismos No Gubernamentales que trabajen el tema de la soberanía y seguridad alimentaria y nutricional.

Un delegado por cada organización de productores que así lo soliciten

Un delegado por cada Asociaciones u Organización de Consumidores que así lo soliciten.

Un delegado de las instituciones de desarrollo tecnológico como las universidades y las instituciones de desarrollo agropecuario.

Arto. 9 De las Comisiones Municipales de Soberanía y Seguridad Alimentaria Nutricional

Las Comisiones Municipales estarán integradas por redes locales que se conformarán con los actores sociales del sector productor de alimentos, Gobiernos Locales y los Delegados Ministeriales que ejecuten programas y proyectos en el área de salud, educación, medio ambiente y programas de desarrollo agrícola en cada uno de los municipios del país, priorizando aquellos caracterizados por su situación de pobreza, hambre y desnutrición en correspondencia con la estructura y conformación de la CONASSAN.

Arto. 10 Los Gobiernos Municipales, de acuerdo a sus posibilidades, destinarán recursos priorizados de sus presupuestos para la implementación de la política de Soberanía y Seguridad Alimentaria y Nutricional en su localidad.

Arto. 11 De las Comisiones Regionales de Soberanía y Seguridad Alimentaria y Nutricional.

Las comisiones de las Regiones Autónomas del Atlántico estarán integradas por un delegado de las siguientes instituciones: Gobierno Regional, Consejo Regional, Gobiernos Locales y los Delegados Ministeriales que ejecuten programas y proyectos en el área de salud, educación, medio ambiente y programas de desarrollo agrícola y de los productores de la región.

Arto. 12 Son funciones de la Comisión de Soberanía y Seguridad Alimentaria y Nutricional.

Promover y coordinar la formulación de la política de soberanía y seguridad alimentaria y nutricional y su plan de acción.

Vigilar las condiciones alimentarias y nutricionales del país y proponer medidas ante situaciones de emergencia que pongan en riesgo la soberanía y seguridad alimentaria y nutricional de los y las nicaragüenses.

Gestionar los recursos necesarios para la implementación de esta ley estableciendo en el Presupuesto de la República los rubros necesarios para cada uno de los ministerios que integran la Comisión de Soberanía y Seguridad Alimentaria y que ejecutará el programa de soberanía y seguridad alimentaria, así como los fondos externos que deben destinarse de preferencia a los sectores sociales en condiciones de pobreza o pobreza extrema, sin olvidar a otros sectores a fin de evitar que esas condiciones se reproduzcan y lleven a mayor marginalidad.

Fortalecer la relación intersectorial, planificación, programación, ejecución, seguimiento y evaluación del plan nacional de desarrollo económico social sus programas y proyectos.

Nombrar al Comité Técnico Especializado

Presentar informe anual al Presidente de la República.

Divulgar el desarrollo, avance y resultado de la política de soberanía y seguridad alimentaria y nutricional.

Arto. 13 Para el cumplimiento de estas funciones, se establecen como principales fuentes de recursos:

Recursos priorizados del Presupuesto General de la República para implementar la política de soberanía y seguridad alimentaria y nutricional de acuerdo a las necesidades y requerimientos de la CONASSAN.

Asignar recursos priorizados de la cooperación de organismos internacionales asociados al sector de la producción y distribución de alimentos, de acuerdo a las necesidades y requerimientos de la CONASSAN.

CAPITULO VI

Del Fondo Nacional de Alimentos

Arto. 14 Créase el Fondo Nacional Permanente de Alimentos, con fondos priorizados del gobierno central y de los fondos provenientes de la cooperación internacional, los que serán utilizados para mantener reserva de alimentos con calidad adecuada para resolver emergencias producidas por desastres naturales o cualquier otro tipo de emergencia que atañe a la problemática alimentaria.

Arto. 15 La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional promoverá a la Empresa Nicaragüense de Granos Básicos (ENABAS), como instrumento técnico y de reserva, que permita al Gobierno de Nicaragua el cumplimiento de medidas de seguridad alimentaria y nutricional, tanto en el ámbito municipal, regional y nacional.

Arto. 16 La presente ley entrará en vigencia a partir de su publicación en La Gaceta, Diario Oficial de la República.

Dado en la ciudad de Managua, sala de sesiones de la Asamblea Nacional a los _____ días del mes de _____ del año dos mil _____.

Presidente Primer Secretario

Asamblea Nacional Asamblea Nacional

Appendix P

GISSAN Draft SSAN Law (2006)

LEY DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

TITULO I

CAPÍTULO UNICO

DISPOSICIONES GENERALES

Artículo 1. Objeto de la Ley.- La presente Ley es de orden público y de interés social, tiene por objeto garantizar el derecho de todas/os los nicaragüenses de contar con los alimentos suficientes, inocuos y nutritivos acorde a sus necesidades vitales y que estos sean accesibles física, económica, social y culturalmente de forma oportuna y permanentemente asegurando la disponibilidad, la estabilidad y suficiencia de los mismos a través del desarrollo y rectoría por parte del Estado de políticas públicas vinculadas a la Soberanía y Seguridad Alimentaria y Nutricional, para su implementación.

Arto. 2.- Definiciones Básicas

Para efectos de la presente Ley y una mejor comprensión de la misma, se establecen los conceptos básicos siguientes:

1.- SOBERANIA ALIMENTARIA: Es el derecho de los pueblos a definir sus propias políticas y estrategias sustentables de producción, distribución y consumo de alimentos que garanticen el derecho a la alimentación para toda la población, con base en la pequeña y mediana producción, respetando sus propias culturas y la diversidad de los modos campesinos, pesqueros e indígenas de producción agropecuaria, de comercialización y de gestión de los espacios rurales, en los cuales la mujer desempeña un papel fundamental. La soberanía alimentaria garantiza la Seguridad Alimentaria y Nutricional.

2.- SEGURIDAD ALIMENTARIA Y NUTRICIONAL: "La Seguridad Alimentaria y Nutricional se refiere al estado de **disponibilidad y estabilidad** en el suministro de alimentos (culturalmente aceptables), de tal forma que todas las personas todos los días de manera oportuna gocen del **acceso** y puedan **consumir** los mismos en cantidad y calidad libre de contaminantes y tengan acceso a otros servicios (saneamiento, salud y educación) que aseguren el bienestar nutricional y le permita hacer una buena **utilización biológica** de los alimentos para alcanzar su desarrollo, sin que ello signifique un deterioro del ecosistema".

3.- POLITICA DE SEGURIDAD ALIMENTARIA Y NUTRICIONAL: Es la política que el Estado asume estableciendo los principios rectores los lineamientos generales que orientan las acciones de las diferentes Instituciones, sectores involucrados, organizaciones de la sociedad civil y empresa privada que desarrollan actividades para promocionar la Seguridad Alimentaria y Nutricional con enfoque integral, dentro del marco de las estrategias de reducción de pobreza que se definan y de las políticas globales, sectoriales y regionales, en coherencia con la realidad nacional.

4.- CONASSAN : Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional . Es el conjunto de personas encargadas por la Ley, para velar por la soberanía y seguridad alimentaria y nutricional de manera permanente y presidida por el presidente de la República de Nicaragua.

5.- COTESSAN : Comité Técnico de Soberanía y Seguridad Alimentaria y Nutricional. Es el órgano compuesto por representantes técnicos de los miembros de la comisión, encargado de manera permanente de brindar recomendaciones técnicas a la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional.

6.- SOCIEDAD CIVIL: es un concepto amplio, que engloba a todas las organizaciones y asociaciones que existen fuera del Estado. Incluye los grupos de interés, los grupos de incidencia, sindicatos, asociaciones de profesionales, gremios de productoras / es, asociaciones étnicas, de mujeres y jóvenes, organizaciones religiosas, estudiantiles, culturales, grupos y asociaciones comunitarias y clubes.

7.- PARTICIPACION CIUDADANA: Es el proceso de involucramiento participación de actores sociales en forma individual o colectiva, con el objeto y finalidad de incidir y participar en la toma de decisiones, gestión y diseño de las políticas públicas en los diferentes niveles y modalidades de la administración del territorio nacional y las instituciones públicas con el propósito de lograr un desarrollo humano sostenible, en corresponsabilidad con el Estado.

Arto 3 Son Principios de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

a. **Disponibilidad:** Por virtud de este principio el Estado promoverá que existan los recursos necesarios en el país para garantizar de manera permanente la estabilidad de la oferta de alimentos en cantidad y calidad suficientes, que permita satisfacer las necesidades de alimentación y nutrición de la población.

b. **Equidad y acceso:** Por virtud de este principio los programas económicos y sociales de las instituciones de Gobierno promoverán el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que permitan obtener recursos para producir, acceder y/o disponer de alimentos. Así mismo propiciar medidas para que en especial las mujeres productoras de alimentos accedan a los recursos técnicos y financieros así como a bienes y servicios disponibles.

c. **Consumo:** Por virtud de este principio el Estado promueve la ingesta de alimentos sanos e inoctrinos que se precisan en cantidad y calidad necesaria para que las personas tengan una alimentación adecuada y saludable.

d. **Utilización Biológica:** Por virtud de este principio el Estado promoverá alcanzar el máximo aprovechamiento que da el organismo de las personas a los nutrientes contenidos en los alimentos que consume, el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.

e. **Participación:** La presente Ley de Soberanía y Seguridad Alimentaria y Nutricional, se basa en la participación articulada de las instituciones de gobierno encargadas del desarrollo de las políticas agrícolas, pecuaria, pesquera, forestal, de salud y nutrición, educativas y agroindustriales, crediticias, técnicas y financieras, con el objetivo de armonizar desde sus entidades ministeriales las acciones y medidas de la política de seguridad alimentaria y nutricional, en conjunto con todos los sectores de la Sociedad Civil, Empresa Privada, Organismos de cooperación para la solución de las necesidades básicas de la población que viven por debajo de la línea de pobreza y que actualmente consumen menos de los 2250 kilos de calorías requeridas.

f. **Eficiencia:** La presente Ley incentiva la utilización de los recursos humanos y técnicos priorizando la generación de capacidades de producción y rendimiento productivo, de los pequeños y medianos productores, estabilidad en las políticas económicas que permita asegurar recursos financieros, implementando programas de desarrollo y que los servicios básicos brinden

mayor cobertura y calidad.

g. **No Discriminación:** La presente Ley contribuirá a que ningún grupo o persona sea discriminada por edad, sexo, etnia, credo religioso, político o discapacidad, al acceso de los recursos o, goce de los derechos humanos de los hombres y mujeres en especial el derecho a producir, obtener, disponer y acceder a alimentos nutritivos suficientes.

h. **Solidaridad.** Por virtud de este principio el Estado debe fomentar el desarrollo de políticas públicas y privadas que contribuyan a las transformación de mentalidades y actitudes individuales así como las relaciones existentes en la sociedad nicaragüense de desigualdad social, aumentando las posibilidades de vida y de futuro de todas las personas menos favorecidas socialmente. Las acciones encaminadas a la soberanía y seguridad alimentaria y nutricional deben priorizar la dignidad de las y los nicaragüenses.

i. **Transparencia.** Las actuaciones y acciones de los funcionarios responsables de la que ejecución de la Política de Soberanía y Seguridad Alimentaria y Nutricional, deben estar basadas en información y métodos objetivos, contarán con mecanismo de monitoreo y evaluación permanente, fomentando la transparencia en el gasto público, auditoría social asociados a un mejor acceso a los documentos en las áreas que competen a la opinión pública.

j. **Tutelaridad.** Por mandato constitucional, el Estado de Nicaragua debe velar por la seguridad alimentaria y nutricional de la población, haciendo prevalecer la soberanía alimentaria y la preeminencia del bien común sobre el particular.

k. **Equidad.** El Estado debe generar las condiciones para que la población sin distinción de género, etnia, edad, nivel socio económico, y lugar de residencia, tenga acceso seguro y oportuno a alimentos sanos, inocuos y nutritivos, priorizando acciones a favor de los sectores de más bajos recursos económicos.

l. **Integralidad.** Las Políticas deben tener carácter integral, incluyendo los aspectos de disponibilidad, acceso físico, económico, social, consumo y aprovechamiento biológico de los alimentos. Todo en el marco de lo que establece la Constitución Política de la República de Nicaragua, las leyes y las políticas públicas.

m. **Sostenibilidad.** La Soberanía y Seguridad Alimentaria y Nutricional se basa en un conjunto de factores de carácter sostenible, adoptando y fomentando el uso de mejoras tecnológicas, capacitación, educación en el manejo eficiente de las mismas articuladas entre el crecimiento económico con modelos productivos adecuados, al bienestar social y cultural, la diversidad biológica, y la mejora de la calidad de vida, protegiendo los recursos naturales, reconociendo que hay que satisfacer las necesidades presentes, respetando los derechos de las generaciones futuras.

La sostenibilidad se garantiza, además, mediante las normas, políticas públicas e instituciones necesarias dotadas de los recursos financieros, técnicos y humanos necesarios, en su defecto se establece medidas precautorias.

n. **Descentralización.** El Estado traslada de acuerdo a su competencia, capacidades de decisión, formulación y manejo de recursos a los gobiernos locales. Estableciendo que los programas nacionales en materia de Soberanía y seguridad alimentaria y nutricional se ejecuten desde los gobiernos locales articulados con sus iniciativas territoriales con la participación ciudadana sustentada en la Ley 475 (Ley de Participación Ciudadana, Gaceta- 241 del 19-12-2003

o. **Participación ciudadana.** El estado promueve y garantiza la participación de los ciudadanos de conformidad con la Ley 475 (Ley de Participación Ciudadana, Gaceta 241 del 19-12-2003) y con todas aquellas disposiciones que favorezcan amplia y positivamente la incorporación de los ciudadanos en el ejercicio de las decisiones públicas.

Titulo II

CAPÍTULO I

De los Objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional.

Arto. 4 Son objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

- a. Propiciar las condiciones que incidan en el mejoramiento de la producción interna de alimentos para facilitar la disponibilidad a la población nicaragüense, impulsando programas de corto, mediano y largo plazo que mejoren los niveles de producción y productividad de alimentos que armonice las políticas sectoriales a cargo de las distintas instituciones, y la promoción de la pequeña y mediana producción nacional frente a la introducción de productos por políticas de libre mercado.
- b. Aliviar la pobreza, el hambre, la marginación, el abandono y la exclusión de la población que sufre inseguridad alimentaria y nutricional, mejorando las condiciones para acceder a un empleo, a los recursos productivos, tierra, agua, crédito, entre otros.
- c. Facilitar el acceso permanente de las personas a los alimentos inocuos y culturalmente aceptables, para una alimentación nutricionalmente adecuada en cantidad y calidad.
- d. Establecer una educación basada en la aplicación de prácticas saludables de alimentación sana y nutritiva, recreación y cuidado del medio ambiente.
- e. Disminuir los índices de deficiencia de micro - nutrientes y la desnutrición proteínica-energética en los niños menores de cinco años.
- f. Garantizar la calidad del control higiénico sanitario y nutricional de los alimentos.
- g. Ordenar y coordinar los esfuerzos que realizan tanto las instituciones estatales dentro de las asignaciones presupuestarias, como las instituciones privadas nacionales e internacionales hacia la soberanía y seguridad alimentaria y nutricional.

Capítulo II

Fomento de la Soberanía y Seguridad Alimentaria y Nutricional

Arto. 5 Los Componentes de la Ley de **Soberanía y Seguridad Alimentaria y Nutricional** son los siguientes: disponibilidad, acceso, consumo y utilización biológica de los alimentos, para el desarrollo de los mismos, se definen los siguientes lineamientos a seguir por El Estado:

1. Promover proyectos de producción de alimentos de origen agrícola, ganadero mayor y menor, piscícola, acuícola, así como la producción artesanal y uso de semilla criolla mejorada de granos básicos dando prioridad a aquellos que fomentan la economía familiar.
2. Mantener libre de aranceles la importación de maquinarias, equipos, insumos utilizados directamente en la producción agropecuaria a los pequeños y medianos productores organizados en cooperativas.
3. Promover procesos para acelerar la legalización de tierras al pequeño productor o productora, a las comunidades indígenas y facilitar el acceso a la tierra a la mujer campesina, como titular de la misma de forma individual o mancomunada.
4. Priorizar la demanda de créditos para la producción campesina, estableciendo fondos para este fin, manejados desde los gobiernos locales beneficiando a los pequeños y medianos productores, campesinos e indígenas estableciendo prioridad a la mujer.
5. Fortalecer la capacidad técnica de pequeños y medianos productores y productoras para ello establecer programas que permitan la generación, transparencia y divulgación tecnológica para mejorar e incentivar el incremento en la productividad y producción de alimentos.
6. Promover y apoyar las organizaciones gremiales de productoras y productores agropecuarios.
7. Solicitar y recibir donaciones de alimentos en correspondencia con los patrones de consumo del país, solamente en circunstancias de emergencias, observándose para ello las disposiciones vigentes en materia de donaciones establecidas en la Ley de Equidad Fiscal.
8. Establecer un control estricto que permita la entrada al país de alimentos inocuos para

el consumo, no permitiendo recibir ayuda alimentaria que contenga materiales genéticamente modificados.

9. Mantener reservas de alimentos para auxiliar a la población afectada en casos de desastres naturales y/o emergencias de cualquier tipo, que atañen a la problemática alimentaria, teniendo la posibilidad de dar asistencia alimentaria o bien ser un agente que regule los precios cuando los niveles de especulación a consecuencia de escasez de productos o por cualquier otro motivo, así lo requiera.

10. Promover la participación de los y las productoras en la comercialización de productos, acortando la cadena de inter-mediación entre productores productoras, y consumidores y consumidoras.

11. Promover la mejora de las condiciones de infraestructura comercial de los alimentos entre otros: vías de comunicación y acopios hasta centros focalizados de comercialización.

12. Incorporar el programa de seguridad alimentaria y nutricional dentro de la red de estrategias de combate a la pobreza.

13. Promover la justa seguridad de los alimentos en el seno familiar y la paternidad responsable, protegiendo a las madres e hijos abandonados.

14. Fortalecer y ampliar los programas de alimentación complementaria dirigida a la población vulnerable y grupos de riesgos (la niñez menor de cinco años, mujeres embarazadas y en el período de lactancia y adultas/os de la tercera edad).

15. Fortalecer el sistema de vigilancia y control de las enfermedades transmitidas por alimentos (ETA's), manteniendo una campaña permanente de inocuidad de los alimentos.

16. Promover la Lactancia Materna conforme lo dispone la Ley y normas técnicas emitidas por el MINSA y el código internacional de sucedáneos de la leche materna.

17. Fortalecer el programa de prevención y control de deficiencias de micro-nutrientes.

18. Promover la investigación y la fortificación de los alimentos de consumo popular con micro-nutrientes.

19. Fortalecer y ampliar el sistema de vigilancia epidemiológica establecido por el gobierno, incorporando contenidos de alimentación y nutrición.

20. Aumentar la cobertura con calidad de los servicios básicos de agua, luz, educación y depósitos de sólidos de acuerdo a las prioridades en los territorios no atendidos.

CAPITULO III

De la Implementación de la Ley de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 6 Para poner en práctica los objetivos, principios y lineamientos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional se implementará una estrategia, que se fundamente en estudios de factibilidad, planificación y con un diseño que establezca las medidas para su implementación, seguimiento y evaluación. Son base para la estrategia:

FORTALECIMIENTO INSTITUCIONAL: El Estado debe garantizar a las Instituciones relacionadas con la Soberanía y Seguridad Alimentaria y Nutricional la disposición de recursos necesarios (humanos, físicos y financieros) que les permita incorporar en sus planes de desarrollo, los programas y proyectos para operativizar la presente política.

1. COORDINACIÓN INTERSECTORIAL.

a. Es responsabilidad del Estado elaborar y orientar planes y programas de acciones de corto, mediano y largo plazo para la ejecución de la política de soberanía y seguridad alimentaria y nutricional, fomentando una continua coordinación entre las instituciones (agricultura, salud, educación, medio ambiente economía, trabajo.) y todos los sectores de la sociedad civil y organizaciones de la empresa privada y organismos no gubernamentales, ordenando prioridades sobre la base de la

disponibilidad de recursos.

b. Garantizar condiciones para que el sector privado genere empleos productivos y permanentes para mejorar los niveles de ingresos y las condiciones de la población nicaragüense.

2. REORIENTACIÓN DEL FINANCIAMIENTO.

a. Crear mecanismos que faciliten al pequeño y mediano productor y productora el acceso al financiamiento con bajos intereses para la producción de alimentos, así como su participación en el proceso de comercialización y dar valor agregado a los mismos.

b. Crear mecanismos para Fondos de Garantía en los municipios para pequeños productores, productoras y familias urbanas que no posean bienes para ofrecerlos en garantía, como un mecanismo de facilitación del acceso al crédito.

3. PROMOCIÓN DE LA SALUD Y ESTILOS DE VIDA SALUDABLE.

a. Es responsabilidad del Estado fortalecer la coordinación y articulación interinstitucional que permita ampliar la cobertura y calidad de la prestación de servicios básicos, salud, educación, agua y saneamiento ambiental como prioridades para el desarrollo social y el mejoramiento del nivel de la población.

4. DESCENTRALIZACIÓN.

a. Garantizar y Velar por la continuidad de la descentralización del gobierno promoviendo la participación de los gobiernos locales los que deben constituirse en la estructura principal para asegurar a la población el acceso a los servicios públicos de manera más eficiente, focalizada y transparente que contribuya a mejorar la soberanía y seguridad alimentaria y nutricional.

5. EDUCACIÓN ALIMENTARIA Y NUTRICIONAL.

a. Garantizar el establecimiento de programas de educación sobre la temática de soberanía y seguridad alimentaria y nutricional, incorporándola como un componente esencial en las actividades desarrolladas por los distintos sectores de la vida nacional, tanto en el ámbito individual, comunitario, laboral , escolar con un enfoque familiar para influir en cambios de actitudes y hábitos alimentarios.

6. COMUNICACIÓN Y DIVULGACIÓN.

a. Elaborar e Impulsar programas de comunicación social, contando con la participación y el compromiso de los medios masivos de comunicación en la promoción de la política de seguridad alimentaria y nutricional, que garantice el conocimiento de la misma por parte de la población.

7. CONCERTACIÓN REGIONAL.

a. Apoyar e impulsar iniciativas regionales que en materia de soberanía y seguridad alimentaria y nutricional se impulsen en el contexto de la integración centroamericana.

Arto. 7 Para el cumplimiento del fomento e implementación, se establecen como principales fuentes de recursos:

Recursos priorizados del Presupuesto General de la República para implementar la política de soberanía y seguridad alimentaria y nutricional de acuerdo a las necesidades y requerimientos del organismo rector.

Asignar recursos priorizados de la cooperación de organismos internacionales asociados al sector de la producción y distribución de alimentos, a los proyectos de la estrategia de Reducción de Pobreza, de acuerdo a las necesidades y requerimientos del organismo rector.

TITULO III

DE LA ORGANIZACIÓN DEL SISTEMA NACIONAL DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

CAPITULO I

Organismos encargados de implementar la Política y Estrategia de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 8. Órganos. El Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional está integrado por los siguientes órganos:

- a. CONASSAN; Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional
- b. SESSAN; Secretaría de Soberanía y Seguridad Alimentaria y Nutricional de la Presidencia de la República.
- c. COTESSAN; Comité Técnico de la Soberanía y Seguridad Alimentaria y Nutricional.
- d. COMISIONES REGIONALES
- e. COMISIONES MUNICIPALES

CAPÍTULO II

DE LA COMISION NACIONAL DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Arto.9 Creación. Se crea la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional -CONASSAN-, integrado por instancias de gobierno y de la sociedad civil nicaragüense, contando con el apoyo técnico y financiero del Presupuesto General de la República y de la cooperación internacional.

Arto.10 La Naturaleza. La CONASSAN, es la instancia rectora nacional para la formulación, aprobación, implementación, seguimiento y evaluación de las políticas y planes de soberanía y seguridad alimentaria y nutricional.

Arto. 11.- Objetivos. El objetivo fundamental de la CONASSAN es establecer y mantener, en el contexto de la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, un marco institucional estratégico de organización y coordinación para priorizar, jerarquizar, armonizar, y tomar decisiones en materia de SSAN, sus objetivos principales:

- a. Impulsar acciones encaminadas a la erradicación del hambre, la desnutrición y reducción de enfermedades carenciales, fortaleciendo las condiciones que contribuyan a que toda la población acceda a oportunidades de desarrollo humano digno;
- b. Diseñar e implementar acciones eficaces y oportunas de disponibilidad de productos básicos de la alimentación y asistencia alimentaria a los grupos de población que padecen desnutrición, complementadas con programas de desarrollo comunitario y seguridad alimentaria y nutricional;
- c. Impulsar los objetivos de la Política Nacional de SSAN del Estado Nicaragüense en los planes estratégicos, programas y proyectos sectoriales orientados al desarrollo socioeconómico del país.
- d. Impulsar programas complementarios a la política y plan de SSAN para eliminar el hambre y la desnutrición.

Arto.12.- Son funciones de la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional.

1. Promover y coordinar la formulación de la política de soberanía y seguridad alimentaria y nutricional y su plan de acción.
2. Gestionar los recursos necesarios para la implementación de esta Ley en el Presupuesto de la República los rubros necesarios para cada uno de los ministerios que integran la Comisión de Soberanía y Seguridad Alimentaria y que ejecutará el programa de soberanía y seguridad alimentaria, así como los fondos externos que deben destinarse de preferencia a los sectores sociales en condiciones vulnerables de pobreza o pobreza extrema, sin olvidar a otros sectores a fin de evitar que esas condiciones se reproduzcan y lleven a mayor marginalidad.
3. Fortalecer la relación y coordinación intersectorial, planificación, programación, ejecución, seguimiento y evaluación del plan nacional de desarrollo económico social sus programas y proyectos que favorezcan la SSAN.
4. Nombrar al Comité Técnico de Soberanía y Seguridad Alimentaria y Nutricional. (COTESSAN)
5. Divulgar el desarrollo, avance y resultado de la política y plan de soberanía y seguridad alimentaria y nutricional.

Arto.13 Estructura La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional estará integrada de la siguiente manera:

El Presidente de la República, quien lo coordinará y presidirá o en su defecto a quien él delegue.

Nivel de coordinación y planificación técnica, constituido por la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional de la Presidencia de la República.

Un representante de cada uno de los ministerios siguientes: Agricultura y Forestal, del Ambiente y Recursos Naturales, Familia, Fomento, Industria y Comercio, Salud, Educación, Cultura y Deportes y la Empresa Nacional de Acueductos y Alcantarillados, MTI, MITRAB.

Delegados de las organizaciones de la sociedad civil que trabajen el tema de la soberanía y seguridad alimentaria y nutricional, electos por ellos mismos, en la misma proporción de participación que las instancias de gobierno.

Un delegado por cada organización de productores que así lo soliciten

Un delegado por cada Asociaciones u Organización de Consumidores que así lo soliciten.

Un delegado de las instituciones de desarrollo tecnológico cómo las universidades y las instituciones de desarrollo agropecuario.

Arto. 14. Responsabilidad de delegados. Los delegados de cada institución u organización que integran el sistema, deberán contar con la delegación de autoridad institucional para asumir compromisos ante la CONASSAN. Cada integrante de la CONASSAN será responsable del cumplimiento de las directrices y acuerdos emanados del CONASSAN en la institución u organización que representa.

Arto. 15 Del COTESSAN. Consejo Técnico de la Soberanía de Seguridad Alimentaria y Nutricional.

Este órgano es de carácter intersectorial. Sus miembros son nombrados por la CONASSAN a propuesta de los miembros respectivos, integrantes de ésta Comisión. Tendrá las siguientes atribuciones:

- a. Apoyar a la SESSAN en la elaboración de la Política de Soberanía y Seguridad Alimentaria y Nutricional.

Contribuir con la SESSAN en la elaboración y seguimientos de los planes intersectoriales de la Soberanía y Seguridad Alimentaria y Nutricional.

Arto. 16 De las Comisiones Regionales de Soberanía y Seguridad Alimentaria y Nutricional.

Las comisiones de las Regiones Autónomas del Atlántico estarán integradas por un delegado de las siguientes instituciones: Gobierno Regional el señor gobernador la preside, Consejo Regional, Gobiernos Locales y los Delegados Ministeriales que ejecuten programas y proyectos en el área de salud, educación, medio ambiente y programas de desarrollo agrícola y de los productores de la región.

Arto. 17 De las Comisiones Municipales de Soberanía y Seguridad Alimentaria Nutricional

Las Comisiones Municipales estarán integradas de la manera siguiente: Gobiernos Locales el señor Alcalde la preside, por redes locales que se conformarán con los actores sociales del sector productor de alimentos y los Delegados Ministeriales que ejecuten programas y proyectos en el área de salud, educación, medio ambiente y programas de desarrollo agrícola en cada uno de los municipios del país, priorizando aquellos caracterizados por su situación de pobreza, hambre y desnutrición en correspondencia con la estructura y conformación de la CONASSAN.

Arto. 18 Los Gobiernos Municipales, de acuerdo a sus posibilidades, destinarán recursos priorizados de sus presupuestos para la implementación de la política de Soberanía y Seguridad Alimentaria y Nutricional en su localidad.

CAPÍTULO III

DE LA SECRETARÍA DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL DE LA PRESIDENCIA DE LA REPÚBLICA

Arto. 19. Creación. Se crea la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional de la Presidencia de la República -SESSAN-, con las atribuciones adelante mencionadas.

Arto. 20. Naturaleza. La SESSAN es el ente ejecutor de las decisiones y tendrá la responsabilidad de la coordinación operativa interministerial del Plan Estratégico de SSSAN, así como de la articulación de los programas y proyectos de las distintas instituciones nacionales e internacionales vinculados con la Seguridad Alimentaria y Nutricional del país.

Arto. 21. Estructura. La SESSAN para el desarrollo de sus áreas de trabajo, podrá desarrollar la estructura administrativa y operativa que le demanden esas funciones. Dicha estructura deberá contemplarse en el reglamento de la presente Ley, quedando integrada en su fase inicial así:

- a. El Secretario de Seguridad Alimentaria y Nutricional;
- b. El personal técnico y equipo que le permita dar cumplimiento a sus áreas de trabajo;

c. Técnicos superiores de las instituciones del Estado representadas en la CONASSAN,

quienes serán puntos de enlace;

d. Técnicos de la instancia de consulta y participación social y del grupo de instituciones de apoyo, cuando les sea requerido por la SESSAN.

Arto..22 Atribuciones. La SESSAN será la encargada de establecer los procedimientos de planificación técnica y coordinación entre las instituciones del Estado, la sociedad nicaragüense, las organizaciones no gubernamentales y las agencias de cooperación internacional vinculadas con la seguridad alimentaria y nutricional, en los diferentes niveles del país (nacional, departamental, municipal y comunitario).

La SESSAN coordinará la formulación del Plan Estratégico Nacional de SSAN, lo propondrá a la CONASSAN; asimismo coordinará la actualización, ejecución, seguimiento y evaluación, apoyará a las instancias ejecutoras en la planificación y programación de los planes sectoriales estratégicos y operativos con acciones priorizadas de acuerdo a la Política Nacional de SSAN; asimismo, someterá a consideración ante la CONASSAN los ajustes pertinentes.

La SESSAN será responsable de las acciones siguientes:

- a. Presentar a la CONASSAN, para su aprobación, el proyecto de Política Nacional de Seguridad Alimentaria y Nutricional;
- b. Presentar a la CONASSAN, para su aprobación, el proyecto de Plan Estratégico de Seguridad Alimentaria y Nutricional;
- c. Proponer a la CONASSAN la definición de políticas u otros aspectos legales que sean complementarios y necesarios para la implementación de la Política Nacional de SSSAN;
- d. Coordinar la implementación de los instrumentos de la Política Nacional de SSSAN en forma programática y coherente con las políticas que se relacionen;
- e. Realizar todas las acciones pertinentes para alcanzar el logro de los objetivos de la CONASSAN;
- f. Diseñar, implementar y operar el Sistema de Información Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante SSSAN, como un instrumento que permita el monitoreo y evaluación de la situación de la Soberanía y Seguridad Alimentaria y Nutricional, el avance y los efectos de los planes y programas estratégicos, así como el Sistema de Alerta Temprana para identificar situaciones coyunturales de inseguridad alimentaria y nutricional;
- g. Difundir la Política Nacional de Seguridad Alimentaria y Nutricional y velar por su cumplimiento;
- h. Apoyar a las instituciones que lo soliciten en la gestión de los recursos financieros que demanden para desarrollar el Plan Estratégico de SSAN;
- i. Sensibilizar a las instituciones del sector público y privado, a los organismos internacionales y a la sociedad en general, sobre la magnitud y trascendencia del problema alimentario y nutricional;
- j. Identificar los grupos de población con alta vulnerabilidad a la inseguridad alimentaria, con el objeto de prevenir sus consecuencias, priorizar y ejecutar acciones;
- k. Desarrollar planes estratégicos y operativos para enfrentar problemas (de emergencias) graves de mala nutrición y hambre en poblaciones identificadas como de inseguridad alimentaria y nutricional, desarrollando la gestión que ello demande al interior de las instituciones de gobierno, sociedad civil y cooperación internacional;
- l. Coordinar con la Secretaría Técnica de la Presidencia de la República las solicitudes, ofrecimientos y donaciones que a través de convenios que se produzcan en políticas, planes y programas relacionados con la seguridad alimentaria y nutricional y el combate contra el hambre;
- m. Documentar y normar el uso de las donaciones que se reciban en relación a SSAN.
- n. Propiciar en los distintos sectores el enfoque intersectorial e integral de la SSAN y la acción coordinada entre las instancias gubernamentales, no gubernamentales y de la cooperación

internacional en aspectos de SSAN;

o. Propiciar la existencia y funcionamiento efectivo de canales y espacios de diálogo y comunicación, así como mecanismos de consulta y coordinación entre el Organismo Ejecutivo, la sociedad civil y la cooperación internacional, fomentando el estudio y análisis del problema alimentario nutricional y sus soluciones;

p. Vigilar las condiciones alimentarias y nutricionales del país y proponer medidas ante situaciones de emergencia que pongan en riesgo la soberanía y seguridad alimentaria y nutricional de los y las nicaragüenses.

q. Presentar informe mensual de actividades y un análisis de la situación de soberanía y seguridad alimentaria y nutricional al Presidente de la República.

r. Las demás atribuciones que sean inherentes a su naturaleza y objetivos, así como las que en su momento delegue la CONASSAN.

s. Creará una instancia de Consulta y Participación Social, para la generación de aportes técnicos, identificará e instrumentará acciones en temas relacionados con la SSAN cuando le sea requerido por la SESSAN. La naturaleza, integración, estructuración y funcionamiento de este grupo será determinada en el correspondiente reglamento de esta Ley.

t. Conformará un grupo de instituciones de apoyo conformado por instituciones de gobierno no integradas dentro de la CONASSAN y de los organismos de la cooperación internacional que puedan brindar soporte técnico, financiero y operativo cuando les sea requerido por la SESSAN, para lo cual los titulares superiores de las instituciones formalizarán su apoyo mediante convenios de cooperación o coordinación que se acuerden.

CAPÍTULO IV

DEL SECRETARIO DE SEGURIDAD ALIMENTARIA Y NUTRICIONAL DE LA PRESIDENCIA DE LA REPÚBLICA

Arto. 23. Funcionamiento. Para el funcionamiento de la SESSAN, el Secretario de Seguridad Alimentaria y Nutricional está encargado de:

a. Actuar como Secretario de la CONASSAN;

b. Velar por la realización de las funciones de la SESSAN;

c. Apoyar el establecimiento de mecanismos de transparencia y auditoría social en el manejo de fondos para la SSAN;

d. Realizar todas las acciones pertinentes para alcanzar el logro de los objetivos de la CONASSAN, de la política y planes de Seguridad Alimentaria y Nutricional;

e. Representar al Organismo Ejecutivo por designación Presidencial de la República, ante instancias internacionales vinculadas en materia de Seguridad Alimentaria y Nutricional;

f. Representar a la CONASSAN ante el Gabinete General, el Gabinete Social y el Gabinete de Desarrollo Rural del Organismo Ejecutivo;

g. Otras que específicamente le determine el Presidente de la República.

Arto. 24. Requisitos. Para ser Secretario de Seguridad Alimentaria y Nutricional de la Presidencia de la República se requieren los mismos requisitos y calidades que para ser Ministro, debiendo tener conocimiento de la realidad nacional, compromiso social y experiencia técnica y científica probada en Seguridad Alimentaria y Nutricional. Lo nombra el Presidente de la República a través de Decreto Presidencial

CAPÍTULO V

DE LAS CORRESPONSABILIDADES INSTITUCIONALES

Arto. 25. Disponibilidad de alimentos. En el ámbito sectorial, corresponde al Ministerio de Agricultura, Ganadería y Forestal, en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones que contribuyan a la disponibilidad alimentaria de la población, ya sea por producción local o vía importaciones, en forma oportuna, permanente e inocua.

Arto. 26. Acceso a los alimentos. En el ámbito sectorial, corresponde al Ministerio de Agricultura, Ganadería y Forestal, Ministerio de Economía, Ministerio de Trabajo, Ministerio de Transporte e Infraestructura en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones tendientes a contribuir al acceso físico (modernización y mejoras de infraestructuras), económico y social a los alimentos de la población de forma estable.

Arto. 27. Consumo de alimentos. En el ámbito sectorial, corresponde al Ministerio de Salud , al Ministerio de Educación y al Ministerio de Economía en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones para desarrollar capacidades en la población para decidir adecuadamente sobre la selección, conservación, preparación y consumo de alimentos.

Arto. 28. Utilización biológica de los alimentos. En el ámbito sectorial, corresponde al Ministerio de Salud en coordinación con el MECD y otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones que permitan a la población mantener las condiciones adecuadas de salud e higiene ambiental así como una correcta educación alimentaria y nutricional que favorezcan el máximo aprovechamiento de los nutrientes que contienen los alimentos que consume.

Arto. 29. Prevención y Tratamiento de la desnutrición. En el ámbito sectorial, corresponde al Ministerio de la Familia, Ministerio de Educación y el Ministerio de Salud , en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones que permitan fortalecer y actualizar de forma continua los recursos humanos institucionales y de otras instancias sobre el diagnóstico, tratamiento, recuperación y rehabilitación del desnutrido.

Arto. 30. Información, monitoreo y evaluación de la SSAN. En el ámbito sectorial, corresponde a la SESSAN, en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, diseñar, montar y operar el sistema de información y vigilancia de la SSAN, con el apoyo de la cooperación internacional.

Arto.31. Descentralización. En los ámbitos departamental, municipal y comunitario, los Consejos de Desarrollo Urbano y Rural conformarán comisiones específicas de SSAN para impulsar el cumplimiento de los objetivos de la Política SSAN y del Plan Estratégico, con sus respectivos programas, proyectos y actividades, en coordinación con la SESSAN.

CAPÍTULO VI

ALCANCES

Arto.32. Observancia. Esta Ley es de observancia general en el territorio nacional, con acciones específicas de prioridad en las poblaciones definidas como vulnerables a la inseguridad alimentaria y nutricional.

Arto.33. Delegación de responsabilidades. Esta Ley le permite a la Comisión Nacional de Seguridad Alimentaria y Nutricional -CONASSAN- adjudicar responsabilidades específicas a sus integrantes y, con base en esas responsabilidades y compromisos, evaluar los logros y resultados para encauzar la obtención de los objetivos propuestos en el Plan Estratégico Nacional y los planes operativos.

CAPÍTULO VII

DISPOSICIONES FINALES

Arto.34. Asignación específica. Cada una de las instituciones gubernamentales que forman parte de la CONASSAN, contemplarán en la planificación de su presupuesto ordinario, la asignación de recursos para la ejecución de programas, proyectos y actividades que se operativicen en la política, con sus respectivos planes estratégicos.

Arto.35. Asignación presupuestaria específica. El Ministerio de Hacienda y Crédito Público a través de la Dirección Técnica del Presupuesto, debe incluir en el Presupuesto General de Ingresos y Egresos del Estado para cada Ejercicio Fiscal, la asignación suficiente y necesaria específicamente para programas y proyectos de Seguridad Alimentaria y Nutricional de la población en pobreza y pobreza extrema, de acuerdo a lo que no debe interpretarse como el techo presupuestario asignado a las actividades de seguridad alimentaria y nutricional. Estos recursos financieros serán destinados a los ministerios e instituciones que la CONASSAN defina de acuerdo a las responsabilidades sectoriales e institucionales que el Plan Estratégico establezca.

Arto.36. Asignación presupuestaria anual. El Ministerio de Hacienda y Crédito Público, tomando en cuenta la disponibilidad de recursos y espacios presupuestarios, contemplará dentro del Presupuesto General de Ingresos y Egresos del Estado para cada año, la asignación financiera que demande la implementación de la CONASSAN en su conjunto, el cual será formulado por la SESSAN por los conductos pertinentes.

Arto.37. Reglamento. La presente Ley será reglamentada por el Presidente de la República.

Arto. 38. Vigencia. La presente Ley entrará en vigencia a partir de su publicación en la Gaceta, Diario Oficial.

Dado en la Sala de Sesiones de la Asamblea Nacional, a los _____ del mes de _____ del año dos mil seis.

Appendix Q

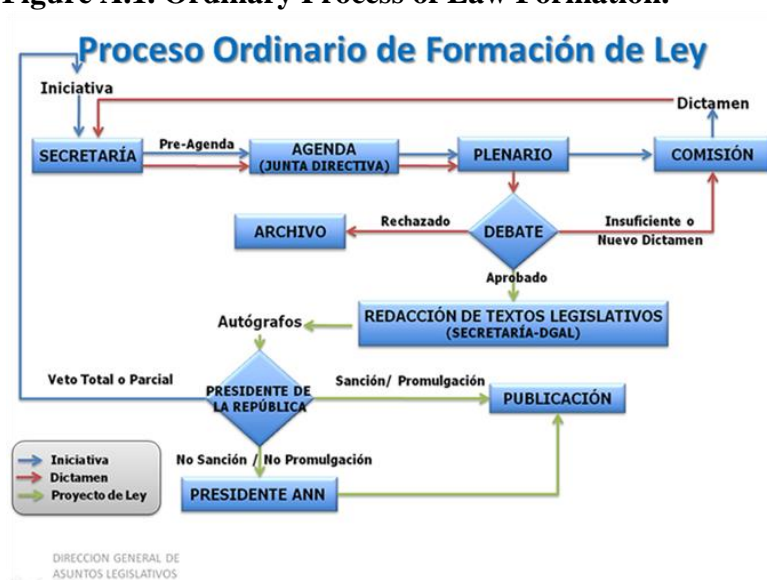
Summary of the Legislative Process, National Assembly, Republic of Nicaragua

Law 606, The Organic Law of Legislative Power, approved on December 5, 2006, outlines the legislative framework of Nicaragua and the duties and responsibilities of members of the legislative branch. It includes information regarding the process by which policy proposals are introduced to form laws. Figure 1 summarizes this process.

Proposals for policy are introduced as *iniciativas* (initiatives) to the Secretary of the *Asamblea Nacional* (National Assembly), who is also the Secretary of the *Junta Directiva* (Executive Board) of the National Assembly, a seven member group of representatives consisting of one *presidente* (president), three *vicepresidentes* (vice-presidents), and three *secretaries* (secretaries). The Secretary is vested with the task of receiving proposals for bills, decrees, resolutions, and declarations and making sure that these proposals meet the criteria of the law and those that meet the criteria are assigned a special code and then send a copy of an *carta introductoria* (introductory letter) to the members of the Executive Board within 24 hours (Asamblea Nacional 2006, 23). The Executive Board is then charged with approving the agenda for plenary sessions of the National Assembly. At this point, the proposal is then either debated in the *plenario* (plenary) or a *comisión* (committee) is created. If a commission is created, the proposal is sent to the commission, which issues a *dictamen* (official opinion) on the proposal, and this funneled back through the Secretary and Executive Board before it is reintroduced to debate in a plenary session of the National Assembly. Once a bill advances to the stage of *debate* (debate) in the National Assembly, it becomes *dictamen* and one of three actions is taken by the plenary: the opinion is *rechazado* (rejected) and becomes *archive*

(archived); the opinion is deemed *insuficiente* (insufficient) and/or passed back to a commission for reformulation, thus becoming a *nueva dictamen* (new official opinion), from which it is then funneled back through the Secretary and Executive Board before it is re-introduced for debate; or the opinion is approved. Opinions that are approved by the National Assembly are drafted into law and sent to the President of the Republic of Nicaragua to be signed into law.

Figure A.1. Ordinary Process of Law Formation.¹



¹ Available at http://www.asamblea.gob.ni/index.php?option=com_wrapper&view=wrapper&Itemid=322 (accessed 18 December 2013).

Appendix R

National Assembly *Dictamen*, Proyecto de Ley de Soberanía y Seguridad Alimentaria y Nutricional (5 October 2006)



M.Sc. Wálmaro Gutiérrez Mercado
 Presidente
 COMISIÓN ESPECIAL DE SEGUIMIENTO
 A LA ESTRATEGIA DE REDUCCIÓN
 DE LA POBREZA
 ASAMBLEA NACIONAL

Managua, 05 de Octubre 2006

Diputada
 María Auxiliadora Alemán Z.
 Primera Secretaria
 Asamblea Nacional
 Su Despacho



Estimado Diputada Alemán :

Tengo a bien dirigirme a Usted, para dar cumplimiento a la resolución de la Junta Directiva de este Poder del Estado 006-2005-punto 6, del 01 de Febrero del 2005, donde según mandato le corresponde a la Comisión Especial de Seguimiento a la Estrategia de Reducción de Pobreza, dictaminar el Proyecto de Ley de Seguridad Alimentaria y Nutricional.

Por lo antes expuesto tengo a bien remitirle el Dictamen Favorable de la "Ley de Soberanía y Seguridad Alimentaria y Nutricional", que técnica y jurídicamente ha dictaminado esta Comisión, solicitando de la manera más atenta la inclusión del dictamen en la Agenda Parlamentaria, con la urgencia que amerita el caso.

Sin más a que hacer referencia, aprovecho la ocasión para reiterarle mis más altas muestras de consideración y respeto.

Atentamente,

Cc: Archivo



Piso 11 del antiguo Edificio del Banco de América
 Telefax: 228 4060 ♦ Extensión 214 ♦ E-mail: pobreza@correo.asamblea.gob.ni

Managua, 05 de Octubre, 2006

DICTAMEN

Ingeniero
René Núñez Téllez
Presidente en Funciones
Asamblea Nacional
Su Despacho

La Comisión Especial de Seguimiento a la Estrategia de Reducción de la Pobreza, en base al mandato de la Junta Directiva 006-2005, procede a dictaminar El Proyecto de Ley de Soberanía y Seguridad Alimentaria y Nutricional bajo los siguientes criterios que a continuación expone:

I. FUNDAMENTOS JURÍDICOS.

En el ordenamiento jurídico constitucional del país, el derecho de Seguridad Alimentaria y Nutricional está establecido como un derecho fundamental de los nicaragüense –Arto. 63Cn-.

En la actualidad no existe una ley ordinaria específica que desarrolle dicho precepto constitucional, pues existen disposiciones estatutarias como acuerdos y tratados internacionales suscritos por Nicaragua, así como legislación ordinaria con algunas regulaciones dispersa y sin armonía jurídica sobre seguridad alimentaria y nutricional.

Los Acuerdos internacionales suscritos por Nicaragua en materia de Seguridad Alimentaria Nicaragua, son los siguientes:

1. Declaración de los Derechos Humanos 1948 arto.25,
2. Pacto Internacional de Derechos Económicos,
3. Sociales y Culturales 1966 arto.11;
4. Cumbre Mundial de la Alimentación (1996, 2002),
5. Regionales (Plan Puebla Panamá 2001) relacionadas con la Seguridad Alimentaria.

Nicaragua al ser parte de estos Tratados y Acuerdos reconoce la obligación de respetar, proteger e integrar en nuestra legislación interna los derechos en ellos reconocidos, incluido el derecho a una alimentación adecuada.

También la Cumbre del Milenio tiene entre sus objetivos; “*Erradicar la extrema pobreza y el hambre*”, cuyas metas son: 1) Reducir a la mitad, entre 1990 y 2015, la proporción de personas cuyo ingreso es menor a un dólar diario. 2) Reducir a la mitad, entre 1990 y 2015, la proporción de personas que padecen hambre.

La Legislación ordinaria del país relacionada con Seguridad Alimentaria y Nutricional, son las siguientes :

1. Ley No. 295, Ley de Promoción, Protección y Mantenimiento de la Lactancia Materna y Regulación de la Comercialización de Sucedáneos de la Leche Materna. Publicada en La Gaceta No. 122 del 28 de Junio de 1999.

Establece las medidas necesarias para proteger, promover y mantener la lactancia natural que ayude al mejoramiento del estado **nutricional** de los lactantes, asegurando el uso adecuado de los sucedáneos de la leche materna, sobre la base de una información apropiada y las modalidades del comercio y distribución, además incluye la regulación de la comercialización de los biberones y disponibilidad de los productos relacionados y a la información sobre su utilización –Arto. 2-.

Creó la comisión Nacional de Lactancia Materna como entidad administrativa adscrita al Ministerio de salud, conformada por nueve miembros, cuatro de ellos ministerios y tres institutos del Estado, dos de órganos no gubernamentales. La Comisión tiene como objetivo servir de órganos de consulta, apoyo, coordinación interinstitucional, foro de discusión multidisciplinario para la promoción y mantenimiento de la lactancia materna. Es la encargada de planificar, regular, controlar la promoción, protección y mantenimiento de la lactancia materna; así como normar y cautelar el apropiado uso y consumo de los sucedáneos de la leche materna y de los alimentos complementarios –Arto. 4 y 7-.

2. **Ley no. 423, Ley General de Salud**, Publicado en La Gaceta No. 91 del 17 de Mayo del 2002.

Es Competencia y Atribución del Ministerio de Salud; Implementar la política de seguridad Alimentaria nutricional de la población y las medidas necesarias para complementar la dieta con micro nutriente, cuando sea procedente, de acuerdo con las normas nacionales e internacionales - numeral 26 Arto. 7-.

El Ministerio de Salud dictará las medidas y realizará las actividades que sean necesarias para promover una buena alimentación, así mismo ejecutará acciones para prevenir la desnutrición y las deficiencias específicas de micro nutrientes de la población en general, especialmente de la niñez, de las mujeres embarazadas y del adulto mayor -Arto. 17-.

Se creo el Consejo Nacional de Salud y sus delegaciones en el nivel local como órgano encargado de asesoría y consulta, adscrito al despacho del Ministro de Salud, con carácter permanente y constituido por representantes del sector público y privado con representación e interacción multisectorial y pluralista de la sociedad civil y con la finalidad de contribuir en la definición de las actividades estratégicas que realice el Ministerio de Salud –Arto. 10 -.

3. Decreto Presidencial No. 40-2000, **Creador de la Comisión Nacional de Seguridad Alimentaria y Nutricional**, publicada en La Gaceta, Diario Oficial No. 92 del 17-05-2000.

Este fue reformado por Decreto Presidencial No. 65-2000. **Reforma al Decreto Creador de la Comisión Nacional de Seguridad Alimentaria y Nutricional**. Publicado en La Gaceta, Diario Oficial No. 169 del 06 de septiembre del 2000. Reforma los Artos. 1, 3, 4 y 6 Inc. 2, 4, y 6.

4. Norma Técnica de Azúcar Fortificada con Vitamina “A”, Gaceta No. 134 del 16-07-2001.

5. Norma Técnica Obligatoria Nicaragua Norma Sanitaria para la Sal Fortificada con Yodo. Gaceta No. 134 del 16-07-.
6. Norma Técnica de Harina de trigo fortificada con hierro y otros micronutrientes.
7. Acuerdo Inter.-Ministerial para la fortificación del azúcar con vitamina A.
8. Norma Técnica de Requisitos Básicos para la Inocuidad de Productos y Sub Productos de Origen Vegetal. Publicada en La Gaceta, Diario Oficial No. 161 del 27-08-2002.
9. Política Nacional de Seguridad Alimentaria y Nutricional de octubre de 2001.
10. Plan de Acción de la Política Nacional de Seguridad Alimentaria y Nutricional de noviembre de 2001.

La competencia del Estado en la Seguridad Alimentaria y Nutricional, esta distribuida en los diferentes ministerios desde dos perspectivas; la sanidad en materia Alimentaria, higiene, salud y la seguridad alimentaria en el apoyo a la productividad de los alimentos, mediante el desarrollo a los sectores agropecuarios, no agropecuarios, promoción al crédito para estos sectores, así como la distribución de las tierras, todo ello establecidos en la Ley No. 290 y otras disposiciones, tal como se puede observar a continuación.

1. **Ministerio de Fomento, Industria y Comercio –MIFIC-** tiene las funciones entre otras –Arto. 22-:
 - e) **Impulsar la productividad**, eficiencia y competitividad de cadenas y enjambres intersectoriales, la industria y otros sectores no agropecuarios, apoyándose en el desarrollo, transferencia de la tecnología y la capacitación gerencial con énfasis en la pequeña y mediana empresa.
2. Ministerio Agropecuario y Forestal –MAGFOR- tiene las funciones entre otras –Arto. 24-:

- f) Formular políticas, planes y estrategias de desarrollo agropecuario y forestal.
- g) Identificar y priorizar la demanda de crédito y asistencia tecnológica de las actividades agropecuarias y forestales.
- h) Formular y proponer la política de distribución, propiedad y uso de las tierras rurales del Estado.
- i) Formular y dirigir los planes de sanidad animal y vegetal.

El Instituto Nicaragüense de Tecnología Agropecuaria –INTA- ente descentralizado del MAGFOR. Su función principal es la promoción de la producción agropecuaria.

3. Ministerio de Salud tiene las funciones entre otras –Arto.26-:

- Formular normas, supervisar y controlar la ejecución de las disposiciones sanitarias en materia Alimentaria, de higiene y salud ambiental.
- Controlar la sanidad de la producción de alimentos y su comercialización, incluyendo el control sanitario de aguas gaseosas y agua para el consumo humano.

Todas estas regulaciones reflejan la necesidad de esta ley de seguridad alimentaria y nutricional, ante una desregulación específica sobre la materia y las normativas dispersas, sectorizadas, sin articulación de funciones específicas a una entidad del Estado que garantice el derecho social de los nicaragüenses de estar protegidos contra el hambre.

II. IMPORTANCIA Y NECESIDAD DE LA LEY.

La importancia de la Ley estriba en que las acciones que se han desarrollado en materia alimentaria nutricional han sido de manera dispersas por la falta de implementación de Políticas y Planes que tengan respaldo estatal y no solo de gobiernos.

En la década de los años 80, con el gobierno de turno tenía políticas alimentarias y nutricional que tenía distintos niveles: atención a la producción de granos básicos, reservas alimentaria (ENABAS), abastecimiento y precios favorables de los alimentos para la población en general y apoyo a la industria alimentaria.

Existe una política oficializada por el Gobierno de turno en el 2001, pero que no tiene carácter de política de Estado, a pesar que el Estado es suscriptor de acuerdos Internacionales sobre esta materia. Han sido la sociedad civil, los organismos no gubernamentales y de la Cooperación Internacional los de mayor preocupación en insistir en contar con un marco legal más firme sobre Soberanía y Seguridad Alimentaria y Nutricional.

Después de los años 80, solamente existe un intento de armonizar los esfuerzos sobre la materia durante el Gobierno del Presidente Arnoldo Alemán, con la oficialización de la Política Nacional de Seguridad Alimentaria y Nutricional y posteriormente el Plan de Acción de la Política. A la vez se intento estatuir a través de decretos la conformación de la Comisión Nacional de Seguridad Alimentaria y Nutricional pero lo hizo a través del Decreto Presidencial y cuando se hace por Decreto Presidencial es una política de Gobierno pero no de Estado y la Soberanía y Seguridad Alimentaria debe ser una Política de Estado, es por eso que cobra vital importancia esta iniciativa que hasta la fecha se ha hecho vía Decreto Presidencial, que ahora venga por vía de Ley de forma tal que la Seguridad Alimentaria y Nutricional ya no este a los vaivenes de los Gobiernos de turno por ejemplo, el Ingeniero Enrique Bolaños como vicepresidente oficializó la política pero al llegar al Gobierno le dio la espalda al no implementarla. Por lo que ahora vamos a contar con una Ley de Soberanía y Seguridad Alimentaria y Nutricional que es prácticamente las líneas generales que sobre este tema debe cumplir o acatar cualquier Gobierno que llegue a Administrar públicamente este país.

Por virtud de la aprobación de esta Ley, por Ministerio de la misma pasa de ser una Política de Gobierno para convertirse en una Política de Estado, y por tanto al ser de orden público y de interés social es de obligatorio e ineludible cumplimiento, por lo que el Gobierno electo para el período Presidencial correspondiente deberá aplicarlo en

el Presupuesto General de la República y ejecutarse en las Estrategias Ministeriales correspondientes.

Este proyecto de Ley, es una respuesta a la necesidad de regulación específica que desarrolle y articule de manera armónica esta materia, por que en Nicaragua no se cuenta con una regulación ordinaria específica que desarrolle lo establecido en la Constitución Política, los Acuerdos y Tratados Internacionales suscritos por el Estado nicaragüense y por virtud de aprobación de esta LEY DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL, pasara ha ser una política de Estado, con fuerza jurídica que la convierte de orden público e interés social y de obligatorio e ineludible cumplimiento para los Gobernantes de turno.

En Nicaragua las políticas estructuradas y consignadas en la estrategia de Reducción de Pobreza, no han logrado sus propósitos y han fallado en su enfoque, porque la tasa de pobreza es de al menos **2.3 millones de personas pobres el 45%**, que esta por debajo de la línea de pobreza.

Según datos de la CEPAL, el 64% de la población a nivel nacional es pobre y de estos el 46.6% es indigente. En el ámbito rural el 77% viven en pobreza y el 57.5% es indigente. Uno de cada 3 niños tiene algún nivel de desnutrición crónica, de los cuales, el 9 % sufre de desnutrición severa. La pobreza incide en la inaccesibilidad a alimentos básicos, ya sea porque no se dispone de recursos para producirlos, o bien, porque no se cuenta con dinero para comprarlos.

Las desnutrición crónica alcanza al 23 % de la niñez menor de cinco años. El censo de talla (2004) de los escolares de primer grado que oscilan entre los 6 y 9 año reflejan una desnutrición crónica del 27,21 % de los niñez. El Gobierno se había comprometido en la Cumbre del Milenio, objetivo 1 a reducir al 16 % este indicador no obstante la tendencia es creciente.

A nivel de educación en el Gobierno de Bolaños más de 800 mil niños se quedaron fuera del sistema educativo, agravado que a los estudiantes actuales, el

mismo gobierno les suspendió el Vaso de Leche y la Galleta de Proteína que beneficiaba a las clases más desposeídas.

La mayoría de la Población Económicamente Activa se encuentra en el desempleo, según datos estadísticos oficiales del Gobierno indican que están por el orden del 34% la tasa de desempleo, sin embargo esto es poco creíble por que según organismos sociales como sindicatos, organismos no gubernamentales y organismos sectoriales profesionales indican que superan el 60% y la capacidad de ingresos per capita por persona anualmente es de U\$294.76 dólares de los Estados Unidos de América –U\$0.80 Dólares por días-, en ambos casos esto representa un problema para los nicaragüenses, por que no se garantiza para la sociedad la Seguridad Alimentaria y Nutricional.

Que es un derecho de las y los nicaragüenses acceder a una alimentación que satisfaga las necesidades nutricionales y sociales de las personas, condición fundamental para el logro que permite su desarrollo integral y el de la sociedad en su conjunto, por lo que es necesario mejorar las condiciones que permitan superar la inseguridad Alimentaria y Nutricional en que se encuentra la población nicaragüense, ya que las mismas representan un serio obstáculo para el desarrollo social y económico del país, especialmente en los grupos vulnerables del sector rural, urbana y la población indígena.

Las raíces de la inseguridad Alimentaria y Nutricional de la población nicaragüense son complejas y guardan relación con todos los campos de acción del desarrollo (económico, político, ambiental y social), por lo que es necesario buscar soluciones con enfoque integral y multicultural, que valoren y enriquezcan los patrones de consumo y las prácticas productivas con participación multisectorial y multidisciplinaria, siendo el Estado que le compete la responsabilidad de organización, planificación y dirección de este tema.

La política monetaria no esta orientada al financiamiento de los pequeños y medianos productores que son la mayoría que sostienen el desarrollo de la economía en el país y el Estado por precepto constitucional esta obligado a apoyar estos sectores. La banca privada, actualmente sin competencia estatal, ha reducido en 30 puntos

porcentuales la cantidad de crédito asignado a la producción agropecuaria. En 1994 era de 34% y en el 2003 apenas llegaba a un 4%.

La economía campesina e indígena de pequeños y medianos productores (representan 169 500 productores) debe considerarse como un sector de vital crecimiento y no como un sector estancado y conflictivo para la sociedad; requiere de políticas que permitan el acceso a recursos y conocimientos para alcanzar el desarrollo agropecuario, forestal, pesquero y acuícola que a su vez sirvan de estímulo a la actividad agrícola nacional sustentable y sostenible a fin de garantizar la seguridad Alimentaria y Nutricional de la población.

En la actualidad el proceso de concentración de las riquezas es acelerado, con esto se abre la brecha de desigualdad e injusticia social, por que por ejemplo las dos terceras partes de la población asalariada tienen sus ingresos estancados.

No se visualiza la coherencia entre las políticas de producción con la distribución de alimentos, no hay coherencia entre el salario mínimo y el costo real de la canasta Alimentaria, no existe vinculación entre el INTA, IDR Y MAGFOR, para que los tres asuman las decisiones políticas sobre la producción nacional de alimentos.

Con el desarrollo de los mercados transnacionales a través de los tratados internacionales, estos llevan a la sociedad al consumismo y el país no cuenta con ninguna estrategia de fomentar la soberanía Alimentaria de consumir lo que nosotros producimos y con esta ley se establecerá una serie de mecanismos, lineamientos y acciones de Estado que garantice la soberanía de seguridad Alimentaria y Nutricional.

Además esta demostrado que nuestro país es vulnerable ante desastres naturales, lo que nos obliga a estar preparados para atender situaciones de escasez en alimentos para la población.

La Seguridad Alimentaria que la ley pretende establecer es que los pueblos gocen del derecho a que se les defina sus propias políticas y estrategias sustentables de producción, distribución y consumo de alimentos que garanticen el derecho a la

alimentación para toda la población, con base en la pequeña y mediana producción, respetando sus propias culturas y la diversidad de los modos campesinos, pesqueros e indígenas de producción agropecuaria, de comercialización y de gestión de los espacios rurales, en los cuales la mujer desempeña un papel fundamental. La Soberanía Alimentaria Garantiza la Seguridad Alimentaria y Nutricional, y

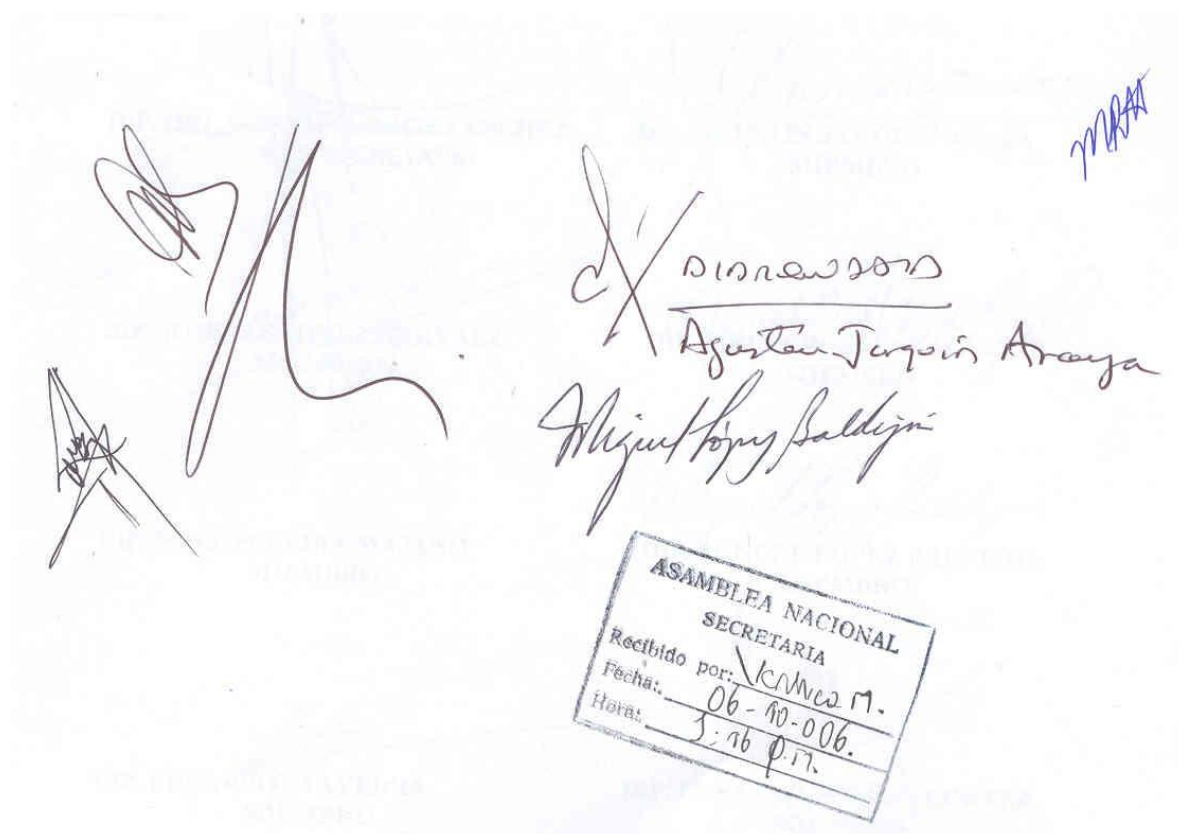
Con la “La Seguridad Alimentaria y Nutricional, el Estado deberá garantizar la *disponibilidad y estabilidad* en el suministro de alimentos (culturalmente aceptables), de tal forma que todas las personas todos los días de manera oportuna gocen del *acceso* y puedan *consumir* los mismos en cantidad y calidad libre de contaminantes y tengan acceso a otros servicios (saneamiento, salud y educación) que aseguren el bienestar nutricional y le permita hacer una buena *utilización biológica* de los alimentos para alcanzar su desarrollo, sin que ello signifique un deterioro del ecosistema”.

El presente proyecto de ley esta estructurado en títulos y de los mismos se derivan capítulos, desarrollados en treinta y ocho artículos, cuyo contenido es el siguiente:

- ♦ **TITULO I:** CAPÍTULO UNICO. DISPOSICIONES GENERALES. En el se desarrolla el objeto de la ley, definiciones básicas y principios de la mismas.
- ♦ **Titulo II.** Desarrollado en tres capítulos sobre los siguientes aspectos; Capítulo I. Objetivos; Capítulo II, Del Fomento de la Soberanía y Seguridad Alimentaria y Nutricional; Capítulo III, Implementación, Seguimiento y Evaluación.
- ♦ **Titulo III.** Desarrollado en siete capítulos sobre los siguientes aspectos; capítulo I De la organización del Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional; capítulo II De la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional; capítulo III De la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional; capítulo IV Del Secretario de Seguridad Alimentaria y Nutricional; capítulo V De las corresponsabilidades

Institucionales; capítulo VI Alcances; capítulo VII Disposiciones Finales.

Es criterio de los miembros de esta Comisión Parlamentaria que las consideraciones antes descritas reflejan la necesidad de la aprobación de este proyecto de ley, así mismo se comprueba que no se opone a la Constitución Política de la República de Nicaragua, a las Leyes Constitucionales o Tratados Internacionales suscritos y ratificados por Nicaragua, sino todo lo contrario viene a cumplir las disposiciones de todas estas, por tal razón presenta DICTAMEN FAVORABLE del Proyecto de Ley de Soberanía y Seguridad Alimentaria y Nutricional y solicita al Plenario su aprobación en lo General y en lo Particular.



The image shows a document with several handwritten signatures and a stamp. On the left, there are two large, stylized signatures. To the right, there is a signature that reads "Disenso" with a large 'X' over it, followed by "Agustín Turpin Araya" and "Miguel Ángel Baldizón". In the bottom right corner, there is a rectangular stamp from the "ASAMBLEA NACIONAL SECRETARIA". The stamp contains the following text: "Recibido por: K. M. M.", "Fecha: 06-10-06.", and "Hora: 5:16 p.m.". There is also a small, illegible signature in the top right corner of the stamp area.

**COMISION DE SEGUIMIENTO A LA ESTRATEGIA
DE REDUCCION DE LA POBREZA**

DIP. WALMARO GUTIERREZ MERCADO
PRESIDENTE

DIP. NATHAN SEVILLA GOMEZ
1ER. VICEPRESIDENTE

DIP. FELICITA ZELEDON RODRIGUEZ
2DO. VICEPRESIDENTE

DIP. MARIA HAYDEE OSUNA
1ER. SECRETARIO

DIP. ORLANDO MAYORGA SANCHEZ
2DO. SECRETARIO

DIP. AGUSTIN JARQUIN ANAYA
MIEMBRO

DIP. JOSE MARTINEZ NARVAEZ
MIEMBRO

DIP. MIRNA ROSALES AGUILAR
MIEMBRO

DIP. NOEL PEREIRA MAJANO
MIEMBRO

DIP. MIGUEL LOPEZ BALDIZON
MIEMBRO

DIP. EDUARDO SAAVEDRA
MIEMBRO

DIP. GUSTAVO PORRAS CORTEZ
MIEMBRO

LA ASAMBLEA NACIONAL DE LA REPÚBLICA DE NICARAGUA

En usos de sus facultades:

Ha Dictado

La Siguiente:

Ley No. _____

LEY DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

TITULO I CAPÍTULO UNICO DISPOSICIONES GENERALES

Artículo 1. Objeto de la Ley.- La presente Ley es de orden público y de interés social, tiene por objeto garantizar el derecho de todas/os los nicaragüenses de contar con los alimentos suficientes, inocuos y nutritivos acorde a sus necesidades vitales y que estos sean accesibles física, económica, social y culturalmente de forma oportuna y permanentemente asegurando la disponibilidad, la estabilidad y suficiencia de los mismos a través del desarrollo y rectoría por parte del Estado de políticas públicas vinculadas a la Soberanía y Seguridad Alimentaria y Nutricional, para su implementación.

Arto. 2.- Definiciones Básicas

Para efectos de la presente Ley y una mejor comprensión de la misma, se establecen los conceptos básicos siguientes:

1.- SOBERANIA ALIMENTARIA: Es el derecho de los pueblos a definir sus propias políticas y estrategias sustentables de producción, distribución y consumo de alimentos que garanticen el derecho a la alimentación para toda la población, con base en la pequeña y mediana producción, respetando sus propias culturas y la diversidad de los modos campesinos, pesqueros e indígenas de producción agropecuaria, de comercialización y de gestión de los espacios rurales, en los cuales la mujer desempeña un papel fundamental. La soberanía alimentaria garantiza la Seguridad Alimentaria y Nutricional.

2.- SEGURIDAD ALIMENTARIA Y NUTRICIONAL: “La Seguridad Alimentaria y Nutricional se refiere al estado de **disponibilidad y estabilidad** en el suministro de alimentos (culturalmente aceptables), de tal forma que todas las personas todos los días de manera oportuna gocen del **acceso** y puedan **consumir** los mismos en cantidad y calidad libre de contaminantes y tengan acceso a otros servicios (saneamiento, salud y educación) que aseguren el bienestar nutricional y le permita hacer una buena

utilización biológica de los alimentos para alcanzar su desarrollo, sin que ello signifique un deterioro del ecosistema”.

3.- POLITICA DE SEGURIDAD ALIMENTARIA Y NUTRICIONAL: Es la política que el Estado asume estableciendo los principios rectores los lineamientos generales que orientan las acciones de las diferentes Instituciones, sectores involucrados, organizaciones de la sociedad civil y empresa privada que desarrollan actividades para promocionar la Seguridad Alimentaria y Nutricional con enfoque integral, dentro del marco de las estrategias de reducción de pobreza que se definan y de las políticas globales, sectoriales y regionales, en coherencia con la realidad nacional.

4.- CONASSAN : Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional . Es el conjunto de personas encargadas por la Ley, para velar por la soberanía y seguridad alimentaria y nutricional de manera permanente y presidida por el presidente de la República de Nicaragua.

5.- COTESSAN : Comité Técnico de Soberanía y Seguridad Alimentaria y Nutricional. Es el órgano compuesto por representantes técnicos de los miembros de la comisión, encargado de manera permanente de brindar recomendaciones técnicas a la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional.

6.- SOCIEDAD CIVIL: es un concepto amplio, que engloba a todas las organizaciones y asociaciones que existen fuera del Estado. Incluye los grupos de interés, los grupos de incidencia, sindicatos, asociaciones de profesionales, gremios de productoras / es, asociaciones étnicas, de mujeres y jóvenes, organizaciones religiosas, estudiantiles, culturales, grupos y asociaciones comunitarias y clubes.

7.- PARTICIPACION CIUDADANA: Es el proceso de involucramiento de actores sociales en forma individual o colectiva, con el objeto y finalidad de incidir y participar en la toma de decisiones, gestión y diseño de las políticas públicas en los diferentes niveles y modalidades de la administración del territorio nacional y las instituciones públicas con el propósito de lograr un desarrollo humano sostenible, en corresponsabilidad con el Estado.

Arto 3 Son Principios de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

- a) **Disponibilidad:** Por virtud de este principio el Estado promoverá que existan los recursos necesarios en el país para garantizar de manera permanente la estabilidad de la oferta de alimentos en cantidad y calidad suficientes, que permita satisfacer las necesidades de alimentación y nutrición de la población.
- b) **Equidad y acceso:** Por virtud de este principio los programas económicos y sociales de las instituciones de Gobierno promoverán el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que permitan obtener recursos para producir, acceder y/o disponer de alimentos. Así mismo propiciar medidas para que en especial las mujeres productoras de alimentos accedan a los recursos técnicos y financieros así como a bienes y servicios disponibles.

- c) **Consumo:** Por virtud de este principio el Estado promueve la ingesta de alimentos sanos e inocuos que se precisan en cantidad y calidad necesaria para que las personas tengan una alimentación adecuada y saludable.
- d) **Utilización Biológica:** Por virtud de este principio el Estado promoverá alcanzar el máximo aprovechamiento que da el organismo de las personas a los nutrientes contenidos en los alimentos que consume, el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.
- e) **Participación:** La presente Ley de Soberanía y Seguridad Alimentaria y Nutricional, se basa en la participación articulada de las instituciones de gobierno encargadas del desarrollo de las políticas agrícolas, pecuaria, pesquera, forestal, de salud y nutrición, educativas y agroindustriales, crediticias, técnicas y financieras, con el objetivo de armonizar desde sus entidades ministeriales las acciones y medidas de la política de seguridad alimentaria y nutricional, en conjunto con todos los sectores de la Sociedad Civil, Empresa Privada, Organismos de cooperación para la solución de las necesidades básicas de la población que viven por debajo de la línea de pobreza y que actualmente consumen menos de los 2250 kilos de calorías requeridas.
- f) **Eficiencia:** La presente Ley incentiva la utilización de los recursos humanos y técnicos priorizando la generación de capacidades de producción y rendimiento productivo, de los pequeños y medianos productores, estabilidad en las políticas económicas que permita asegurar recursos financieros, implementando programas de desarrollo y que los servicios básicos brinden mayor cobertura y calidad.
- g) **No Discriminación:** La presente Ley contribuirá a que ningún grupo o persona sea discriminada por edad, sexo, etnia, credo religioso, político o discapacidad, al acceso de los recursos o, goce de los derechos humanos de los hombres y mujeres en especial el derecho a producir, obtener, disponer y acceder a alimentos nutritivos suficientes.
- h) **Solidaridad.** Por virtud de este principio el Estado debe fomentar el desarrollo de políticas públicas y privadas que contribuyan a las transformación de mentalidades y actitudes individuales así como las relaciones existentes en la sociedad nicaragüense de desigualdad social, aumentando las posibilidades de vida y de futuro de todas las personas menos favorecidas socialmente. Las acciones encaminadas a la soberanía y seguridad alimentaria y nutricional deben priorizar la dignidad de las y los nicaragüenses.
- i) **Transparencia.** Las actuaciones y acciones de los funcionarios responsables de la que ejecución de la Política de Soberanía y Seguridad Alimentaria y Nutricional, deben estar basadas en información y métodos objetivos, contarán con mecanismo de monitoreo y evaluación permanente, fomentando la transparencia en el gasto público, auditoria social asociados a un mejor acceso a los documentos en las áreas que competen a la opinión pública.
- j) **Tutelaridad.** Por mandato constitucional, el Estado de Nicaragua debe velar por la seguridad alimentaria y nutricional de la población, haciendo prevalecer la soberanía alimentaria y la preeminencia del bien común sobre el particular.

- k) **Equidad.** El Estado debe generar las condiciones para que la población sin distinción de género, etnia, edad, nivel socio económico, y lugar de residencia, tenga acceso seguro y oportuno a alimentos sanos, inocuos y nutritivos, priorizando acciones a favor de los sectores de más bajos recursos económicos.
- l) **Integralidad.** Las Políticas deben tener carácter integral, incluyendo los aspectos de disponibilidad, acceso físico, económico, social, consumo y aprovechamiento biológico de los alimentos. Todo en el marco de lo que establece la Constitución Política de la República de Nicaragua, las leyes y las políticas públicas.
- m) **Sostenibilidad.** La Soberanía y Seguridad Alimentaria y Nutricional se basa en un conjunto de factores de carácter sostenible, adoptando y fomentando el uso de mejoras tecnológicas, capacitación, educación en el manejo eficiente de las mismas articuladas entre el crecimiento económico con modelos productivos adecuados, al bienestar social y cultural, la diversidad biológica, y la mejora de la calidad de vida, protegiendo los recursos naturales, reconociendo que hay que satisfacer las necesidades presentes, respetando los derechos de las generaciones futuras.
La sostenibilidad se garantiza, además, mediante las normas, políticas públicas e instituciones necesarias dotadas de los recursos financieros, técnicos y humanos necesarios, en su defecto se establece medidas precautorias.
- n) **Descentralización.** El Estado traslada de acuerdo a su competencia, capacidades de decisión, formulación y manejo de recursos a los gobiernos locales. Estableciendo que los programas nacionales en materia de Soberanía y seguridad alimentaria y nutricional se ejecuten desde los gobiernos locales articulados con sus iniciativas territoriales con la participación ciudadana sustentada en la Ley 475(Ley de Participación Ciudadana, Gaceta- 241 del 19-12-2003
- o) **Participación ciudadana.** El estado promueve y garantiza la participación de los ciudadanos de conformidad con la Ley 475 (Ley de Participación Ciudadana, Gaceta 241 del 19-12-2003) y con todas aquellas disposiciones que favorezcan amplia y positivamente la incorporación de los ciudadanos en el ejercicio de las decisiones públicas.

Título II

CAPÍTULO I

De los Objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional.

Arto. 4 Son objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

- a) Propiciar las condiciones que incidan en el mejoramiento de la producción interna de alimentos para facilitar la disponibilidad a la población nicaragüense, impulsando programas de corto, mediano y largo plazo que mejoren los niveles

de producción y productividad de alimentos que armonice las políticas sectoriales a cargo de las distintas instituciones, y la promoción de la pequeña y mediana producción nacional frente a la introducción de productos por políticas de libre mercado.

- b) Aliviar la pobreza, el hambre, la marginación, el abandono y la exclusión de la población que sufre inseguridad alimentaria y nutricional, mejorando las condiciones para acceder a un empleo, a los recursos productivos, tierra, agua, crédito, entre otros.
- c) Facilitar el acceso permanente de las personas a los alimentos inocuos y culturalmente aceptables, para una alimentación nutricionalmente adecuada en cantidad y calidad.
- d) Establecer una educación basada en la aplicación de prácticas saludables de alimentación sana y nutritiva, recreación y cuidado del medio ambiente.
- e) Disminuir los índices de deficiencia de micro - nutrientes y la desnutrición proteínica-energética en los niños menores de cinco años.
- f) Garantizar la calidad del control higiénico sanitario y nutricional de los alimentos.
- g) Ordenar y coordinar los esfuerzos que realizan tanto las instituciones estatales dentro de las asignaciones presupuestarias, como las instituciones privadas nacionales e internacionales hacia la soberanía y seguridad alimentaria y nutricional.

Capítulo II

Fomento de la Soberanía y Seguridad Alimentaria y Nutricional

Arto. 5 Los Componentes de la Ley de **Soberanía y Seguridad Alimentaria y Nutricional** son los siguientes: disponibilidad, acceso, consumo y utilización biológica de los alimentos, para el desarrollo de los mismos, se definen los siguientes lineamientos a seguir por El Estado:

1. Promover proyectos de producción de alimentos de origen agrícola, ganadero mayor y menor, piscícola, acuícola, así como la producción artesanal y uso de semilla criolla mejorada de granos básicos dando prioridad a aquellos que fomentan la economía familiar.
2. Mantener libre de aranceles la importación de maquinarias, equipos, insumos utilizados directamente en la producción agropecuaria a los pequeños y medianos productores organizados en cooperativas.
3. Promover procesos para acelerar la legalización de tierras al pequeño productor o productora, a las comunidades indígenas y facilitar el acceso a la tierra a la mujer campesina, como titular de la misma de forma individual o mancomunada.

4. Priorizar la demanda de créditos para la producción campesina, estableciendo fondos para este fin, manejados desde los gobiernos locales beneficiando a los pequeños y medianos productores, campesinos e indígenas estableciendo prioridad a la mujer.
5. Fortalecer la capacidad técnica de pequeños y medianos productores y productoras para ello establecer programas que permitan la generación, transparencia y divulgación tecnológica para mejorar e incentivar el incremento en la productividad y producción de alimentos.
6. Promover y apoyar las organizaciones gremiales de productoras y productores agropecuarios.
7. Solicitar y recibir donaciones de alimentos en correspondencia con los patrones de consumo del país, solamente en circunstancias de emergencias, observándose para ello las disposiciones vigentes en materia de donaciones establecidas en la Ley de Equidad Fiscal.
8. Establecer un control estricto que permita la entrada al país de alimentos inocuos para el consumo, no permitiendo recibir ayuda alimentaria que contenga materiales genéticamente modificados.
9. Mantener reservas de alimentos para auxiliar a la población afectada en casos de desastres naturales y/o emergencias de cualquier tipo, que atañen a la problemática alimentaria, teniendo la posibilidad de dar asistencia alimentaria o bien ser un agente que regule los precios cuando los niveles de especulación a consecuencia de escasez de productos o por cualquier otro motivo, así lo requiera.
10. Promover la participación de los y las productoras en la comercialización de productos, acortando la cadena de inter-mediación entre productores productoras, y consumidores y consumidoras.
11. Promover la mejora de las condiciones de infraestructura comercial de los alimentos entre otros: vías de comunicación y acopios hasta centros focalizados de comercialización.
12. Incorporar el programa de seguridad alimentaria y nutricional dentro de la red de estrategias de combate a la pobreza.
13. Promover la justa seguridad de los alimentos en el seno familiar y la paternidad responsable, protegiendo a las madres e hijos abandonados.
14. Fortalecer y ampliar los programas de alimentación complementaria dirigida a la población vulnerable y grupos de riesgos (la niñez menor de cinco años, mujeres embarazadas y en el período de lactancia y adultas/os de la tercera edad).
15. Fortalecer el sistema de vigilancia y control de las enfermedades transmitidas por alimentos (ETA's), manteniendo una campaña permanente de inocuidad de los alimentos.

16. Promover la Lactancia Materna conforme lo dispone la Ley y normas técnicas emitidas por el MINSA y el código internacional de sucedáneos de la leche materna.
17. Fortalecer el programa de prevención y control de deficiencias de micro-nutrientes.
18. Promover la investigación y la fortificación de los alimentos de consumo popular con micro-nutrientes.
19. Fortalecer y ampliar el sistema de vigilancia epidemiológica establecido por el gobierno, incorporando contenidos de alimentación y nutrición.
20. Aumentar la cobertura con calidad de los servicios básicos de agua, luz, educación y depósitos de sólidos de acuerdo a las prioridades en los territorios no atendidos.

CAPITULO III

De la Implementación de la Ley de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 6 Para poner en práctica los objetivos, principios y lineamientos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional se implementará una estrategia, que se fundamente en estudios de factibilidad, planificación y con un diseño que establezca las medidas para su implementación, seguimiento y evaluación. Son base para la estrategia:

FORTALECIMIENTO INSTITUCIONAL: El Estado debe garantizar a las Instituciones relacionadas con la Soberanía y Seguridad Alimentaria y Nutricional la disposición de recursos necesarios (humanos, físicos y financieros) que les permita incorporar en sus planes de desarrollo, los programas y proyectos para operativizar la presente política.

1. COORDINACIÓN INTERSECTORIAL.

- a) Es responsabilidad del Estado elaborar y orientar planes y programas de acciones de corto, mediano y largo plazo para la ejecución de la política de soberanía y seguridad alimentaria y nutricional, fomentando una continua coordinación entre las instituciones (agricultura, salud, educación, medio ambiente economía, trabajo.) y todos los sectores de la sociedad civil y organizaciones de la empresa privada y organismos no gubernamentales, ordenando prioridades sobre la base de la disponibilidad de recursos.
- b) Garantizar condiciones para que el sector privado genere empleos productivos y permanentes para mejorar los niveles de ingresos y las condiciones de la población nicaragüense.

2. REORIENTACIÓN DEL FINANCIAMIENTO.

- a) Crear mecanismos que faciliten al pequeño y mediano productor y productora el acceso al financiamiento con bajos intereses para la producción de alimentos, así como su participación en el proceso de comercialización y dar valor agregado a los mismos.
- b) Crear mecanismos para Fondos de Garantía en los municipios para pequeños productores, productoras y familias urbanas que no posean bienes para ofrecerlos en garantía, como un mecanismo de facilitación del acceso al crédito.

3. PROMOCIÓN DE LA SALUD Y ESTILOS DE VIDA SALUDABLE.

- a) Es responsabilidad de el Estado fortalecer la coordinación y articulación interinstitucional que permita ampliar la cobertura y calidad de la prestación de servicios básicos, salud, educación, agua y saneamiento ambiental como prioridades para el desarrollo social y el mejoramiento del nivel de la población.

4. DESCENTRALIZACIÓN.

- a) Garantizar y Velar por la continuidad de la descentralización del gobierno promoviendo la participación de los gobiernos locales los que deben constituirse en la estructura principal para asegurar a la población el acceso a los servicios públicos de manera más eficiente, focalizada y transparente que contribuya a mejorar la soberanía y seguridad alimentaria y nutricional.

5. EDUCACIÓN ALIMENTARIA Y NUTRICIONAL.

- a) Garantizar el establecimiento de programas de educación sobre la temática de soberanía y seguridad alimentaria y nutricional, incorporándola como un componente esencial en las actividades desarrolladas por los distintos sectores de la vida nacional, tanto en el ámbito individual, , comunitario, laboral , escolar con un enfoque familiar para influir en cambios de actitudes y hábitos alimentarios.

6. COMUNICACIÓN Y DIVULGACIÓN.

- a) Elaborar e Impulsar programas de comunicación social, contando con la participación y el compromiso de los medios masivos de comunicación en la promoción de la política de seguridad alimentaría y nutricional, que garantice el conocimiento de la misma por parte de la población.

7. CONCERTACIÓN REGIONAL.

- a) Apoyar e impulsar iniciativas regionales que en materia de soberanía y seguridad alimentaria y nutricional se impulsen en el contexto de la integración centroamericana.

Arto. 7 Para el cumplimiento del fomento e implementación, se establecen como principales fuentes de recursos:

Recursos priorizados del Presupuesto General de la República para implementar la política de soberanía y seguridad alimentaria y nutricional de acuerdo a las necesidades y requerimientos del organismo rector.

Asignar recursos priorizados de la cooperación de organismos internacionales asociados al sector de la producción y distribución de alimentos, a los proyectos de la estrategia de Reducción de Pobreza, de acuerdo a las necesidades y requerimientos del organismo rector.

TITULO III

DE LA ORGANIZACIÓN DEL SISTEMA NACIONAL DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

CAPITULO I

Organismos encargados de implementar la Política y Estrategia de Soberanía y Seguridad Alimentaria y Nutricional

Arto. 8. Órganos. El Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional está integrado por los siguientes órganos:

- a) CONASSAN; Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional
- b) SESSAN; Secretaría de Soberanía y Seguridad Alimentaria y Nutricional de la Presidencia de la República.
- c) COTESSAN; Comité Técnico de la Soberanía y Seguridad Alimentaria y Nutricional.
- d) COMISIONES REGIONALES
- e) COMISIONES MUNICIPALES

CAPÍTULO II

DE LA COMISION NACIONAL DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Arto.9 Creación. Se crea la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional -CONASSAN-, integrado por instancias de gobierno y de la sociedad civil nicaragüense, contando con el apoyo técnico y financiero del Presupuesto General de la República y de la cooperación internacional.

Arto.10 La Naturaleza. La CONASSAN, es la instancia rectora nacional para la formulación, aprobación, implementación, seguimiento y evaluación de las políticas y planes de soberanía y seguridad alimentaria y nutricional.

Arto. 11.- Objetivos. El objetivo fundamental de la CONASSAN es establecer y mantener, en el contexto de la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, un marco institucional estratégico de organización y coordinación para priorizar, jerarquizar, armonizar, y tomar decisiones en materia de SSAN, sus objetivos principales:

- a) Impulsar acciones encaminadas a la erradicación del hambre, la desnutrición y reducción de enfermedades carenciales, fortaleciendo las condiciones que contribuyan a que toda la población acceda a oportunidades de desarrollo humano digno;
- b) Diseñar e implementar acciones eficaces y oportunas de disponibilidad de productos básicos de la alimentación y asistencia alimentaria a los grupos de población que padecen desnutrición, complementadas con programas de desarrollo comunitario y seguridad alimentaria y nutricional;
- c) Impulsar los objetivos de la Política Nacional de SSAN del Estado Nicaragüense en los planes estratégicos, programas y proyectos sectoriales orientados al desarrollo socioeconómico del país.
- d) Impulsar programas complementarios a la política y plan de SSAN para eliminar el hambre y la desnutrición.

Arto.12.- Son funciones de la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional.

- 1. Promover y coordinar la formulación de la política de soberanía y seguridad alimentaria y nutricional y su plan de acción.
- 2. Gestionar los recursos necesarios para la implementación de esta Ley en el Presupuesto de la República los rubros necesarios para cada uno de los ministerios que integran la Comisión de Soberanía y Seguridad Alimentaria y que ejecutará el programa de soberanía y seguridad alimentaria, así como los fondos externos que deben destinarse de preferencia a los sectores sociales en condiciones vulnerables de pobreza o pobreza extrema, sin olvidar a otros sectores a fin de evitar que esas condiciones se reproduzcan y lleven a mayor marginalidad.
- 3. Fortalecer la relación y coordinación intersectorial, planificación, programación, ejecución, seguimiento y evaluación del plan nacional de desarrollo económico social sus programas y proyectos que favorezcan la SSAN.
- 4. Nombrar al Comité Técnico de Soberanía y Seguridad Alimentaria y Nutricional. (COTESSAN)
- 5. Divulgar el desarrollo, avance y resultado de la política y plan de soberanía y seguridad alimentaria y nutricional.

Arto.13 Estructura La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional estará integrada de la siguiente manera:

El Presidente de la República, quien lo coordinará y presidirá o en su defecto a quien él delegue.

Nivel de coordinación y planificación técnica, constituido por la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional de la Presidencia de la República.

Un representante de cada uno de los ministerios siguientes: Agricultura y Forestal, del Ambiente y Recursos Naturales, Familia, Fomento, Industria y Comercio, Salud, Educación, Cultura y Deportes y la Empresa Nacional de Acueductos y Alcantarillados, MTI, MITRAB.

Delegados de las organizaciones de la sociedad civil que trabajen el tema de la soberanía y seguridad alimentaria y nutricional, electos por ellos mismos, en la misma proporción de participación que las instancias de gobierno.

Un delegado por cada organización de productores que así lo soliciten

Un delegado por cada Asociaciones u Organización de Consumidores que así lo soliciten.

Un delegado de las instituciones de desarrollo tecnológico como las universidades y las instituciones de desarrollo agropecuario.

Arto. 14. Responsabilidad de delegados. Los delegados de cada institución u organización que integran el sistema, deberán contar con la delegación de autoridad institucional para asumir compromisos ante la CONASSAN. Cada integrante de la CONASSAN será responsable del cumplimiento de las directrices y acuerdos emanados del CONASSAN en la institución u organización que representa.

Arto. 15 Del COTESSAN. Consejo Técnico de la Soberanía de Seguridad Alimentaria y Nutricional.

Este órgano es de carácter intersectorial. Sus miembros son nombrados por la CONASSAN a propuesta de los miembros respectivos, integrantes de ésta Comisión. Tendrá las siguientes atribuciones:

- a) Apoyar a la SESSAN en la elaboración de la Política de Soberanía y Seguridad Alimentaria y Nutricional.

Contribuir con la SESSAN en la elaboración y seguimientos de los planes intersectoriales de la Soberanía y Seguridad Alimentaria y Nutricional.

Arto. 16 De las Comisiones Regionales de Soberanía y Seguridad Alimentaria y Nutricional.

Las comisiones de las Regiones Autónomas del Atlántico estarán integradas por un delegado de las siguientes instituciones: Gobierno Regional el señor gobernador la preside, Consejo Regional, Gobiernos Locales y los Delegados Ministeriales que ejecuten programas y proyectos en el área de salud, educación, medio ambiente y programas de desarrollo agrícola y de los productores de la región.

Arto. 17 De las Comisiones Municipales de Soberanía y Seguridad Alimentaria Nutricional

Las Comisiones Municipales estarán integradas de la manera siguiente: Gobiernos Locales el señor Alcalde la preside, por redes locales que se conformarán con los actores sociales del sector productor de alimentos y los Delegados Ministeriales que ejecuten programas y proyectos en el área de salud, educación, medio ambiente y programas de desarrollo agrícola en cada uno de los municipios del país, priorizando aquellos caracterizados por su situación de pobreza, hambre y desnutrición en correspondencia con la estructura y conformación de la CONASSAN.

Arto. 18 Los Gobiernos Municipales, de acuerdo a sus posibilidades, destinarán recursos priorizados de sus presupuestos para la implementación de la política de Soberanía y Seguridad Alimentaria y Nutricional en su localidad.

CAPÍTULO III

DE LA SECRETARÍA DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL DE LA PRESIDENCIA DE LA REPÚBLICA

Arto. 19. Creación. Se crea la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional de la Presidencia de la República -SESSAN-, con las atribuciones adelante mencionadas.

Arto. 20. Naturaleza. La SESSAN es el ente ejecutor de las decisiones y tendrá la responsabilidad de la coordinación operativa interministerial del Plan Estratégico de SSSAN, así como de la articulación de los programas y proyectos de las distintas instituciones nacionales e internacionales vinculados con la Seguridad Alimentaria y Nutricional del país.

Arto. 21. Estructura. La SESSAN para el desarrollo de sus áreas de trabajo, podrá desarrollar la estructura administrativa y operativa que le demanden esas funciones. Dicha estructura deberá contemplarse en el reglamento de la presente Ley, quedando integrada en su fase inicial así:

- a. El Secretario de Seguridad Alimentaria y Nutricional;
- b. El personal técnico y equipo que le permita dar cumplimiento a sus áreas de trabajo;
- c. Técnicos superiores de las instituciones del Estado representadas en la CONASSAN, quienes serán puntos de enlace;
- d. Técnicos de la instancia de consulta y participación social y del grupo de instituciones de apoyo, cuando les sea requerido por la SESSAN.

Arto..22 Atribuciones. La SESSAN será la encargada de establecer los procedimientos de planificación técnica y coordinación entre las instituciones del Estado, la sociedad nicaragüense, las organizaciones no gubernamentales y las agencias de cooperación internacional vinculadas con la seguridad alimentaria y nutricional, en los diferentes niveles del país (nacional, departamental, municipal y comunitario).

La SESSAN coordinará la formulación del Plan Estratégico Nacional de SSAN, lo propondrá a la CONASSAN; asimismo coordinará la actualización, ejecución, seguimiento y evaluación, apoyará a las instancias ejecutoras en la planificación y programación de los planes sectoriales estratégicos y operativos con acciones prioritizadas de acuerdo a la Política Nacional de SSAN; asimismo, someterá a consideración ante la CONASSAN los ajustes pertinentes.

La SESSAN será responsable de las acciones siguientes:

- a) Presentar a la CONASSAN, para su aprobación, el proyecto de Política Nacional de Seguridad Alimentaria y Nutricional;
- b) Presentar a la CONASSAN, para su aprobación, el proyecto de Plan Estratégico de Seguridad Alimentaria y Nutricional;
- c) Proponer a la CONASSAN la definición de políticas u otros aspectos legales que sean complementarios y necesarios para la implementación de la Política Nacional de SSSAN;
- d) Coordinar la implementación de los instrumentos de la Política Nacional de SSSAN en forma programática y coherente con las políticas que se relacionen;
- e) Realizar todas las acciones pertinentes para alcanzar el logro de los objetivos de la CONASSAN;
- f) Diseñar, implementar y operar el Sistema de Información Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante SISSAN, como un instrumento que permita el monitoreo y evaluación de la situación de la Soberanía y Seguridad Alimentaria y Nutricional, el avance y los efectos de los planes y programas estratégicos, así como el Sistema de Alerta Temprana para identificar situaciones coyunturales de inseguridad alimentaria y nutricional;
- g) Difundir la Política Nacional de Seguridad Alimentaria y Nutricional y velar por su cumplimiento;
- h) Apoyar a las instituciones que lo soliciten en la gestión de los recursos financieros que demanden para desarrollar el Plan Estratégico de SSAN;
- i) Sensibilizar a las instituciones del sector público y privado, a los organismos internacionales y a la sociedad en general, sobre la magnitud y trascendencia del problema alimentario y nutricional;
- j) Identificar los grupos de población con alta vulnerabilidad a la inseguridad alimentaria, con el objeto de prevenir sus consecuencias, priorizar y ejecutar acciones;
- k) Desarrollar planes estratégicos y operativos para enfrentar problemas (de emergencias) graves de mala nutrición y hambre en poblaciones identificadas como de inseguridad alimentaria y nutricional, desarrollando la gestión que ello

demande al interior de las instituciones de gobierno, sociedad civil y cooperación internacional;

- l) Coordinar con la Secretaría Técnica de la Presidencia de la República las solicitudes, ofrecimientos y donaciones que a través de convenios que se produzcan en políticas, planes y programas relacionados con la seguridad alimentaria y nutricional y el combate contra el hambre;
- m) Documentar y normar el uso de las donaciones que se reciban en relación a SSAN.
- n) Propiciar en los distintos sectores el enfoque intersectorial e integral de la SSAN y la acción coordinada entre las instancias gubernamentales, no gubernamentales y de la cooperación internacional en aspectos de SSAN;
- o) Propiciar la existencia y funcionamiento efectivo de canales y espacios de diálogo y comunicación, así como mecanismos de consulta y coordinación entre el Organismo Ejecutivo, la sociedad civil y la cooperación internacional, fomentando el estudio y análisis del problema alimentario nutricional y sus soluciones;
- p) Vigilar las condiciones alimentarias y nutricionales del país y proponer medidas ante situaciones de emergencia que pongan en riesgo la soberanía y seguridad alimentaria y nutricional de los y las nicaragüenses.
- q) Presentar informe mensual de actividades y un análisis de la situación de soberanía y seguridad alimentaria y nutricional al Presidente de la República.
- r) Las demás atribuciones que sean inherentes a su naturaleza y objetivos, así como las que en su momento delegue la CONASSAN.
- s) Creará una instancia de Consulta y Participación Social, para la generación de aportes técnicos, identificará e instrumentará acciones en temas relacionados con la SSAN cuando le sea requerido por la SESSAN. La naturaleza, integración, estructuración y funcionamiento de este grupo será determinada en el correspondiente reglamento de esta Ley.
- t) Conformará un grupo de instituciones de apoyo conformado por instituciones de gobierno no integradas dentro de la CONASSAN y de los organismos de la cooperación internacional que puedan brindar soporte técnico, financiero y operativo cuando les sea requerido por la SESSAN, para lo cual los titulares superiores de las instituciones formalizarán su apoyo mediante convenios de cooperación o coordinación que se acuerden.

CAPÍTULO IV

DEL SECRETARIO DE SEGURIDAD ALIMENTARIA Y NUTRICIONAL DE LA PRESIDENCIA DE LA REPÚBLICA

Arto. 23. Funcionamiento. Para el funcionamiento de la SESSAN, el Secretario de Seguridad Alimentaria y Nutricional está encargado de:

- a. Actuar como Secretario de la CONASSAN;
- b. Velar por la realización de las funciones de la SESSAN;
- c. Apoyar el establecimiento de mecanismos de transparencia y auditoria social en el manejo de fondos para la SSAN;
- d. Realizar todas las acciones pertinentes para alcanzar el logro de los objetivos de la CONASSAN, de la política y planes de Seguridad Alimentaria y Nutricional;
- e. Representar al Organismo Ejecutivo por designación Presidencial de la República, ante instancias internacionales vinculadas en materia de Seguridad Alimentaria y Nutricional;
- f. Representar a la CONASSAN ante el Gabinete General, el Gabinete Social y el Gabinete de Desarrollo Rural del Organismo Ejecutivo;
- g. Otras que específicamente le determine el Presidente de la República.

Arto. 24. Requisitos. Para ser Secretario de Seguridad Alimentaria y Nutricional de la Presidencia de la República se requieren los mismos requisitos y calidades que para ser Ministro, debiendo tener conocimiento de la realidad nacional, compromiso social y experiencia técnica y científica probada en Seguridad Alimentaria y Nutricional. Lo nombra el Presidente de la República a través de Decreto Presidencial

CAPÍTULO V DE LAS CORRESPONSABILIDADES INSTITUCIONALES

Arto. 25. Disponibilidad de alimentos. En el ámbito sectorial, corresponde al Ministerio de Agricultura, Ganadería y Forestal, en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones que contribuyan a la disponibilidad alimentaria de la población, ya sea por producción local o vía importaciones, en forma oportuna, permanente e inocua.

Arto. 26. Acceso a los alimentos. En el ámbito sectorial, corresponde al Ministerio de Agricultura, Ganadería y Forestal, Ministerio de Economía, Ministerio de Trabajo, Ministerio de Transporte e Infraestructura en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones tendientes a contribuir al acceso físico (modernización y mejoras de infraestructuras), económico y social a los alimentos de la población de forma estable.

Arto. 27. Consumo de alimentos. En el ámbito sectorial, corresponde al Ministerio de Salud, al Ministerio de Educación y al Ministerio de Economía en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones para desarrollar capacidades en la población para decidir adecuadamente sobre la selección, conservación, preparación y consumo de alimentos.

Arto. 28. Utilización biológica de los alimentos. En el ámbito sectorial, corresponde al Ministerio de Salud en coordinación con el MECD y otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones que permitan a la población mantener las condiciones adecuadas de salud e higiene ambiental así como una correcta educación alimentaria y nutricional que favorezcan el máximo aprovechamiento de los nutrientes que contienen los alimentos que consume.

Arto. 29. Prevención y Tratamiento de la desnutrición. En el ámbito sectorial, corresponde al Ministerio de la Familia, Ministerio de Educación y el Ministerio de Salud , en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, impulsar las acciones que permitan fortalecer y actualizar de forma continua los recursos humanos institucionales y de otras instancias sobre el diagnóstico, tratamiento, recuperación y rehabilitación del desnutrido.

Arto. 30. Información, monitoreo y evaluación de la SSAN. En el ámbito sectorial, corresponde a la SESSAN, en coordinación con otras instituciones del Estado representadas o no en la CONASSAN, diseñar, montar y operar el sistema de información y vigilancia de la SSAN, con el apoyo de la cooperación internacional.

Arto.31. Descentralización. En los ámbitos departamental, municipal y comunitario, los Consejos de Desarrollo Urbano y Rural conformarán comisiones específicas de SSAN para impulsar el cumplimiento de los objetivos de la Política SSAN y del Plan Estratégico, con sus respectivos programas, proyectos y actividades, en coordinación con la SESSAN.

CAPÍTULO VI ALCANCES

Arto.32. Observancia. Esta Ley es de observancia general en el territorio nacional, con acciones específicas de prioridad en las poblaciones definidas como vulnerables a la inseguridad alimentaria y nutricional.

Arto.33. Delegación de responsabilidades. Esta Ley le permite a la Comisión Nacional de Seguridad Alimentaria y Nutricional -CONASSAN- adjudicar responsabilidades específicas a sus integrantes y, con base en esas responsabilidades y compromisos, evaluar los logros y resultados para encauzar la obtención de los objetivos propuestos en el Plan Estratégico Nacional y los planes operativos.

CAPÍTULO VII DISPOSICIONES FINALES

Arto.34. Asignación específica. Cada una de las instituciones gubernamentales que forman parte de la CONASSAN, contemplarán en la planificación de su presupuesto ordinario, la asignación de recursos para la ejecución de programas, proyectos y actividades que se operativicen en la política, con sus respectivos planes estratégicos.

Arto.35. Asignación presupuestaria específica. El Ministerio de Hacienda y Crédito Público a través de la Dirección Técnica del Presupuesto, debe incluir en el Presupuesto General de Ingresos y Egresos del Estado para cada Ejercicio Fiscal, la asignación suficiente y necesaria específicamente para programas y proyectos de Seguridad Alimentaria y Nutricional de la población en pobreza y pobreza extrema, de acuerdo a lo que no debe interpretarse como el techo presupuestario asignado a las actividades de seguridad alimentaria y nutricional. Estos recursos financieros serán destinados a los ministerios e instituciones que la CONASSAN defina de acuerdo a las responsabilidades sectoriales e institucionales que el Plan Estratégico establezca.

Arto.36. Asignación presupuestaria anual. El Ministerio de Hacienda y Crédito Público, tomando en cuenta la disponibilidad de recursos y espacios presupuestarios, contemplará dentro del Presupuesto General de Ingresos y Egresos del Estado para cada año, la asignación financiera que demande la implementación de la CONASSAN en su conjunto, el cual será formulado por la SESSAN por los conductos pertinentes.

Arto.37. Reglamento. La presente Ley será reglamentada por el Presidente de la República.

Arto. 38. Vigencia. La presente Ley entrará en vigencia a partir de su publicación en la Gaceta, Diario Oficial.

Dado en la Sala de Sesiones de la Asamblea Nacional, a los _____ del mes de _____ del año dos mil seis.

Appendix S

FAO Revised SSAN Draft Law (August 2007)

NUEVA PROPUESTA DE LEY DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

EL PRESIDENTE DE LA REPÚBLICA DE NICARAGUA

Hace saber al pueblo Nicaragüense que:

LA ASAMBLEA NACIONAL DE LA REPÚBLICA DE NICARAGUA

CONSIDERANDO

I

Que el artículo 63 de la Constitución política vigente establece el derecho de los Nicaragüenses a estar protegidos contra el hambre, así mismo, consigna la obligación Estatal de promover programas que aseguren una adecuada disponibilidad de alimentos y una distribución equitativa de los mismos.

II

Que los artículos 59 y 60 Constitucionales, establecen los derechos sociales de los Nicaragüenses a la salud y un ambiente sano, lo que implica garantizar el uso, goce y disfrute de los alimentos y nutrientes culturalmente aceptables, lo que incluye la obligación del Estado de garantizar el estado de disponibilidad y estabilidad en el suministro de alimentos culturalmente aceptables, el acceso y consumo en cantidad y calidad libre de contaminantes para el bienestar nutricional y la buena utilización biológica de los alimentos, de acuerdo con el principio de desarrollo sostenible.

III

Que Nicaragua es parte de múltiples Convenios internacionales en materia de soberanía y seguridad alimentaria y nutricional que obliga al Estado de Nicaragua a formular y aprobar una norma de este rango y naturaleza de acuerdo a los compromisos asumidos, entre estos; los acuerdos en el seno de la OMC, el artículo 25 de la declaración de los derechos humanos de 1948, el artículo 11 del Pacto internacional de derechos económicos, sociales y culturales, el Pacto internacional de los derechos civiles y políticos que reconoce el derecho a la vida, las decisiones y resoluciones emanadas de las Cumbres mundiales sobre alimentación de las Naciones Unidas, entre otros.

IV

Que Nicaragua esta siendo beneficiada por los acuerdos de la Cumbre del Milenio, que tiene entre sus objetivos “erradicar la extrema pobreza y el hambre”, y cuyas metas son entre otras, reducir a la mitad, entre 1990 y 2015, la proporción de personas cuyo

ingreso es menor a un dólar diario, reducir a la mitad entre 1990 y 2015, la proporción de personas que padecen hambre.

V

Que en la actualidad no existe en Nicaragua una ley ordinaria específica que desarrolle los preceptos Constitucionales citados, ni tampoco que permita cumplir con los compromisos asumidos como Estado nacional a nivel internacional, a pesar que los estudios oficiales de Naciones Unidas –FAO- indican que Nicaragua es el país con mayor índice de inseguridad alimentaria en Centroamérica y el segundo más alto del continente Americano.

POR TANTO:

En uso de sus facultades;

HA DICTADO

La siguiente

LEY DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

TÍTULO I.

Capítulo Único

Disposiciones generales

Artículo 1. Objeto de la Ley.- La presente Ley tiene por objeto establecer las regulaciones en materia de soberanía y seguridad alimentaria y nutricional, que implica desarrollar el derecho a la alimentación como un derecho humano y fundamental inherente a la dignidad humana.

Artículo 2. Ámbito de aplicación. La presente ley es aplicable a las personas naturales y jurídicas, nacionales y extranjeras que realicen actividades relacionadas con la soberanía y seguridad alimentaria y nutricional en todo el territorio nacional.

Artículo 3. Naturaleza de la Ley. La presente ley es de orden público y de interés social, considerando el derecho a la alimentación como un derecho humano y fundamental que incluye el derecho de las personas a no padecer hambre y mal nutrición y garantizar la soberanía y seguridad alimentaria y nutricional.

Artículo 4. Equidad de género. El Sistema nacional de soberanía y seguridad alimentaria y nutricional, en cuanto estructura orgánica administrativa, mecanismos e instrumentos de implementación del sistema, y la legislación, política, estrategias, planes, programas y proyectos que el Estado de Nicaragua formule y aplique en esta materia, deberán contener el enfoque de equidad de género.

Artículo. 5. Definiciones. Sin perjuicio de las definiciones adoptadas en los Convenios internacionales sobre soberanía y seguridad alimentaria y nutricional ratificados por Nicaragua, para efectos de la presente ley se entiende por:

1. Soberanía alimentaria: Es el derecho de las y los Nicaragüenses a formular, aprobar y aplicar sus propias políticas, legislación y estrategias con equidad de género, bajo el modelo de desarrollo sostenible en cuanto modos y medios de producción, distribución

y consumo de alimentos inocuos y nutritivos, respetando el derecho a la diversidad cultural y el derecho de los agricultores locales.

2. Seguridad alimentaria y nutricional: Es el derecho que tienen todos y todas las y los Nicaragüenses al uso, goce y disfrute de los alimentos y nutrientes culturalmente aceptables, lo que incluye la obligación del Estado de garantizar el estado de disponibilidad y estabilidad en el suministro de alimentos culturalmente aceptables, el acceso y consumo en cantidad y calidad libre de contaminantes que aseguren el estado de bienestar nutricional y una buena utilización biológica de los alimentos, de tal forma que no perturbe el ejercicio de este derecho y contribuya al ejercicio del derecho al desarrollo individual y general con equidad de género, bajo principios de desarrollo sostenible.

3. Derecho a la alimentación: Es el derecho humano y fundamental inherente a la dignidad humana, de orden público y de interés social, dirigido a garantizar la soberanía y seguridad alimentaria y nutricional con equidad de género, el cual implica, el derecho de acudir a los mecanismos administrativos o judiciales para obtener la tutela de este derecho y la reparación en su caso.

4. Inseguridad alimentaria: Es la disponibilidad limitada o incierta de alimentos nutricionalmente adecuados e inocuos, así como, la capacidad limitada o incierta de adquirir alimentos adecuados culturalmente aceptables.

5. Mal nutrición: Estado patológico resultante de una dieta deficiente en uno o varios nutrientes esenciales o de una mala asimilación de los alimentos, derivando consecuencias como, emaciación, retraso del crecimiento, insuficiencia ponderal, capacidad de aprendizaje reducida, salud delicada y baja productividad, entre otros.

El reglamento deberá establecer las definiciones que se estimen necesarias para la correcta aplicación e interpretación de la presente ley y su reglamentación.

Artículo 6. Principios. Sin perjuicio de los principios adoptados en los Convenios internacionales sobre soberanía y seguridad alimentaria y nutricional ratificados por Nicaragua, para efectos de la presente ley se establecen los siguientes principios:

1. Disponibilidad: El Estado deberá promover la existencia de los recursos necesarios en el país para garantizar de manera permanente la estabilidad de la oferta de alimentos en cantidad y calidad suficientes, que permita satisfacer las necesidades de alimentación y nutrición de la población con equidad de género.

2. Equidad y acceso: Los planes y programas económicos y sociales de las instituciones de Gobierno deberán promover el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que permitan obtener recursos para producir, acceder y/o disponer de alimentos. Así mismo, deberán propiciar medidas para que en especial las mujeres productoras de alimentos accedan a los recursos técnicos y financieros así como a bienes y servicios disponibles.

3. Consumo: El Estado deberá promover la ingesta de alimentos sanos e inocuos que se precisan en cantidad y calidad necesaria para que las personas tengan una alimentación adecuada y saludable.

4. Utilización Biológica: El Estado deberá promover alcanzar el máximo aprovechamiento que da el organismo de las personas a los nutrientes contenidos en los alimentos que consume, el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.

5. No Discriminación: La presente Ley contribuirá a que ningún grupo o persona sea discriminada por edad, sexo, etnia, credo religioso, político o discapacidad, al acceso de los recursos o, goce del derecho a la alimentación, en especial el derecho a producir, obtener, disponer y acceder a alimentos nutritivos suficientes.

6. Equidad. El Estado debe generar las condiciones para el acceso seguro y oportuno de alimentos sanos, inocuos y nutritivos a todas las personas con equidad de género, priorizando acciones a favor de los sectores de más bajos recursos económicos.

7. Sostenibilidad. El Estado deberá promover cambios en los modos y medios de producción y consumo que garantice el desarrollo sostenible del país y el nivel y calidad de vida adecuada de la población con equidad de género, debiendo adoptar medidas preventivas y precautorias en su caso.

TITULO II

DEL SISTEMA NACIONAL DE SOBERANIA Y SEGURIDAD ALIMENTARIA

Capítulo I

Creación, Estructura y Funcionamiento del Sistema

Arto. 7. Creación del SINASSAN. Créase el Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante SINASSAN, compuesto por el conjunto de Instituciones públicas, privadas y organismos no gubernamentales con competencia e incidencia en la soberanía y seguridad alimentaria de Nicaragua, así como, los órganos que integran la SINASSAN y el conjunto de instrumentos y mecanismos para garantizar el derecho a la alimentación adecuada con equidad de género.

Artículo 8. Estructura orgánica administrativa del SINASSAN. El SINASSAN estará integrado por los siguientes órganos:

1. La Comisión nacional de soberanía y seguridad alimentaria y nutricional, en adelante CONASSAN, órgano de naturaleza política de máxima decisión. La CONASSAN deberá contar con Comisiones en las dos regiones autónomas de la Costa Caribe y Comisiones en cada municipalidad respectiva, las cuales deberán estar integradas con equidad de género.

2. La Secretaría de soberanía y seguridad alimentaria y nutricional, en adelante SESSAN, adscrito a la Presidencia de la República, con rango de Secretaría, órgano de naturaleza ejecutiva administrativa, encargada de promover la coordinación y colaboración intersectorial e interinstitucional. La SESSAN deberá respetar la equidad de género en los procesos de contratación de personal directivo u operativo de la SESSAN, incluyendo los diferentes programas y proyectos que formule, supervise y ejecute.

3. El Comité técnico de soberanía y seguridad alimentaria y nutricional, en adelante COTESSAN, órgano de consulta, de carácter técnico – científico, el cual deberá ser integrado con equidad de género, basados en los criterios de capacidad y experiencia en la materia.

El reglamento de la presente ley regulará esta disposición, en lo relativo a estructura, funciones generales y específicas, relaciones de coordinación y colaboración interna y externa, entre otros.

Artículo 9. De la CONASSAN. Se crea la CONASSAN, como órgano de naturaleza política y de máxima decisión de la SINASSAN, el cual deberá estar integrado con equidad de género por las autoridades máximas de las siguientes instancias:

1. Ministerio agropecuario y forestal, quién lo presidirá.
2. Ministerio de hacienda y crédito público.
3. Ministerio de fomento, industria y comercio.
4. Secretaría de soberanía y seguridad alimentaria y nutricional, quien fungirá como Secretaría técnica de la CONASSAN.
5. Ministerio del ambiente y de los recursos naturales.
6. Ministerio de la Familia.
7. Ministerio de Salud.
8. Ministerio de Educación.
9. Instituto Nicaragüense de seguridad social.
10. Instituto Nicaragüense de fomento municipal.
11. Asociación de Municipios de Nicaragua.
12. Gobiernos regionales autónomos del Caribe de Nicaragua, norte y sur.
13. Organismos de consumidores de Nicaragua.
14. Organizaciones no gubernamentales ambientalistas de Nicaragua.
15. Organizaciones no gubernamentales de la salud.
16. Organizaciones no gubernamentales relacionados con la producción agropecuaria.
17. Organizaciones no gubernamentales vinculados con el sector educativo en soberanía y seguridad alimentaria y nutricional.
18. Dos representantes del Consejo superior de la empresa privada, relacionados con el comercio y la producción de alimentos.

La CONASSAN podrá incorporar a más miembros que estime pertinentes para la toma de decisiones en aspectos especializados y puntuales, los cuales tendrán carácter temporal, debiendo respetar la equidad de género en su composición. El reglamento de la ley establecerá los criterios, requisitos y procedimiento para incorporar más miembros. En el caso, de los y las representantes de los organismos señalados en los numerales 13 al 18, se procederá conforme lo estipule el reglamento de la presente ley.

Artículo 10. Funciones de la CONASSAN. Son funciones de la CONASSAN las siguientes:

1. Formular, evaluar y actualizar la política de soberanía y seguridad alimentaria y nutricional con equidad de género, para su posterior aprobación por el Presidente de la República, así como, promover la armonización de las políticas sectoriales relevantes para el cumplimiento del derecho a la alimentación.

2. Aprobar, evaluar y actualizar las estrategias, planes, programas y proyectos con equidad de género en materia de soberanía y seguridad alimentaria a los niveles nacionales, regionales y locales en su caso.
3. Gestionar los recursos financieros internos y externos necesarios para la implementación del SINASSAN, priorizando el uso de los fondos a los sectores sociales en condiciones vulnerables de pobreza o pobreza extrema, sin olvidar a otros sectores a fin de evitar que esas condiciones se reproduzcan y lleven a mayor marginalidad.
4. Nombrar al COTESSAN, con enfoque de equidad de género.
5. Divulgar los instrumentos de la SINASSAN, debiendo priorizar la política nacional de soberanía y seguridad alimentaria y nutricional con equidad de género y la ley con su reglamentación.
6. Aprobar y divulgar anualmente en cantidades suficientes en formato impreso y electrónico de acceso público, el Informe nacional del estado de la soberanía y seguridad alimentaria y nutricional de Nicaragua, en adelante INESSAN, debiendo incorporar en el proceso de formulación y divulgación la equidad de género, que incluye el sexo, edad, entre otros.
7. Elaborar y aprobar su reglamento interno de organización y funcionamiento.
8. Las demás que le establezca el reglamento de la presente ley y su reglamento interno.

Artículo 11. Funciones del COTESSAN. Son funciones del COTESSAN las siguientes:

1. Elaborar y presentar, a la CONASSAN, para aprobación del Presidente de la República, el proyecto de Política nacional de seguridad alimentaria y nutricional con equidad de género.
2. Elaborar y presentar a la CONASSAN, para su aprobación, las estrategias, planes, programas y proyectos en materia de seguridad alimentaria y nutricional con equidad de género que se estimen necesarios a los niveles nacionales, regionales y locales en su caso.
3. Elaborar para su aprobación por la CONASSAN, la Estrategia de gestión financiera con equidad de género para la implementación del SINASSAN.
4. Presentar la propuesta a la CONASSAN de la persona que coordinará el COTESSAN.
5. Elaborar y ejecutar la estrategia de divulgación de los instrumentos de la SINASSAN con equidad de género, debiendo priorizar la política nacional de soberanía y seguridad alimentaria y nutricional y la ley con su reglamentación.
6. Diseñar, implementar y operar el Sistema de información nacional de soberanía y seguridad alimentaria y nutricional, en adelante SISSAN, con equidad de género, para

facilitar la toma de decisiones, debiendo estar vinculado estrechamente con el Sistema de alerta temprana en lo atinente a situaciones coyunturales de inseguridad alimentaria y nutricional.

7. Elaborar y difundir el INESSAN.

8. Elaborar y aprobar su reglamento interno de organización y funcionamiento.

9. Las demás que le establezca el reglamento de la presente ley y su reglamento interno.

El COTESSAN podrá integrar un grupo de apoyo con equidad de género conformado por los organismos de la cooperación internacional y nacionales que considere pertinentes, que puedan brindar soporte técnico, financiero y operativo cuando les sea requerido por la CONASSAN, para lo cual los y las titulares superiores de las instituciones formalizarán su apoyo mediante convenios de cooperación o coordinación que se acuerden. El reglamento de la presente ley regulará esta materia.

Artículo 12. De la Estructura y funciones de la SESSAN. La estructura y funciones de la SESSAN mínima es la siguiente:

1. Secretaría ejecutiva.
2. Personal técnico y medios adecuados.

El reglamento de la presente ley establecerá las funciones y atribuciones específicas de la SESSAN, así como, su funcionamiento y relaciones de coordinación y colaboración interna y externa con los demás órganos e instancias del SINASSAN.

Artículo 13. De las funciones generales de la SESSAN. Las funciones de la SESSAN son las siguientes:

1. Diseñar y coordinar el proceso de formulación y aprobación de la Política nacional de seguridad alimentaria y nutricional con equidad de género.
2. Diseñar y coordinar los procesos de formulación, aprobación e implementación y evaluación de las estrategias, planes, programas y proyectos en materia de seguridad alimentaria y nutricional con equidad de género que se estimen necesarios a los niveles nacionales, regionales y locales en su caso.
3. Diseñar y coordinar el proceso de formulación, aprobación e implementación y evaluación de la Estrategia de gestión financiera con equidad de género para la implementación del SINASSAN.
4. Establecer las coordinaciones entre los órganos del SINASSAN y demás instancias respectivas.
5. Diseñar y coordinar los procesos de formulación y evaluación de la estrategia de divulgación de los instrumentos de la SINASSAN con equidad de género, debiendo priorizar la política nacional de soberanía y seguridad alimentaria y nutricional y la ley con su reglamentación.

6. Coordinar el Sistema de información nacional de soberanía y seguridad alimentaria y nutricional, en adelante SISSAN, con equidad de género, para facilitar la toma de decisiones, debiendo estar vinculado estrechamente con el Sistema de alerta temprana en lo atinente a situaciones coyunturales de inseguridad alimentaria y nutricional.

7. Diseñar y coordinar el proceso de formulación, aprobación y difusión del INESSAN.

8. Administrar el FONASSAN, de acuerdo a los lineamientos aprobados por la CONASSAN en consulta con el COTESSAN y conforme el reglamento especial del Fondo.

9. Elaborar y aprobar su reglamento interno de organización y funcionamiento.

10. Las demás que le establezca el reglamento de la presente ley y su reglamento interno.

Artículo 14. Requisitos para optar al máximo cargo de la SESSAN. Para optar al máximo cargo de la SESSAN, se requieren idénticas calidades que para ser Ministro o Ministra. El nombramiento debe estar fundamentado en dos criterios esenciales:

1. Soporte científico, demostrado con titulación académica a nivel de estudios superiores, preferiblemente con título de maestría como mínimo.

2. Experiencia técnica en seguridad alimentaria y nutricional, al menos de cinco años, contados a partir de la fecha de nombramiento. El nombramiento lo hará el Presidente de la República a través de Acuerdo presidencial.

Capítulo II

De los Instrumentos y Mecanismos del Sistema

Artículo 15. De los recursos financieros. El Ministerio de hacienda y crédito público, deberá incorporar en el Proyecto de presupuesto general de la república una partida suficiente para la aplicación de la presente ley y su reglamento, incluyendo la política de soberanía y seguridad alimentaria y nutricional, de acuerdo a las necesidades y requerimientos del organismo rector.

Las Instituciones públicas del Estado deberán priorizar en su partida presupuestaria la asignación de recursos de la cooperación internacional asociados al sector de la producción y distribución de alimentos, a los proyectos de la estrategia de Reducción de Pobreza, al Programa Hambre Cero y demás políticas y programas del Estado, de acuerdo a las necesidades y requerimientos del organismo rector. La asignación presupuestaria deberá contemplar la equidad de género.

Artículo 16. Asignación específica. Cada una de las instituciones gubernamentales que forman parte de la CONASSAN, contemplarán en la planificación de su presupuesto ordinario y extraordinarios, la asignación de recursos para la ejecución de programas, proyectos y actividades con equidad de género que se operativicen en la política, con sus respectivos planes estratégicos, los cuales deberán ser detallados e incorporados en el sistema nacional de inversión pública cuando proceda.

Artículo 17. Asignación presupuestaria específica. El Ministerio de Hacienda y Crédito Público a través de la Dirección Técnica del Presupuesto, debe incluir en el Presupuesto General de Ingresos y Egresos del Estado para cada Ejercicio Fiscal, la asignación suficiente y necesaria específicamente para programas y proyectos de soberanía y seguridad alimentaria y nutricional de la población en pobreza y pobreza extrema con equidad de género, de acuerdo a lo que no debe interpretarse como el techo presupuestario asignado a las actividades de soberanía y seguridad alimentaria y nutricional. Estos recursos financieros serán destinados a los ministerios e instituciones que la CONASSAN defina de acuerdo a las responsabilidades sectoriales e institucionales que el SINASSAN, sus órganos, mecanismos e instrumentos establezcan.

Artículo 18. Asignación presupuestaria anual. El Ministerio de Hacienda y Crédito Público, tomando en cuenta la disponibilidad de recursos y espacios presupuestarios, contemplará dentro del Presupuesto General de Ingresos y Egresos del Estado para cada año, la asignación financiera que demande la implementación de la CONASSAN en su conjunto, el cual será formulado por la SESSAN por los conductos pertinentes.

Artículo 19. Del Sistema nacional de información, monitoreo y evaluación de la soberanía y seguridad alimentaria y nutricional. Créase el Sistema de información, monitoreo y evaluación de la soberanía y seguridad alimentaria y nutricional en adelante, SIMESSAN, el cual deberá ser diseñado con equidad de género y estará bajo la tutela de la SESSAN. Los datos e información del SIMESSAN deberán contener la equidad de género y son considerados información pública y de libre consulta, debiendo la SESSAN difundirla periódicamente, salvo las restricciones de ley. El reglamento de la presente ley desarrollará esta disposición.

El SINASSAN mediante sus órganos deberá elaborar y publicar anualmente, el Informe nacional del estado actual de soberanía y seguridad alimentaria y nutricional con equidad de género, con datos desagregados por sexo, grupos, etnias, entre otros.

Artículo 20. De las relaciones de coordinación y colaboración intersectorial e interinstitucionales. El SESSAN deberá establecer los mecanismos e instrumentos que garanticen la permanente relación de coordinación y colaboración intersectorial e interinstitucionales. El reglamento de la presente ley desarrollará esta disposición.

Artículo 21. De las emergencias en materia de seguridad alimentaria y nutricional. La CONASSAN podrá proponer, previo dictamen del COTESSAN para su aprobación y vigencia por la Presidencia de la República, la declaratoria de zonas de emergencia en materia de soberanía y seguridad alimentaria y nutricional. El reglamento de la presente ley desarrollará esta disposición.

Artículo 22. De la prevención y precaución. Las actividades comerciales de importación y exportación de alimentos para consumo humano o animal, deberán contar con la debida gestión y evaluación de riesgos, así como, la autorización de salud animal y sanidad vegetal, de acuerdo con la legislación de la materia, debiendo aplicar en todos los casos el principio de prevención y precaución.

En el caso de la prevención y precaución de la mal nutrición, el Ministerio de Salud, el Ministerio de Educación y el Ministerio de la familia en coordinación con los miembros de la CONASSAN y demás actores de la sociedad civil organizada deberán impulsar las acciones que permitan fortalecer y actualizar de forma continua los recursos humanos institucionales y de otras instancias sobre el diagnóstico, tratamiento, recuperación y rehabilitación del mal nutrido. La violación por omisión de esta disposición es causal de infracción administrativa por parte de los funcionarios que le corresponda por función según la ley y correlativo de suspensión del cargo por tres meses sin goce de salario en la primera vez y retiro del cargo en caso de reincidencia.

Artículo 23. De la Educación en soberanía y seguridad alimentaria y nutricional.

Las autoridades educativas deberán incluir en los programas de educación formal y no formal, contenidos y metodologías, conocimientos y hábitos de conducta para la formación e información en soberanía y seguridad alimentaria y nutricional con equidad de género. El reglamento de la presente ley desarrollará esta disposición.

Artículo 24. De los Incentivos. La CONASSAN deberá establecer un sistema de incentivos morales y económicos cuando proceda en su caso, a las personas naturales o jurídicas que se destaquen en la promoción y fomento de la soberanía y seguridad alimentaria y nutricional. El reglamento de la presente ley establecerá los tipos y categorías de incentivos morales, así como, los criterios, requisitos y procedimiento administrativo para su otorgamiento anual. En el caso de los incentivos económicos, la CONASSAN deberá impulsar el diseño e implementación de una política de incentivos económicos con equidad de género.

Artículo 25. Del FONASSAN. Se crea el Fondo nacional de soberanía y seguridad alimentaria, en adelante FONASSAN para desarrollar y financiar programas y proyectos con equidad de género en esta materia. Dicho fondo se regirá por un reglamento especial que emitirá el Poder Ejecutivo respetando las disposiciones señaladas en las leyes específicas en relación con las Regiones Autónomas de la Costa Atlántica. Su uso será definido en consulta con la CONASSAN, COTESSAN y SESSAN, así como, con las organizaciones no gubernamentales y cooperación internacional que se estimen pertinentes.

Artículo 26. Fuentes de financiamiento del FONASSAN. El FONASSAN se integrará con los fondos provenientes del presupuesto general de la república, donaciones de organismos nacionales e internacionales, sanciones administrativas y otros recursos que para tal efecto se le asignen.

Artículo 27. Financiamiento del FONASSAN. Las actividades, proyectos y programas con equidad de género a ser financiados total o parcialmente por el FONASSAN, podrán ser ejecutados por instituciones estatales regionales autónomas, municipales o por organizaciones no gubernamentales y de la empresa privada; éstos deberán estar enmarcados en las políticas nacionales, regionales y municipales en materia de soberanía y seguridad alimentaria con equidad de género y ser sometidos al proceso de selección y aprobación según lo disponga el reglamento de la presente ley y el reglamento especial del FONASSAN.

Capítulo III

De los componentes del SISSAN

Artículo 28. Disponibilidad de alimentos. El Ministerio agropecuario y forestal en coordinación con los miembros de CONASSAN y demás actores de la sociedad civil organizada y cooperación internacional, deberán impulsar las acciones que contribuyan a la disponibilidad alimentaria de la población con equidad de género, ya sea por producción local o vía importaciones, en forma oportuna, permanente e inocua. La violación por omisión de esta disposición es causal de infracción administrativa por parte de los funcionarios que le corresponda por función según la ley y correlativo de suspensión del cargo por tres meses sin goce de salario en la primera vez y retiro del cargo en caso de reincidencia.

Artículo 29. Acceso a los alimentos. El Ministerio agropecuario y forestal en coordinación con los miembros de la CONASSAN y demás actores de la sociedad civil organizada deberán impulsar las acciones tendientes a contribuir al acceso físico, modernización y mejoras de infraestructuras, económico y social a los alimentos de la población con equidad de género de forma estable. La violación por omisión de esta disposición es causal de infracción administrativa por parte de los funcionarios que le corresponda por función según la ley y correlativo de suspensión del cargo por tres meses sin goce de salario en la primera vez y retiro del cargo en caso de reincidencia.

Artículo 30. Consumo de alimentos. El Ministerio de Salud en coordinación con los miembros de la CONASSAN y demás actores de la sociedad civil organizada deberán impulsar las acciones para desarrollar capacidades en la población con equidad de género, para decidir adecuadamente sobre la selección, conservación, preparación y consumo de alimentos. La violación por omisión de esta disposición es causal de infracción administrativa por parte de los funcionarios que le corresponda por función según la ley y correlativo de suspensión del cargo por tres meses sin goce de salario en la primera vez y retiro del cargo en caso de reincidencia.

Artículo 31. Utilización biológica de los alimentos. El Ministerio de Salud, el Ministerio de Educación y el Ministerio del ambiente y de los recursos naturales en coordinación con los miembros de la CONASSAN y demás actores de la sociedad civil organizada deberán impulsar las acciones que permitan a la población con equidad de género, mantener las condiciones adecuadas de salud e higiene ambiental así como una correcta educación alimentaria y nutricional que favorezcan el máximo aprovechamiento de los nutrientes que contienen los alimentos que consume. La violación por omisión de esta disposición es causal de infracción administrativa por parte de los funcionarios que le corresponda por función según la ley y correlativo de suspensión del cargo por tres meses sin goce de salario en la primera vez y retiro del cargo en caso de reincidencia.

Artículo 32. Soberanía alimentaria. La SESSAN en coordinación con la CONASSAN y COTESSAN, deberá establecer las medidas de política, legislación y estrategias con equidad de género, bajo el modelo de desarrollo sostenible a través de:

1. La promoción de cambios sustantivos en los modos y medios de producción, para lo cual deberá coordinarse con el Ministerio agropecuario y forestal.
2. La mejora en la distribución y consumo de alimentos inocuos y nutritivos, debiendo desarrollarlo en coordinación con el Ministerio de salud.

3. El respeto al derecho a la diversidad cultural, en coordinación con el Instituto Nicaragüense de Cultura y el Ministerio de la Familia.
4. El respeto y desarrollo normativo del derecho de los agricultores locales, que entrañen formas de agricultura sostenible.

Título III De la Responsabilidad

Capítulo Único Competencias, Acciones, Procedimiento y Sanciones

Artículo 33. Competencia y Acciones. Toda infracción a la presente Ley y sus reglamentos, será sancionada administrativamente por la SESSAN, de conformidad al procedimiento aquí establecido, sin perjuicio de lo dispuesto en los códigos y leyes vigentes, así como de otras acciones penales y civiles que puedan derivarse de las mismas. Toda persona natural o jurídica podrá interponer denuncias ante la SESSAN por infracciones a la presente ley. El reglamento de la presente ley deberá desarrollar este precepto en cuanto, procedimiento administrativo, recursos, medidas cautelares y coactivas, entre otros.

Artículo 34. Delitos. En caso de delitos, la Fiscalía deberá proceder conforme la ley de la materia, a fin de garantizar la aplicación de las sanciones que correspondan. La Fiscalía deberá establecer una unidad especializada de delitos en materia de soberanía y seguridad alimentaria y nutricional con equidad de género en un plazo de noventa días, contados a partir de la entrada en vigencia de esta Ley.

Artículo 35. Derecho de acción. El ejercicio de la acción civil y penal que corresponda, se registrará por la legislación de la materia.

Artículo 36. Multas. Toda multa deberá hacerse efectiva en los plazos que se establezcan para cada caso. Las multas deberán ser ingresadas al FONASSAN, con destino específico a proyectos y programas con equidad de género en las zonas más inseguras y de extrema pobreza del país.

Artículo 37. Decomiso. Sin perjuicio de la aplicación de las sanciones administrativas y de otro tipo, la SESSAN podrá ordenar el decomiso de todos los instrumentos y alimentos u otros objetos utilizados en la comisión de infracciones administrativas, sea estos productos, subproductos y partes. El reglamento de la presente ley deberá desarrollar esta disposición para su aplicación integral.

Título IV Disposiciones finales y transitorias.

Artículo 38. Instalación de los órganos del SINASSAN. El Poder Ejecutivo en un plazo de ciento ochenta días contados a partir de la entrada en vigencia de la presente Ley, convocará e instalará la CONASSAN, COTESSAN y SESSAN en el nivel nacional. En el caso de las regiones autónomas y las municipalidades, éstas serán instaladas por el Consejo Regional autónomo respectivo y las municipalidades correspondientes en un plazo no mayor a ciento ochenta días contados a partir de la instalación de la CONASSAN, COTESSAN y SESSAN nacionales.

Artículo 39. Educación y divulgación del SINASSAN. La CONASSAN deberá realizar de forma inmediata a la entrada en vigor de la presente ley, una amplia difusión y divulgación del SINASSAN, en particular de la presente ley y su reglamento, la política nacional y su plan de acción, así como, los órganos del SINASSAN y sus funciones. La difusión y divulgación deberá realizarla con equidad de género, a través de los medios escritos, radiales y televisivos, a nivel de todas las regiones autónomas, departamentos y municipios del país, debiéndose coordinar con las organizaciones no gubernamentales y la cooperación internacional para cumplir esta función.

Artículo 40. Reglamento. La presente Ley deberá ser reglamentada por el Presidente de la República en el plazo Constitucional.

Artículo 41. Derogación. La presente ley deroga todas las normativas de igual o menor rango que se le opongan y en particular el decreto presidencial No.40-2000, creador de la Comisión nacional de seguridad alimentaria y nutricional, publicado en la gaceta diario oficial No.92 de 17 de mayo de 2000 y sus reformas consignadas en el Decreto 65-2000, publicada en la gaceta diario oficial No.169 de 06 de septiembre de 2000.

Artículo 42. Vigencia. La presente Ley entrará en vigencia a partir de su publicación en cualquier medio escrito de circulación nacional, sin perjuicio de su posterior publicación en la Gaceta Diario Oficial.

Dado en la ciudad de Managua, en la Sala de Sesiones de la Asamblea Nacional, a los _____ días del mes de _____ del año dos mil _____.
_____, Presidente de la Asamblea Nacional.
_____,.- Secretario de la Asamblea Nacional.

POR TANTO:

Téngase como Ley de la República. Publíquese y Ejecútese. Managua, _____ de _____ del año dos mil _____. **Daniel Ortega Saavedra. Presidente de la República de Nicaragua.**

Appendix T**Draft SSAN Law (August 2008)**

Propuesta de Fortalecimiento de la Ley de Soberanía y Seguridad Alimentaria y Nutricional a partir del Arto.5

Agosto, 2008

LEY DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

TÍTULO I.

Capítulo Único

Disposiciones generales

Artículo 1. Objeto de la Ley. La presente Ley es de orden público y de interés social, tiene por objeto garantizar el derecho de todas/os los nicaragüenses de contar con los alimentos suficientes, inocuos y nutritivos acorde a sus necesidades vitales y que estos sean accesibles física, económica, social y culturalmente de forma oportuna y permanentemente asegurando la disponibilidad, la estabilidad y suficiencia de los mismos a través del desarrollo y rectoría por parte del Estado de políticas públicas vinculadas a la Soberanía y Seguridad Alimentaria y Nutricional, para su implementación.

Artículo 2. Definiciones Básicas. Para efectos de la presente Ley y una mejor comprensión de la misma, se establecen los conceptos básicos siguientes:

- 1.- Soberanía Alimentaria:** Es el derecho de los pueblos a definir sus propias políticas y estrategias sustentables de producción, distribución y consumo de alimentos que garanticen el derecho a la alimentación para toda la población, con base en la pequeña y mediana producción, respetando sus propias culturas y la diversidad de los modos campesinos, pesqueros e indígenas de producción agropecuaria, de comercialización y de gestión de los espacios rurales, en los cuales la mujer desempeña un papel fundamental. La soberanía alimentaria garantiza la Seguridad Alimentaria y Nutricional.
- 2.- Seguridad Alimentaria y Nutricional:** “La Seguridad Alimentaria y Nutricional se refiere al estado de **disponibilidad y estabilidad** en el suministro de alimentos (culturalmente aceptables), de tal forma que todas las personas todos los días de manera oportuna gocen del **acceso** y puedan **consumir** los mismos en cantidad y calidad libre de contaminantes y tengan acceso a otros servicios (saneamiento, salud y educación) que aseguren el bienestar nutricional y le permita hacer una buena **utilización biológica** de los alimentos para alcanzar su desarrollo, sin que ello signifique un deterioro del ecosistema”.
- 3.- Política de Seguridad Alimentaria y Nutricional:** Es la política que el Estado asume estableciendo los principios rectores los lineamientos generales que orientan las acciones de las diferentes Instituciones, sectores involucrados, organizaciones de la sociedad civil y empresa privada que desarrollan actividades para promocionar la Seguridad Alimentaria y Nutricional con enfoque integral, dentro del marco de las estrategias de reducción de pobreza que se definan y de las políticas globales, sectoriales y regionales, en coherencia con la realidad nacional.
- 4.- CONASSAN:** Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional. Es el conjunto de personas encargadas por la Ley, para velar por la soberanía y seguridad alimentaria y nutricional de manera permanente y presidida por el presidente de la República de Nicaragua.

5. **COTESSAN:** Comité Técnico de Soberanía y Seguridad Alimentaria y Nutricional. Es el órgano compuesto por representantes técnicos de los miembros de la comisión, encargado de manera permanente de brindar recomendaciones técnicas a la Secretaría de Soberanía y Seguridad Alimentaria y Nutricional.
- 6.- **Sociedad Civil:** es un concepto amplio, que engloba a todas las organizaciones y asociaciones que existen fuera del Estado. Incluye los grupos de interés, los grupos de incidencia, sindicatos, asociaciones de profesionales, gremios de productoras/es, asociaciones étnicas, de mujeres y jóvenes, organizaciones religiosas, estudiantiles, culturales, grupos y asociaciones comunitarias y clubes.
- 7.- **Participación Ciudadana:** Es el proceso de involucramiento de actores sociales en forma individual o colectiva, con el objeto y finalidad de incidir y participar en la toma de decisiones, gestión y diseño de las políticas públicas en los diferentes niveles y modalidades de la administración del territorio nacional y las instituciones públicas con el propósito de lograr un desarrollo humano sostenible, en corresponsabilidad con el Estado.

Artículo 3. Son Principios de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

- a) **Disponibilidad:** Por virtud de este principio el Estado promoverá que existan los recursos necesarios en el país para garantizar de manera permanente la estabilidad de la oferta de alimentos en cantidad y calidad suficientes, que permita satisfacer las necesidades de alimentación y nutrición de la población.
- b) **Equidad y acceso:** Por virtud de este principio los programas económicos y sociales de las instituciones de Gobierno promoverán el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que permitan obtener recursos para producir, acceder y/o disponer de alimentos. Así mismo propiciar medidas para que en especial las mujeres productoras de alimentos accedan a los recursos técnicos y financieros así como a bienes y servicios disponibles.
- c) **Consumo:** Por virtud de este principio el Estado promueve la ingesta de alimentos sanos e inocuos que se precisan en cantidad y calidad necesaria para que las personas tengan una alimentación adecuada y saludable.
- d) **Utilización Biológica:** Por virtud de este principio el Estado promoverá alcanzar el máximo aprovechamiento que da el organismo de las personas a los nutrientes contenidos en los alimentos que consume, el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.
- e) **Participación:** La presente Ley de Soberanía y Seguridad Alimentaria y Nutricional, se basa en la participación articulada de las instituciones de gobierno encargadas del desarrollo de las políticas agrícolas, pecuaria, pesquera, forestal, de salud y nutrición, educativas y agroindustriales, crediticias, técnicas y financieras, con el objetivo de armonizar desde sus entidades ministeriales las acciones y medidas de la política de seguridad

alimentaria y nutricional, en conjunto con todos los sectores de la Sociedad Civil, Empresa Privada, Organismos de cooperación para la solución de las necesidades básicas de la población que viven por debajo de la línea de pobreza y que actualmente consumen menos de los 2250 kilos de calorías requeridas.

- f) **Eficiencia:** La presente Ley incentiva la utilización de los recursos humanos y técnicos priorizando la generación de capacidades de producción y rendimiento productivo, de los pequeños y medianos productores, estabilidad en las políticas económicas que permita asegurar recursos financieros, implementando programas de desarrollo y que los servicios básicos brinden mayor cobertura y calidad.
- g) **No Discriminación:** La presente Ley contribuirá a que ningún grupo o persona sea discriminada por edad, sexo, etnia, credo religioso, político o discapacidad, al acceso de los recursos o, goce de los derechos humanos de los hombres y mujeres en especial el derecho a producir, obtener, disponer y acceder a alimentos nutritivos suficientes.
- h) **Solidaridad.** Por virtud de este principio el Estado debe fomentar el desarrollo de políticas públicas y privadas que contribuyan a la transformación de mentalidades y actitudes individuales así como las relaciones existentes en la sociedad nicaragüense de desigualdad social, aumentando las posibilidades de vida y de futuro de todas las personas menos favorecidas socialmente. Las acciones encaminadas a la soberanía y seguridad alimentaria y nutricional deben priorizar la dignidad de las y los nicaragüenses.
- i) **Transparencia.** Las actuaciones y acciones de los funcionarios responsables de la que ejecución de la Política de Soberanía y Seguridad Alimentaria y Nutricional, deben estar basadas en información y métodos objetivos, contarán con mecanismo de monitoreo y evaluación permanente, fomentando la transparencia en el gasto público, auditoría social asociados a un mejor acceso a los documentos en las áreas que competen a la opinión pública.
- j) **Tutelaridad.** Por mandato constitucional, el Estado de Nicaragua debe velar por la seguridad alimentaria y nutricional de la población, haciendo prevalecer la soberanía alimentaria y la preeminencia del bien común sobre el particular.
- k) **Equidad.** El Estado debe generar las condiciones para que la población sin distinción de género, etnia, edad, nivel socio económico, y lugar de residencia, tenga acceso seguro y oportuno a alimentos sanos, inocuos y nutritivos, priorizando acciones a favor de los sectores de más bajos recursos económicos.
- l) **Integralidad.** Las Políticas deben tener carácter integral, incluyendo los aspectos de disponibilidad, acceso físico, económico, social, consumo y aprovechamiento biológico de los alimentos. Todo en el marco de lo que establece la Constitución Política de la República de Nicaragua, las leyes y las políticas públicas.

- II) **Sostenibilidad.** La Soberanía y Seguridad Alimentaria y Nutricional se basa en un conjunto de factores de carácter sostenible, adoptando y fomentando el uso de mejoras tecnológicas, capacitación, educación en el manejo eficiente de las mismas articuladas entre el crecimiento económico con modelos productivos adecuados, al bienestar social y cultural, la diversidad biológica, y la mejora de la calidad de vida, protegiendo los recursos naturales, reconociendo que hay que satisfacer las necesidades presentes, respetando los derechos de las generaciones futuras.

La sostenibilidad se garantiza, además, mediante las normas, políticas públicas e instituciones necesarias dotadas de los recursos financieros, técnicos y humanos necesarios, en su defecto se establece medidas precautorias.

- m) **Descentralización.** El Estado traslada de acuerdo a su competencia, capacidades de decisión, formulación y manejo de recursos a los gobiernos locales. Estableciendo que los programas nacionales en materia de Soberanía y seguridad alimentaria y nutricional se ejecuten desde los gobiernos locales articulados con sus iniciativas territoriales con la participación ciudadana sustentada en la Ley 475 (Ley de Participación Ciudadana).
- n) **Participación ciudadana.** El estado promueve y garantiza la participación de los ciudadanos de conformidad con la Ley 475 (Ley de Participación Ciudadana, Gaceta 241 del 19-12-2003) y con todas aquellas disposiciones que favorezcan amplia y positivamente la incorporación de los ciudadanos en el ejercicio de las decisiones públicas.

Artículo 4. Son objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

- a) Propiciar las condiciones que incidan en el mejoramiento de la producción interna de alimentos para facilitar la disponibilidad a la población nicaragüense, impulsando programas de corto, mediano y largo plazo que mejoren los niveles de producción y productividad de alimentos que armonice las políticas sectoriales a cargo de las distintas instituciones, y la promoción de la pequeña y mediana producción nacional frente a la introducción de productos por políticas de libre mercado.
- b) Aliviar la pobreza, el hambre, la marginación, el abandono y la exclusión de la población que sufre inseguridad alimentaria y nutricional, mejorando las condiciones para acceder a un empleo, a los recursos productivos, tierra, agua, crédito, entre otros.
- c) Facilitar el acceso permanente de las personas a los alimentos inocuos y culturalmente aceptables, para una alimentación nutricionalmente adecuada en cantidad y calidad.
- d) Establecer una educación basada en la aplicación de prácticas saludables de alimentación sana y nutritiva, recreación y cuidado del medio ambiente.
- e) Disminuir los índices de deficiencia de micro - nutrientes y la desnutrición proteínica-energética en los niños menores de cinco años.

- f) Garantizar la calidad del control higiénico sanitario y nutricional de los alimentos.
- g) Ordenar y coordinar los esfuerzos que realizan tanto las instituciones estatales dentro de las asignaciones presupuestarias, como las instituciones privadas nacionales e internacionales hacia la soberanía y seguridad alimentaria y nutricional.

Artículo 5. Para el cumplimiento del objeto de la presente Ley, se establece el Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional para implementar el derecho a la alimentación como un derecho humano fundamental que incluye el derecho a estar libre de hambre, a una alimentación adecuada y la soberanía alimentaria y nutricional, estableciéndose las regulaciones del sistema en la presente ley.

Artículo 6. Del ámbito de la Ley: La presente Ley es aplicable a las personas naturales y jurídicas, públicas o privadas que realicen actividades relacionadas con la soberanía y seguridad alimentaria y nutricional en todo el territorio nacional, establecidas en los Artículo 29 y 30 de la presente Ley.

Artículo 7. Equidad de género. El Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en cuanto la legislación, política, estrategias, planes, programas y proyectos que el Estado de Nicaragua formule y aplique en esta materia, deberá contener el enfoque de equidad de género

Artículo 8. Definiciones Complementarias. Se entiende por:

- a) **Acceso a los alimentos:** la posibilidad que tienen los individuos o familias para adquirir los alimentos ya sea por medio de su capacidad para producirlos y/o comprarlos o mediante transferencias o donaciones.
- b) **Consumo de los alimentos:** la capacidad de la población para decidir adecuadamente sobre la forma de seleccionar, almacenar, preparar, distribuir y consumir los alimentos a nivel individual, familiar y comunitario. El consumo de los alimentos está íntimamente relacionado con las costumbres, creencias, conocimientos, prácticas de alimentación y el nivel educativo de la población.
- c) **Derecho a la alimentación:** Es el derecho humano y fundamental inherente a la dignidad humana, de orden público y de interés social, dirigido a garantizar la soberanía y seguridad alimentaria y nutricional con equidad de género, el cual implica, el derecho de acudir a los mecanismos administrativos o judiciales para obtener la tutela de este derecho y la reparación en su caso.
- d) **Disponibilidad de alimentos:** se refiere a la cantidad y variedad de alimentos con que cuenta un país, región, comunidad o individuo.
- e) **Mal nutrición:** Estado patológico resultante de un exceso, déficit o desbalance de nutrientes en la dieta derivando enfermedades crónicas no transmisibles como las cardiovasculares, la colesterolemia, la obesidad, emaciación, retraso del crecimiento, insuficiencia ponderal, capacidad de aprendizaje reducida, salud delicada y baja productividad, entre otros.

- f) **Sistema Alimentario.** Por sistema alimentario se entenderá al conjunto de relaciones socioeconómicas y técnico-productivas que inciden de un modo directo en los procesos de producción primaria, transformación agroindustrial, acopio, distribución, comercialización y consumo de los productos alimentarios
- g) Sin perjuicio de lo establecido en el Artículo 2, numeral (1) de esta Ley, sobre la **Soberanía Alimentaria**, en lo que a Sistema Alimentario se refiere, se dirigirán políticas a los actores de la producción alimentaria nacional, sin discriminación.
- h) **Utilización o aprovechamiento óptimo de los alimentos:** una persona depende de la condición de salud de su propio organismo para aprovechar al máximo todas las sustancias nutritivas que contienen los alimentos.

Artículo 9. Principios Complementarios de la Ley de Soberanía y Alimentaria y Nutricional.

- a) Sin detrimento de lo establecido en el arto. 2 inciso 1 de la presente ley, **Soberanía alimentaria** es el derecho del Estado a definir sus propias políticas y estrategias sustentables de producción, transformación, distribución y consumo de alimentos que garanticen el derecho a la alimentación a toda la población, con preferencia hacia la valorización y el consumo de productos nacionales.
- b) **Precaución**, para garantizar la inocuidad de la producción interna de alimentos, así como de las importaciones y donaciones de alimentos, para que estos no puedan ocasionar daño a la producción y al consumo humano nacional.
- c) **Prevención.** Se refiere a la preparación anticipada para evitar un riesgo de daño grave o irreversible a la Soberanía y Seguridad Alimentaria y Nutricional.
- d) **Inclusión.** Se procura que no exista ningún tipo de discriminación social, económica y/o política, por razones de género, etnia, religión y/o territorialidad.

TITULO III DE LA ORGANIZACIÓN DEL SISTEMA NACIONAL DE SOBERANIA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Capítulo I Creación y Estructura del Sistema

Artículo 10. Creación del Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional. Créase el Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante **SINASSAN**, para promover, proteger y cumplir el derecho a la alimentación como un derecho humano fundamental. Este sistema es integrado por el conjunto de Instituciones públicas, privadas y organismos no gubernamentales nacionales con competencia e incidencia en la soberanía y seguridad alimentaria y nutricional de Nicaragua.

Artículo 11. Estructura del SINASSAN. La estructura del SINASSAN será organizada a nivel sectorial y territorialmente en los niveles nacional, regional, departamental y municipal, creando y fortaleciendo instancias de coordinación, articulación y concertación que garanticen la Soberanía y Seguridad Alimentaria y Nutricional, quedando integrada por:

- a) La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional (CONASSAN),
- b) La Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional (SESSAN),
- c) Los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN),
- d) Las Comisiones Regionales en las Regiones Autónomas del Atlántico Norte y Sur para la Soberanía y Seguridad Alimentaria y Nutricional (CORESSAN),
- e) Las Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (CODESSAN), y
- f) Las Comisiones Municipales para la Soberanía y la Seguridad Alimentaria y Nutricional (COMUSSAN),

“Capítulo II

Estructura, Composición y Funcionamiento de la Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional”.

Artículo 12. La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante CONASSAN, es la instancia máxima de toma de decisiones y, coordinación intersectorial e intergubernamental a nivel nacional. La preside el Presidente de la República.

Para el cumplimiento de sus funciones, la CONASSAN se apoyará en la Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional (SESSAN) adscrita a la Secretaría Técnica de la Presidencia de la República (SETEC).

Los sectores del Gobierno representados en la CONASSAN, se organizarán a través de Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN).

Artículo 13. Composición de la CONASSAN. La CONASSAN está conformada por los titulares de Sectores de las instituciones del estado, de los Consejos Regionales de las Regiones Autónomas del Atlántico Norte y Sur, representación de los gobiernos municipales a través de la Asociación de Municipios de Nicaragua (AMUNIC) y de las organizaciones de la sociedad civil con representación nacional e incidencia en soberanía y seguridad alimentaria y nutricional. Estará integrada de la siguiente manera:

- a) Ministerio Agropecuario y Forestal, como representante del sector Productivo Agropecuario y Rural;
- b) Ministerio de Salud, como representante del Sector Salud;

- c) Ministerio de Educación, como representante del Sector Educativo.
- d) Ministerio de Hacienda y Crédito Público, como gestor de los Recursos Financieros
- e) Ministerio de Fomento, Industria y Comercio, como representante del Sector económico.
- f) Ministerio del Ambiente y de los Recursos Naturales, como representante del Sector Ambiental.
- g) El/la Presidente de AMUNIC en representación de los Gobiernos Municipales.
- h) Un/a representante de los Gobiernos Regionales de las Regiones Autónomas del Atlántico Norte y Sur, designados alternamente para un periodo de dos (2) años cada uno.
- i) Un/a representante Sistema Nacional de Atención, Mitigación y Prevención de Desastres.
- j) La Secretaria o Secretario Ejecutivo de la SESSAN.
- k) Un/a Representante de los Organismos no Gubernamentales de cobertura nacional electos entre las ONGs con participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional.
- l) Un/a Representante de los gremios de la producción con cobertura nacional, electos entre los gremios con participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional.
- m) Un/a Representante de la empresa privada, con cobertura nacional, electos de entre las Cámaras de Empresarios Privados con participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional.
- n) Un/a representante de las organizaciones de los pueblos indígenas. electos de entre las organizaciones de comunidades indígenas con participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional.

En el caso de los cuatro últimos incisos la duración del nombramiento será hasta por un año, el Reglamento de la presente Ley definirá el procedimiento para su selección y nombramiento.

Participan en la CONASSAN en calidad de invitados permanentes con derecho a voz y voto un/a Magistrado/a de la Corte Suprema de Justicia, un/a Diputado/a de la Asamblea Nacional y el/la Procurador/a de Derechos Humanos,

En ausencia de los Ministros de Estado responsables de sectores asistirán los Viceministros debidamente facultados, con plenos poderes para la toma de decisiones.

En lo referido a los incisos k), l), m), y n), cada representante designará un suplente con autoridad para la toma de decisiones. La CONASSAN podrá incorporar con carácter de invitados a otros representantes del Estado y la Sociedad Civil que estén vinculados a temas relacionados a la Soberanía y Seguridad Alimentaria y Nutricional.

Artículo 14. Funciones de la CONASSAN. Son funciones de la CONASSAN las siguientes:

- a) Evaluar y actualizar la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género, para aprobación por el Presidente de la República.
- b) Aprobar, evaluar y actualizar las estrategias, planes, programas y proyectos en materia de soberanía y seguridad alimentaria y nutricional en el nivel nacional.
- c) Aprobar el diseño y funcionamiento de las instancias y órganos del SINASSAN y su reglamento interno, presentado por la SESSAN.
- d) Presentar propuesta de declaratoria de zonas de emergencia o emergencia nacional en materia de Soberanía y Seguridad Alimentaria y Nutricional, al Presidente de la República para su aprobación y declaración.
- e) Aprobar y enviar a divulgación anualmente el Informe Nacional del Estado de la Soberanía y Seguridad Alimentaria y Nutricional de Nicaragua (INESSAN).
- f) La CONASSAN para su funcionamiento, deberá realizar reuniones de forma ordinaria dos veces al año y extraordinariamente cuando el presidente de la República convoque, de acuerdo al Reglamento de la presente Ley.
- g) Las demás funciones que establezcan el reglamento de la presente ley y su reglamento interno.

CAPÍTULO III

ESTRUCTURA, COMPOSICIÓN Y FUNCIONAMIENTO DE LA SECRETARÍA EJECUTIVA DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Artículo 15. De la Estructura de la Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional (SESSAN). Para el cumplimiento de sus funciones, la estructura de la SESSAN será la siguiente:

- a) Una Secretaría Ejecutiva.
- b) Una Dirección de Planificación;
- c) Una Dirección de Evaluación y Seguimiento.

La SESSAN está coordinada por el/la Secretario/a Ejecutivo/a.

Artículo 16. De la Secretaría Ejecutiva de la SESSAN. La Secretaria Ejecutiva de la SESSAN es el ente encargado de operativizar las decisiones de la CONASSAN y tendrá la responsabilidad de llevar a efecto la coordinación intersectorial, así como, la articulación de los programas y proyectos de las distintas instituciones nacionales e internacionales vinculados con la Seguridad Alimentaria y Nutricional del país.

Sus funciones son:

- a) Establece las coordinaciones entre la SESSAN y los Comités Técnicos Sectoriales para la Soberanía y Seguridad Alimentaria y Nutricional, a fin de:

- i. Formular y evaluar la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género y étnica, y presentarla a la CONASSAN.
- ii. Formular y evaluar las estrategias, planes, programas en materia de soberanía y seguridad alimentaria y nutricional, que han sido orientadas por la CONASAN.
- iii. Dar asesoría y asistencia técnica, de acuerdo a solicitud, para el desarrollo de las Coordinaciones de los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional con los Concejos Regionales de las Regiones Autónomas del Atlántico de Nicaragua, los Concejos Departamentales y con los Gobiernos Municipales, para el establecimiento e implementación del Sistema de Soberanía y Seguridad Alimentaria y Nutricional.
- iv. El/la Secretario/a Ejecutivo/a facilita la coordinación de las diferentes instancias sectoriales en los niveles nacional, regional, departamental y municipal del SINASSAN con el Sistema Nacional para la Prevención, Mitigación y Atención de Desastres para enfrentar situaciones de emergencias.
- v. Fomenta el estudio y análisis del problema alimentario nutricional y sus soluciones, asegurando la existencia y funcionamiento efectivo de canales y espacios de diálogo y comunicación, así como mecanismos de consulta y coordinación entre el gobierno, sociedad civil y cooperación internacional,
- vi. Proponer a la CONASSAN, la declaratoria de zonas de emergencia o emergencia nacional en materia de soberanía y seguridad alimentaria y nutricional.
- b) Brindar información de carácter técnico y educativo a los miembros de la CONASSAN sobre temas referidos a la Soberanía y Seguridad Alimentaria y Nutricional.
- c) Dirigir los órganos auxiliares de apoyo: Dirección de Planificación y Dirección de Evaluación y Seguimiento, según sus funciones.
- d) Elaborar el reglamento interno de organización y funcionamiento de la Dirección de Planificación y de la Dirección de Evaluación y Seguimiento para su presentación y aprobación en la CONASSAN.

Para optar al cargo de Secretaria o Secretario Ejecutivo de la SESSAN, se requiere las siguientes calidades:

- a) Ser nacional de Nicaragua. Los que hubiesen adquirido otra nacionalidad deberán haber renunciado a ella al menos cuatro años antes de la fecha de su nombramiento.
- b) Estar en pleno goce de sus derechos políticos y civiles.
- c) Haber cumplido veinticinco años de edad.
- d) Haber residido en forma continua en el país los cuatro años anteriores a la fecha de su nombramiento, salvo que durante dicho período cumpliera Misión Diplomática, trabajare en Organismos Internacionales o realizare estudios en el extranjero.

- e) Titulación académica a nivel de estudios superiores, preferentemente con título de maestría.
- f) Experiencia técnica en Soberanía, Seguridad Alimentaria y Nutricional, al menos de siete años, contados a partir de la fecha de nombramiento, por el Presidente de la República.

Los participantes en la CONASSAN podrán presentar al Presidente de la República propuesta de terna de candidatos/as a ocupar el cargo de Secretario/a Ejecutivo/a.

Artículo 17. De la Dirección de Planificación de la SESSAN. La Dirección de Planificación de la SESSAN tiene la responsabilidad de realizar las siguientes funciones en coordinación con los Consejos Técnicos Sectoriales:

- a) Desarrollar un Sistema Nacional de Planificación para la Soberanía y la Seguridad Alimentaria y Nutricional, a partir de los Sistemas de Planificación Sectoriales.
- b) Apoyar y dar asistencia técnica para la implementación del sistema de planificación en las instancias territoriales del nivel regional, departamental y municipal.
- c) Elaborar la propuesta de de Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, y presentarlo a la SESSAN para su presentación a la CONASSAN.
- d) Elaborar para la SESSAN la propuesta de estrategia nacional en materia de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género, para presentarla a la CONASSAN.
- e) Elaborar la propuesta de Estrategia de gestión financiera del SINASSAN, para su aprobación en la CONASSAN.
- f) Las demás que le establezca el reglamento de la presente ley.

La Dirección de Planificación de la SESSAN estará a cargo del/la directora/a de la Dirección de Planificación, nombrado/a por la CONASSAN a propuesta del/la Secretario/a Ejecutivo/a de SESSAN. Para optar al cargo se requiere tener experiencia técnica mínima de cinco años en temas de seguridad alimentaria nutricional, estudios en planificación estratégica y conocimiento del Sistema Nacional de Planificación.

Artículo 18. De la Dirección de Evaluación y Seguimiento de la SESSAN. La Dirección de Evaluación y Seguimiento de la SESSAN tiene la responsabilidad de realizar las siguientes funciones en coordinación con los Consejos Técnicos Sectoriales:

- a) Desarrollar un Sistema Nacional de Evaluación y Seguimiento para la Soberanía y la Seguridad Alimentaria y Nutricional, a partir de los Sistemas Sectoriales de Evaluación y Seguimiento.

- b) Elaborar la propuesta de estrategia de divulgación del SINASSAN priorizando la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, la Ley y su reglamento, la que será aprobada por la CONASSAN.
- c) Elaborar la propuesta de Informe de Soberanía y Seguridad Alimentaria y Nutricional (INESSAN), para aprobación por la CONASSAN.
- d) Monitorear y evaluar en coordinación con los equipos de planificación de los COTESSAN el estado de la Nación en materia de Soberanía y Seguridad Alimentaria y Nutricional e informar de ello a la CONASSAN.
- e) Apoyar y dar asistencia técnica a los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional para la implementación de los sub - Sistemas de Información sectorial de monitoreo y evaluación del estado de la Soberanía y Seguridad Alimentaria y Nutricional en las instancias territoriales a nivel regional, departamental y municipal.
- f) Divulgar y difundir la Política Nacional y su plan de acción, aprobado por la CONASSAN, a través de los medios de comunicación masiva nacional y en las regiones autónomas, departamentos y municipios del país.
- g) Las demás que le establezca el reglamento de la presente ley y su reglamento interno.

La Dirección de Evaluación y Seguimiento de la SESSAN estará a cargo del/la directora/a de la Dirección de Evaluación y Seguimiento, nombrado/a por la CONASSAN a propuesta del/la Secretario/a Ejecutivo/a de SESSAN. Para optar al cargo se requiere tener experiencia técnica mínima de cinco años en temas de seguridad alimentaria nutricional y estudios en sistemas de evaluación y seguimiento de políticas públicas.

Capítulo IV

Estructura, Composición y Funcionamiento de los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional

Artículo 19. De los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN). Estarán coordinados por el Ministro que Coordine el sector.

Los Consejos Técnicos Sectoriales estarán conformados por los siguientes actores vinculados a la Soberanía Alimentaria y Nutricional:

- a) El o los Ministerios e Instituciones Públicas que conforman el Sector;
- b) Un/a Representante de Organismos no gubernamentales de cobertura nacional;
- c) Un/a Representante de los gremios con cobertura nacional;
- d) Un/a Representante de la empresa privada, con cobertura nacional;
- e) Un/a representante de las organizaciones de los pueblos indígenas;
- f) Un/a Representante de las Universidades designado por el CNU.

Los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN) podrán incorporar con carácter de invitados a otros representantes del Estado y Sociedad Civil en temas relevantes a la Soberanía y Seguridad Alimentaria y Nutricional.

Artículo 20. Son funciones de los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN) las siguientes:

- a) Coordinar con los Concejos Regionales de las Regiones Autónomas del Atlántico de Nicaragua, los Concejos Departamentales y Gobiernos Municipales, el establecimiento e implementación del Sistema de Soberanía y Seguridad Alimentaria y Nutricional, apoyando la constitución de las Comisiones de Soberanía y Seguridad Alimentaria y Nutricional respectivas.
- b) Elaborar la propuesta de Política Sectorial para la Soberanía y Seguridad Alimentaria y Nutricional para su aprobación por el Sector
- c) Apoyar en coordinación con la SESSAN, a las instancias territoriales del nivel regional, departamental y municipal, para la implementación del Sistema de Planificación de Soberanía y Seguridad Alimentaria y Nutricional en el marco del Sistema Nacional de Planificación.
- d) Apoyar en coordinación con la SESSAN, a las instancias territoriales del nivel regional, departamental y municipal para la implementación del Sistema de Información para el monitoreo y evaluación del estado de la Soberanía y Seguridad Alimentaria y Nutricional.
- e) Elaborar para la SESSAN en coordinación con la Dirección de Planificación de la SESSAN, el Proyecto de Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, a ser presentado a la CONASSAN para aprobación por el Presidente de la República.
- f) Elaborar para la SESSAN, las estrategias, planes, programas y proyectos sectoriales, en materia de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género.
- g) Participar en coordinación con la Dirección de Evaluación y Seguimiento de la SESSAN, en la elaboración de la estrategia de divulgación del SINASSAN para su presentación y aprobación por la CONASSAN, debiendo priorizar la política nacional de soberanía y seguridad alimentaria y nutricional, la ley y su reglamento.
- h) Participar en coordinación con la Dirección de Evaluación y Seguimiento de la SESSAN, en la elaboración del Informe de Soberanía y Seguridad Alimentaria y Nutricional, INESSAN, para su posterior aprobación por la CONASSAN.
- i) Monitorear y evaluar en coordinación con la Dirección de Evaluación y Seguimiento de la SESSAN, el estado del Sector en materia de Soberanía y Seguridad Alimentaria y Nutricional e informar de ello a la SESSAN.

Capítulo V

Estructura y Composición de las Comisiones Regionales, Departamentales y Municipales.

Artículo 21. De las Comisiones Regionales en las Regiones Autónomas del Atlántico Norte y Sur para la Soberanía y Seguridad Alimentaria y Nutricional (CORESSAN). Las Comisiones Regionales en las Regiones Autónomas del Atlántico Norte y Sur para la Soberanía y Seguridad Alimentaria y Nutricional (CORESSAN), son las máximas instancias de toma de decisiones y coordinación intersectorial a nivel regional. Están adscritas al Consejo Regional de Planificación Económica y Social (CORPES). El Consejo Regional en cada una de las dos Regiones Autónomas de la Costa Atlántica, mediante resolución deberá crear la CORESSAN de conformidad a lo dispuesto en el Reglamento de la presente Ley.

Las comisiones de las Regiones Autónomas del Atlántico estarán integradas por:

- a) Un/a delegado/a del Gobierno Regional,
- b) Un/a delegado/a de los Gobiernos Locales,
- c) Un/a delegado/a de los Ministerios que forman parte de la CONASSAN y
- d) Un/a delegado/a de las Organizaciones de la Sociedad Civil que ejecuten programas y proyectos en la región, orientados a fomentar la soberanía y seguridad alimentaria y nutricional de la región.

Artículo 22. De las Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (CODESSAN). Las Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (CODESSAN), adscritas a los Concejos Departamentales de Desarrollo, son las instancias máximas de toma de decisiones y coordinación intersectorial a nivel departamental, y de seguimiento y evaluación de planes y proyectos dirigidos al desarrollo de la soberanía y seguridad alimentaria y nutricional.

Las comisiones departamentales estarán integradas por:

- a) Un/a delegado/a de los Gobiernos Locales, quien lo coordina,
- b) Un/a delegado/a de los Delegados Ministeriales de los Ministerios que forman parte de la CONASSAN y
- c) Un/a delegado/a de las Organizaciones de la Sociedad Civil que ejecuten programas y proyectos en el Departamento orientados a fomentar la soberanía y seguridad alimentaria y nutricional del departamento.

Artículo 23. De las Comisiones Municipales para la Soberanía y la Seguridad Alimentaria y Nutricional (COMUSSAN). Las Comisiones Municipales para la Soberanía y la Seguridad Alimentaria y Nutricional (COMUSSAN), son las instancias máximas de toma de decisiones y coordinación intersectorial a nivel municipal, están adscritas a los Concejos Municipales de Desarrollo y son presididas por el Alcalde o Alcaldesa. La COMUSSAN será integrada y convocada por el Concejo Municipal a través del secretario del Concejo Municipal en un plazo no mayor de noventa días a la entrada en vigencia de la presente Ley.

Las Comisiones Municipales estarán integradas por:

- a) Un/a delegado/a del Concejo Municipal, quien lo Coordina,

- b) Un/a delegado/a de las Delegaciones Ministeriales de los Ministerios que forman parte de la CONASSAN y
- c) Un/a delegado/a de las Organizaciones de la Sociedad Civil que ejecuten programas y proyectos en el municipio orientados a fomentar la soberanía y seguridad alimentaria y nutricional del Municipio.

Artículo 24. Las Comisiones Municipales, Departamentales, Regionales y Municipales podrán incorporar con carácter de invitados a otros representantes del Estado y Sociedad Civil en temas relevantes a la Soberanía y Seguridad Alimentaria y Nutricional.

Capítulo VI

Funcionamiento de las Comisiones Regionales, Departamentales y Municipales

Artículo 25. De las Funciones de las Comisiones de las Regiones Autónomas del Atlántico Norte y Sur, Departamentales y Municipales de Soberanía y Seguridad Alimentaria Nutricional: Las Comisiones en los distintos niveles tienen las siguientes funciones:

- a) Coordinar en su ámbito respectivo, los esfuerzos de articulación de las acciones públicas y privadas orientadas a elaborar, implementar y evaluar políticas, programas y proyectos, con equidad de género, que aseguren la Soberanía y Seguridad Alimentaria y Nutricional de sus comunidades;
- b) Asegurar mecanismos efectivos de planificación y evaluación para el desarrollo de acciones que garanticen la Soberanía y la Seguridad Alimentaria y Nutricional en sus comunidades, con la participación de las distintas instituciones del gobierno y organizaciones de la sociedad civil relevantes al tema de Soberanía y Seguridad Alimentaria y Nutricional.
- c) Establecer coordinación permanente con los Consejos Técnicos Sectoriales que conforman la CONASSAN para asegurar el desarrollo de la Soberanía y Seguridad Alimentaria y Nutricional en sus respectivos territorios;
- d) Solicitar apoyo técnico a la SESSAN para la implementación del Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional en su Región respectiva.

Capítulo VII

De los Instrumentos y Mecanismos del Sistema

Artículo 26. De los recursos financieros.

- a) Las Instituciones del Gobierno que forman parte de la CONASSAN, priorizarán en su partida presupuestaria la asignación de recursos en el Presupuesto General de la República y de la cooperación internacional, asociados a programas, proyectos y actividades de Soberanía y Seguridad Alimentaria y Nutricional, con equidad de género.

- b) Una parte de los Programas de Inversión Municipal, debe estar orientada a desarrollar, de manera coordinada con las demás instituciones públicas, estrategias para el fomento de la Soberanía y Seguridad Alimentaria y Nutricional, por medio de programas y proyectos con fondos propios o con recursos provenientes del Presupuesto General de la República.
- c) El Ministerio de Hacienda y Crédito Público, deberá incorporar una partida presupuestaria de acuerdo a los instrumentos y mecanismos establecidos en el Presupuesto General de la República, para la aplicación de la presente ley. La asignación de recursos presupuestarios estará basada en las necesidades y requerimientos del SINASSAN.
- d) La Asamblea Nacional de la República de Nicaragua, en el proceso de aprobación del Presupuesto General de la República identificará de manera clara las partidas de gastos que serán asignadas a cada una de las instituciones responsables de implementar las medidas derivadas de esta ley.

Artículo 27. De la prevención y precaución. Las actividades comerciales de importación y exportación de alimentos para consumo humano o animal, deberán contar con la debida gestión y evaluación de riesgos, así como, la autorización de salud animal y sanidad vegetal, de acuerdo con la legislación de la materia, debiendo aplicar en todos los casos el principio de prevención y precaución.

Artículo 28. De los Incentivos. La CONASSAN deberá fomentar incentivos económicos para el desarrollo de la soberanía y seguridad alimentaria y nutricional, así como incentivos morales a las personas naturales o jurídicas que se destaquen en la promoción y fomento de la soberanía y la seguridad alimentaria y nutricional. El reglamento de la presente ley establecerá los criterios y requisitos para su otorgamiento.

Artículo 29. Del FONASSAN. Se crea el Fondo Nacional de Emergencia de Soberanía y Seguridad Alimentaria y Nutricional, denominado FONASSAN, con el objetivo de enfrentar situaciones de emergencia alimentaria ocasionada por desastres naturales, crisis económicas o sociales.

- a) Los recursos para el FONASSAN provendrán del Presupuesto General de la República, donaciones de organismos nacionales e internacionales, aportes privados u otros financiamientos que la CONASSAN proponga a la Presidencia de la República para su gestión y aprobación.
- b) Los fondos destinados al FONASSAN serán ingresados al Ministerio de Hacienda y Crédito Público, el que destinara las partidas necesarias a los presupuestos de las instituciones del gobierno, que conforman la CONASSAN, responsables de atender las emergencias alimentarias previa propuesta de plan de acción.

Capítulo VIII

De las Competencias de las Instituciones Públicas del Sistema de Soberanía y Seguridad Alimentaria y Nutricional

Artículo 30. De las competencias para la Seguridad Alimentaria y Nutricional. Las Instituciones Públicas del SINASSAN deben fortalecer el Sistema de Soberanía y Seguridad Alimentaria y nutricional a través de:

- a) Un Sistema Alimentario capaz de proveer, de manera sostenible, alimentos nutritivos e inocuos, culturalmente aceptable enmarcado en nuestro patrimonio cultural y ambiental, y en nuestra capacidad de producción nacional de alimentos y su transformación priorizando la pequeña y mediana producción, con un sistema de acopio y gestión de precios que de manera equitativa asegure la disponibilidad, el acceso, el consumo y el aprovechamiento biológico de los alimentos de todas y todos los nicaragüenses y como oportunidad de desarrollo. Siendo el responsable de Coordinación el Ministerio Agropecuario y Forestal, en el marco de su Consejo Técnico Sectorial.
- b) Un Sistema Nutricional, que llene las necesidades energéticas, nutricionales y culturales, y que garanticen la salud y el bienestar de nuestras comunidades, la eliminación de la mal nutrición, priorizando la atención a mujeres embarazadas y lactantes y la erradicación de la desnutrición crónica infantil, especialmente de niños/as menores de 2 años.
- c) Un Sistema Educativo que forme recursos humanos emprendedores, dotando de actitudes, habilidades y conocimiento, a la población estudiantil y la comunidad escolar que les permita un mejor aprovechamiento sostenible de los recursos locales, fortalezca la cultura de producción y consumo basada en la diversidad cultural nacional, y promueva cambios de comportamiento para mejorar el estado alimentario y nutricional de las familias nicaragüenses. El responsable de Coordinación es el Ministerio de Educación, en el marco de su Consejo Técnico Sectorial.
- d) Un Sistema Ambiental Natural que asegure la calidad del agua, suelo y Biodiversidad, en el marco de la conservación y un manejo sostenible de los recursos naturales, que garantice la alimentación y nutrición, la salud, la cultura y la riqueza de nuestras comunidades. El responsable de Coordinación es el Ministerio del Medio Ambiente y Recursos Naturales, en el marco de su Consejo Técnico Sectorial.
- e) Un Ambiente Institucional donde cada Ministerio representante de Sector tiene la responsabilidad de coordinación, articulación y armonización de su competencia sectorial a lo interno de su sector y con otros sectores.
- f) El Estado de Nicaragua es responsable de crear un Ambiente Político, Económico y Social que garantice la institucionalidad y la sostenibilidad del quehacer de los sectores en el marco de una distribución justa de la riqueza que asegure la Soberanía y la Seguridad Alimentaria y Nutricional y mejore la calidad de vida de las y los nicaragüenses.

Artículo 31. De la Soberanía alimentaria. La CONASSAN, deberá establecer las siguientes medidas de política, legislación y estrategias con equidad de género, orientado a lograr un modelo de desarrollo sostenible a través de:

- a) La promoción de cambios sustantivos en los modos y medios de producción del sistema alimentario, priorizando la pequeña y mediana producción, para el aumento de la productividad y la diversificación en el marco de un mercado incluyente y justo, orientado a alcanzar la autonomía alimentaria nacional basada en la Cultura Alimentaria Nacional.
- b) La mejora de la distribución y acopio de alimentos inocuos y nutritivos, culturalmente aceptables, con equidad social.
- c) El respeto al derecho a la diversidad cultural alimentaria de la población nicaragüense.

Título III **Infracciones, Sanciones, Recursos y Resolución de Conflictos** **Administrativos**

Capítulo I **Infracciones y Sanciones**

Artículo 32. Infracciones Son infracciones a las disposiciones de Soberanía y Seguridad Alimentaria y Nutricional todas las acciones y omisiones que vulneren o contravengan la presente Ley y su reglamento.

Toda actuación que contravenga la presente Ley y su reglamento, o las normas derivadas de éstos, dará lugar a la imposición de sanciones a los/as responsables de conformidad con lo dispuesto en los códigos y las leyes específicas de la materia.

Artículo 33. Sanciones administrativas. La violación por acción u omisión de las disposiciones establecidas en la presente ley, es causal de infracción administrativa por parte de los funcionarios que corresponda en base a la Ley de Servicio Civil. El reglamento de la presente ley establecerá cada caso de aplicación de sanciones administrativas.

Artículo 34. Derecho de acción. El ejercicio de la acción civil y penal que corresponda, se regirá por la legislación de la materia.

Capítulo II **De los Recursos Administrativos**

Artículo 35. Recurso Administrativo. Se establece el Recurso de Revisión y el Recurso de Apelación en la vía administrativa a favor de aquellas personas cuyos derechos se consideren perjudicados por los actos administrativos emanados de los distintos Órganos de la Administración Pública y que tengan por base la aplicación de la presente Ley.

El Recurso de Revisión deberá interponerse en el término de quince días hábiles a partir del día siguiente de la notificación del acto.

El Recurso de Apelación se interpondrá ante el mismo órgano que dictó el acto, en un término de seis días después de notificado la Resolución del Recurso de Revisión.

El Recurso de Revisión y el de Apelación se tramitarán de conformidad con lo dispuesto en los Artículos 40, 41, 42, 43, 44, y 45 de la Ley No. 290, Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo, publicada en “La Gaceta” diario oficial No. 102 del 3 junio de 1998 y su reforma y su Reglamento.

Con la interposición y fallo de los recursos consignados en la presente Ley, se agota la vía administrativa.

Capítulo III De los Conflictos de Competencia

Artículo 36. Conflictos de Competencia. Los conflictos de carácter administrativo que se presenten como consecuencia de la aplicación de la presente Ley, entre los distintos organismos de la administración pública, se resolverán de conformidad al procedimiento establecido en los Artículos 34, 35, 36, 37 y 38 de la Ley No. 290, Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo, publicada en “La Gaceta” diario oficial No. 102 del 3 junio de 1998 y su reforma y su Reglamento.

Título IV Disposiciones Finales y Transitorias

Artículo 37. Acciones y adecuaciones legales.

- a) Los Ministerios de Estado, responsables de sectores en la CONASSAN, deberán proponer la actualización legislativa relativa al tema de Soberanía y Seguridad Alimentaria y Nutricional, y funciones sectoriales que garanticen la implementación del Sistema de Soberanía, Seguridad Alimentaria y Nutricional. Corresponderá a la Presidencia de la República en un plazo máximo de un año a partir de la publicación de la presente ley, presentar a la Asamblea Nacional las propuestas de adecuación de esta legislación para su aprobación.

- b) La Junta Directiva de la Asamblea Nacional encomendará a la Comisión que corresponda por materia, la actualización legislativa relativa al tema de Soberanía y Seguridad Alimentaria y Nutricional, y funciones sectoriales que garanticen la implementación del Sistema de Soberanía, Seguridad Alimentaria y Nutricional, para su aprobación en el Plenario, cuando el Presidente de la República no lo hiciere en el plazo establecido por esta ley.
- c) La Junta Directiva de la Asamblea Nacional garantizará que la futura Legislación Nacional guarde coherencia y armonía con la presente Ley de Soberanía y Seguridad Alimentaria y Nutricional.

Artículo 38. La Procuraduría para la defensa de los derechos humanos, con el objetivo de garantizar el derecho de las personas, con equidad de género, a la Soberanía y Seguridad Alimentaria y Nutricional deberá:

- a) Designar un/a Procurador/a Especial en materia de Soberanía, Seguridad Alimentaria y Nutricional,
- b) Incluir en su Informe Anual de rendición de cuentas ante la Asamblea Nacional, el estado del derecho a la Soberanía, Seguridad Alimentaria y Nutricional y sobre el cumplimiento progresivo del derecho a la alimentación.

Artículo 39. Instalación de los órganos del SINASSAN. El Presidente de la República en un plazo de noventa días, contados a partir de la entrada en vigencia de la presente Ley, convocará e instalará la CONASSAN y la SESSAN, en el nivel nacional. En el caso de las regiones autónomas, los departamentos y las municipalidades, éstas serán instaladas por los Consejos Regionales Autónomos, Consejos Departamentales y los Gobiernos Municipales, en un plazo no mayor de noventa días, contados a partir de la instalación de la CONASSAN y la SESSAN.

Artículo 40. Difusión y divulgación del SINASSAN. La CONASSAN deberá realizar de forma inmediata a la entrada en vigor de la presente ley, una amplia difusión y divulgación de la misma

Artículo 41. Reglamento. La presente Ley deberá ser reglamentada por el Presidente de la República en el plazo Constitucional.

Artículo 42. Derogación. La presente ley deroga todas las normativas de igual o menor rango que se le opongan y en particular el decreto presidencial No.40-2000, creador de la Comisión Nacional de Seguridad Alimentaria y Nutricional, publicado en la gaceta diario oficial No.92 de 17 de mayo de 2000 y sus reformas consignadas en el Decreto 65-2000, publicada en la gaceta diario oficial No.169 de 06 de septiembre de 2000.

Artículo 43. Vigencia. La presente Ley entrará en vigencia a partir de su publicación en la Gaceta, Diario Oficial

Dado en la ciudad de Managua, en la Sala de Sesiones de la Asamblea Nacional a los _____ del _____ del dos mil _____.

Appendix U

Nicaragua's Law 693, the Law of Food and Nutritional Sovereignty and Security

LEY DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

LEY No. 693, Aprobada el 18 de Junio del 2009

Publicado en La Gaceta No. 133 del 16 de Julio del 2009

El Presidente de la República de Nicaragua

A sus habitantes, Sabed:
Que,

LA ASAMBLEA NACIONAL

Ha ordenado la siguiente:

LEY DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

TÍTULO I

FOod aCAPÍTULO I

DISPOSICIONES GENERALES

Artículo 1. Objeto de la Ley.

La presente Ley es de orden público y de interés social, tiene por objeto garantizar el derecho de todas y todos los nicaragüenses de contar con los alimentos suficientes, inocuos y nutritivos acordes a sus necesidades vitales; que estos sean accesibles física, económica, social y culturalmente de forma oportuna y permanente asegurando la disponibilidad, estabilidad y suficiencia de los mismos a través del desarrollo y rectoría por parte del Estado, de políticas públicas vinculadas a la soberanía y seguridad alimentaria y nutricional, para su implementación.

Art. 2. Definiciones Básicas.

Para efectos de la presente Ley y una mejor comprensión de la misma, se establecen los conceptos básicos siguientes:

1. Soberanía Alimentaria. Derecho de los pueblos a definir sus propias políticas y estrategias sostenibles de producción, distribución y consumo de alimentos, que garanticen el derecho a la alimentación para toda la población, con base en la pequeña y mediana producción, respetando sus propias culturas y la diversidad de los modos campesinos, pesqueros e indígenas de producción agropecuaria, de comercialización y de gestión de los espacios rurales, en los cuales la mujer desempeña un papel fundamental.
La soberanía alimentaria garantiza la seguridad alimentaria y nutricional.

2. Seguridad Alimentaria y Nutricional. Por Seguridad Alimenticia y Nutricional se entiende la

disponibilidad y estabilidad del suministro de alimentos, culturalmente aceptables, de tal forma que todas las personas, los mismos en cantidad y calidad, libres de contaminantes, así como el acceso a otros servicios como saneamiento, salud y educación, que aseguren el bienestar nutricional y les permita hacer una buena utilización biológica de los alimentos para alcanzar su desarrollo, sin que ello signifique un deterioro del ecosistema.

3. Política de Seguridad Alimenticia y Nutricional. Política que el Estado asume estableciendo los principios rectores y los lineamientos generales que orientan las acciones de las diferentes instituciones, sectores involucrados, organizaciones de la sociedad civil y la empresa privada que desarrollan actividades para promocionar la Seguridad Alimentaria y Nutricional con enfoque integral, dentro del marco de las estrategias de reducción de la pobreza que se definan y de las políticas globales, sectoriales y regionales, en coherencia con la realidad nacional.

4. Comisión Nacional de Soberanía y Seguridad Alimenticia y Nutricional (CONASSAN), Conjunto de personas encargadas por la Ley, para velar por la soberanía y seguridad alimenticia y nutricional de manera permanente y presidida por el Presidente de la República de Nicaragua.

5. Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional (COTESSAN), Órganos integrados por técnicos representantes de los miembros de la Comisión, encargados de manera permanente de brindar recomendaciones técnicas a la Secretaría Ejecutivo de Soberanía y Seguridad Alimentaria y Nutricional.

6. Sociedad Civil. Concepto amplio, que engloba a todas las organizaciones y asociaciones que existen fuera del Estado. Incluye los grupos de interés, los grupos de incidencia, sindicatos, asociaciones de profesionales, gremios de productoras y productores, asociaciones étnicas, de mujeres y jóvenes, organizaciones religiosas, estudiantes, culturales, grupos y asociaciones comunitarias y clubes.

7. Participación Ciudadana. Proceso de involucramiento de actores sociales en forma individual o colectiva, con el objeto y finalidad de incidir y participar en la toma de decisiones, gestión y diseño de las políticas públicas en los diferentes niveles y modalidades de la administración del territorio nacional y las instituciones públicas con el propósito de lograr un desarrollo humano sostenible, en corresponsabilidad con el Estado.

Art. 3. Principios de la Ley de Soberanía y Seguridad Alimentaria y Nutricional.

Son principios de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

a. **Disponibilidad.** En virtud de este principio, el Estado promoverá la existencia de los recursos necesarios en el país para garantizar de manera permanente la estabilidad de la oferta de alimentos en cantidad y calidad suficientes, que permitan satisfacer las necesidades de alimentación y nutrición de la población.

b. **Equidad y Acceso.** Por este principio los programas económicos y sociales de las instituciones del Gobierno promoverán el desarrollo de las poblaciones con mayor índice de pobreza, tomando medidas que permitan obtener recursos para producir, acceder y/o disponer de alimentos. Así mismo propiciar medidas para que, en especial las mujeres productoras de alimentos, tengan acceso a los recursos técnicos y financieros así como a bienes y servicios disponibles.

c. **Consumo.** Por este principio el Estado promueve la ingesta de los alimentos sanos e inocuos que se precisan en cantidad y calidad necesarias para que las personas tengan una alimentación

adecuada y saludable.

d. Utilización Biológica. Por este principio el Estado promoverá que se dé el máximo aprovechamiento que da el organismo de las personas a los nutrientes contenidos en los alimentos que consume, el mejoramiento de la salud de las personas y del entorno ambiental, genético e inmunológico.

e. Participación. La presente Ley de Soberanía y Seguridad Alimentaria y Nutricional, se base en la participación articulada de las instituciones de gobierno encargadas del desarrollo de las políticas agrícolas, pecuarias, pesqueras, forestales, de salud y nutrición, educativas y agroindustriales, crediticias, técnicas y financieras, con el objetivo de armonizar desde sus entidades ministeriales las acciones y medidas de la política de seguridad alimenticia y nutricional, en conjunto con todos los sectores de la sociedad civil, empresa privada, organismos de cooperación para la solución de las necesidades básicas de la población que viven por debajo de la línea de pobreza y que actualmente consumen menos de 2,250 Kilocalorías por día requeridas.

f. Eficiencia. La presente Ley incentiva la utilización de los recursos humanos y técnicos priorizado la generación de capacidades de producción y rendimiento productivo, de los pequeños y medianos productores, estabilidad en las políticas económicas que permitan asegurar recursos financieros, implementando programas de desarrollo y que los servicios básicos brinden mayor cobertura y calidad.

g. No Discriminación: La presente Ley contribuirá a que ningún grupo o persona sea discriminada por edad, sexo, etnia, credo religioso, político o discapacidad, al acceso de los recursos o goce de los derechos humanos de los hombres y mujeres en especial, el derecho a producir, obtener, disponer y acceder a alimentos nutritivos suficientes.

h. Solidaridad. Por virtud de este principio el Estado debe fomentar el desarrollo de políticas públicas y privadas que contribuyen a la transformación de mentalidades y actitudes individuales así como las relaciones existentes en la sociedad nicaragüense de desigualdad social, aumentando las posibilidades de vida y de futuro de todas las personas menos favorecidas socialmente. Las acciones encaminadas a la soberanía y seguridad alimentaria y nutricional deben priorizar la dignidad de las y los nicaragüenses.

i. Transparencia. Las actuaciones y acciones de los funcionarios responsables de la ejecución de la Política de Soberanía y Seguridad Alimentaria y Nutricional, deben estar basadas en información y métodos objetivos, contarán con mecanismo de monitoreo y evaluación permanente fomentando la transparencia en el gasto público, auditoría social asociados a un mejor acceso a los documentos en las áreas que competen a la opinión pública.

j. Tutela. Por mandato constitucional, el Estado debe velar por la seguridad alimentaria y nutricional de la población, haciendo prevalecer la soberanía alimentaria y la preeminencia del bien común sobre el particular.

k. Equidad. El Estado debe generar las condiciones para que la población sin distinción de género, etnia, edad, nivel socio económico y lugar de residencia, tenga acceso seguro y oportuno a alimentos sanos, inocuos y nutritivos, priorizando acciones a favor de los sectores de más bajos recursos económicos

l. Integralidad. Las Políticas deben tener carácter integral, incluyendo los aspectos de disponibilidad, acceso físico, económico, social, consumo y aprovechamiento biológico de los alimentos. Todo en el marco de lo que establece la Constitución Política de la República de

Nicaragua, las leyes y las políticas públicas.

m. Sostenibilidad. La Soberanía y Seguridad Alimentaria y Nutricional se basa en un conjunto de factores de carácter sostenible, adoptando y fomentando el uso de mejoras tecnológicas, capacitación, educación en el manejo eficiente de las mismas articuladas entre el crecimiento económico con modelos productivos adecuados, al bienestar social y cultural, la diversidad biológica y la mejora de la calidad de vida, protegiendo los recursos naturales, reconociendo que hay que satisfacer las necesidades presentes, respetando los derechos de las generaciones futuras.

La sostenibilidad se garantiza, además, mediante las normas, políticas públicas e instituciones necesarias dotadas de los recursos financieros, técnicos y humanos necesarios, en su defecto se establecen medidas precautorias.

n. Descentralización. El Estado trasladará de acuerdo a su competencia, capacidades de decisión, formulación y manejo de recursos a los gobiernos locales, estableciendo que los programas nacionales en materia de soberanía y seguridad alimentaria y nutricional se ejecuten desde los gobiernos locales articulados con sus iniciativas territoriales y con participación ciudadana, de conformidad con la Ley No. 475, "Ley de Participación Ciudadana", aprobada el veintidós de octubre de dos mil tres y publicada en La Gaceta, Diario Oficial No. 241 del diecinueve de diciembre del mismo año.

Participación ciudadana. El Estado promueve y garantiza la participación de los ciudadanos de conformidad con la Ley No. 475, "Ley de Participación Ciudadana" y todas aquellas disposiciones que favorezcan amplia y positivamente la incorporación de los ciudadanos en el ejercicio de las decisiones públicas.

Art. 4. Objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes.

Son objetivos de la Ley de Soberanía y Seguridad Alimentaria y Nutricional los siguientes:

a. Propiciar las condiciones que incidan en el mejoramiento de la producción interna de alimentos para facilitar la disponibilidad a la población nicaragüense, impulsando programas de corto, mediano y largo plazo que mejoren los niveles de producción y productividad de alimentos que armonicen las políticas sectoriales a cargo de las distintas instituciones y la promoción de la pequeña y mediana producción nacional frente a la introducción de productos por políticas de libre mercado.

b. Aliviar la pobreza, el hambre, la marginación, el abandono y la exclusión de la población que sufre inseguridad alimentaria y nutricional, mejorando las condiciones para acceder a un empleo, a los recursos productivos, tierra, agua, crédito, entre otros.

c. Facilitar el acceso permanente de las personas a los alimentos inocuos y culturalmente aceptables, para una alimentación nutricionalmente adecuada en cantidad y calidad.

d. Establecer una educación basada en la aplicación de prácticas saludables de alimentación sana y nutritiva, recreación y cuidado del medio ambiente.

e. Disminuir los índices de deficiencia de micro-nutrientes y la desnutrición proteínica-energética en los niños menores de cinco años.

f. Garantizar la calidad del control higiénico sanitario y nutricional de los alimentos.

g. Ordenar y coordinar los esfuerzos que realizan tanto las instituciones estatales dentro de las asignaciones presupuestarias, como las instituciones privadas nacionales e internacionales hacia la soberanía y seguridad alimentaria y nutricional.

CAPÍTULO II OTRAS DISPOSICIONES

Art. 5. Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional.

Para el cumplimiento del objeto de la presente Ley, se crea el Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional para implementar el derecho a la alimentación como un derecho humano y fundamental que incluye el derecho a no padecer hambre y a estar protegido contra el hambre, a una alimentación adecuada y a la soberanía alimentaria y nutricional, estableciéndose las regulaciones del sistema en la presente Ley.

Art. 6. Del Ámbito de la Ley.

La presente Ley es aplicable a las personas naturales y jurídicas, públicas o privadas que realicen actividades relacionadas con la soberanía y seguridad alimentaria y nutricional en todo el territorio nacional, establecidas en los artículos 30 y 31 de la presente Ley.

Art. 7. Equidad de Género.

El Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en cuanto a legislación, política, estrategias, planes, programas y proyectos que el Estado de Nicaragua formule y aplique en esta materia, deberá integrar el enfoque de equidad de género.

Art. 8. Definiciones Complementarias.

Se entiende por:

a. Acceso a los Alimentos. Derecho que tienen los individuos o familias para adquirir los alimentos por medio de su capacidad para producirlos, comprarlos o mediante transferencias o donaciones.

b. Consumo de los Alimentos. Capacidad de la población para decidir adecuadamente sobre la forma de seleccionar, almacenar, preparar, distribuir y consumir los alimentos a nivel individual, familiar y comunitario. El consumo de los alimentos está íntimamente relacionado con las costumbres, creencias, conocimientos, prácticas de alimentación y nivel educativo de la población.

c. Derecho a la Alimentación. Derecho humano y fundamental, inherente a la dignidad humana, de orden público e interés social, dirigido a garantizar la soberanía y seguridad alimentaria y nutricional con equidad de género, el cual implica, el derecho de acudir a los mecanismos administrativos o judiciales para obtener la tutela de este derecho y la reparación en su caso.

d. Disponibilidad de Alimentos. Se refiere a la cantidad y variedad de alimentos con que cuenta un país, región, comunidad o individuo.

e. Mala Nutrición. Estado patológico resultante de un exceso, déficit o desbalance de nutrientes

en la dieta que deriva en enfermedades crónicas no transmisibles como las cardiovasculares; la colesterolemia o presencia de cantidad excesiva de colesterol; la obesidad; emaciación o adelgazamiento morbosos; retraso del crecimiento, insuficiencia ponderal o bajo peso; capacidad de aprendizaje reducida; salud delicada y baja productividad, entre otros.

f. Sistema Alimentario. Por sistema alimentario se entenderá al conjunto de relaciones socioeconómicas y técnico-productivas que inciden de un modo directo en los procesos de producción primaria, transformación agroindustrial, acopio, distribución, comercialización y consumo de los productos alimentarios.

g. Generalidad. Sin perjuicio de lo establecido en el numeral 1, artículo 2, de esta Ley, sobre Soberanía Alimentaria en lo que a Sistema Alimentario se refiere, se dirigirán políticas sin discriminación a los actores de la producción alimentaria nacional.

h. Utilización o Aprovechamiento Óptimo de los Alimentos. Una persona depende de la condición de salud de su propio organismo para aprovechar al máximo todas las sustancias nutritivas que contienen los alimentos.

Art. 9. Principios Complementarios de la Ley de Soberanía y Seguridad Alimentaria y Nutricional.

a. Soberanía Alimentaria. Sin detrimento de lo definido en el numeral 1, artículo 2 de la presente Ley, Soberanía Alimentaria es el derecho del Estado a definir sus propias políticas y estrategias sostenibles de producción, transformación, distribución y consumo de alimentos que garanticen el derecho a la alimentación a toda la población, con preferencia hacia la valorización y el consumo de productos nacionales, sin perjuicio del ejercicio del derecho a la libre empresa y comercio.

b. Precaución. Garantiza la inocuidad de la producción interna de alimentos, así como de las importaciones y donaciones de alimentos, para que estos ocasionen daño a la producción y al consumo humano nacional.

c. Prevención. Se refiere a la preparación anticipada para evitar un riesgo de daño grave o irreversible a la soberanía y seguridad alimentaria y nutricional.

d. Inclusión. Se procura que no exista ningún tipo de discriminación social, económica o política, por razones de género, etnia, religión o territorialidad.

TÍTULO II SISTEMA NACIONAL DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

CAPÍTULO I CREACIÓN Y ESTRUCTURA DEL SISTEMA

Art. 10. Creación del Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional. Créase el Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante SINASSAN, para promover, proteger y cumplir el derecho a la alimentación como un derecho humano y fundamental. Este sistema es integrado por el conjunto de Instituciones públicas, privadas y organismos no gubernamentales nacionales con competencia e incidencia en la soberanía y seguridad alimentaria y nutricional de Nicaragua.

Art. 11. Estructura del SINASSAN.

La estructura del SINASSAN será organizada a nivel sectorial y territorialmente en los niveles nacional, regional, departamental y municipal, creando y fortaleciendo instancias de coordinación, articulación y concertación que garanticen la soberanía y seguridad alimentaria y nutricional, quedando integrada por:

- a. La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional (CONASSAN);
- b. La Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional (SESSAN);
- c. Los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN);
- d. Las Comisiones Regionales en las Regiones Autónomas del Atlántico Norte y Sur para la Soberanía y Seguridad Alimentaria y Nutricional (CORESSAN);
- e. Las Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (CODESSAN); y
- f. Las Comisiones Municipales para la Soberanía y la Seguridad Alimentaria y Nutricional (COMUSSAN).

CAPÍTULO II

ESTRUCTURA, COMPOSICIÓN Y FUNCIONAMIENTO DE LA COMISIÓN NACIONAL DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Art. 12. Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional.

La Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional, en adelante CONASSAN, es la instancia máxima de toma de decisiones y coordinación intersectorial e intergubernamental a nivel nacional. La preside el Presidente de la República.

Para el cumplimiento de sus funciones, la CONASSAN se apoyará en la Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional (SESSAN) adscrita a la Dirección de Planificación del Poder Ejecutivo de la Secretada de la Presidencia.

Los sectores del Gobierno representados en la CONASSAN, se organizarán a través de Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN).

Art. 13. Conformación de la CONASSAN.

La CONASSAN está conformada por los titulares de Sectores de las instituciones del Estado, de los Consejos Regionales de las Regiones Autónomas del Atlántico Norte y Sur, representación de los gobiernos municipales a través de la Asociación de Municipios de Nicaragua (AMUNIC) y de las organizaciones de la sociedad civil con representación nacional e incidencia en soberanía y seguridad alimentaria y nutricional.

Estará integrada por:

- a. El Ministro del Ministerio Agropecuario y Forestal, como representante del sector productivo agropecuario y rural;
- b. El Ministro del Ministerio de Salud, como representante del sector salud;

- c. El Ministro del Ministerio de Educación, como representante del sector educativo;
- d. El Ministro del Ministerio de Hacienda y Crédito Público, como gestor de los recursos financieros;
- e. El Ministro del Ministerio de Fomento, Industria y Comercio, como representante del Sector económico;
- f. El Ministro del Ministerio del Ambiente y de los Recursos Naturales, como representante del Sector Ambiental;
- g. El Presidente de la Asociación de Municipios de Nicaragua, en representación de los Gobiernos Municipales;
- h. Un representante de los Gobiernos Regionales de las Regiones Autónomas del Atlántico Norte y Sur, designados alternamente para un periodo de dos años;
- i. Un representante del Sistema Nacional de Atención, Mitigación y Prevención de Desastres;
- j. La Secretaria o el Secretario Ejecutivo de la SESSAN;
- k. Una o un representante de los Organismos no Gubernamentales de cobertura nacional electo entre los que tienen participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional;
- l. Una o un representante de los gremios de la producción con cobertura nacional, electo entre los que tienen participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional;
- m. Una o un representante de la Empresa Privada de carácter nacional, electo entre las Cámaras de Empresarios Privados con participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional; y
- n. Una o un representante de las organizaciones de pueblos indígenas electo entre las organizaciones de comunidades indígenas con participación permanente y reconocida en los Consejos Técnicos Sectoriales de Soberanía y Seguridad Alimentaria y Nutricional.

En el caso de los cuatro últimos literales, la duración del nombramiento será hasta por un año. El Reglamento de la presente Ley definirá el procedimiento para su selección y nombramiento.

Participan en la CONASSAN en calidad de invitados permanentes con derecho a voz y voto una Magistrada o un Magistrado de la Corte Suprema de Justicia; una Diputada o un Diputado de la Asamblea Nacional y la Procuradora o el Procurador para la Defensa de los Derechos Humanos.

En ausencia de los Ministros de Estado asistirán sus Viceministros debidamente facultados, con plenos poderes para la toma de decisiones.

En lo referido a los literales k), l), m) y n), cada representante designará una o un suplente facultado para la toma de decisiones.

LA CONASSAN podrá incorporar como invitados a otros representantes del Estado y la Sociedad Civil vinculados a temas relacionados con la soberanía y seguridad alimentaria y nutricional.

Art. 14. Funciones de la CONASSAN.

Son funciones de la CONASSAN las siguientes:

- a. Evitar y proponer al Presidente de la República la aprobación de la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género y étnica.
- b. Aprobar evaluar y actualizar las estrategias, planes, programas y proyectos en materia de soberanía y seguridad alimentaria y nutricional en el nivel nacional.
- c. Aprobar el diseño y funcionamiento de las instancias y órganos del SINASSAN, así como su reglamento interno, presentado por la SESSAN.
- d. Presentar propuesta de declaratoria de zonas de emergencia o emergencia nacional en materia de Soberanía y Seguridad Alimentaria y Nutricional al Presidente de la República.
- e. Aprobar y divulgar anualmente el Informe Nacional del Estado de la Soberanía y Seguridad Alimentaria y Nutricional de Nicaragua (INESSAN).
- f. Las demás funciones que la presente Ley le establezca.

La CONASSAN para su funcionamiento, deberá realizar reuniones de forma ordinaria dos veces al año y extraordinariamente cuando el Presidente de la República lo convoque. Sus integrantes no recibirán remuneración alguna por su participación.

CAPÍTULO III

ESTRUCTURA, COMPOSICIÓN Y FUNCIONAMIENTO DE LA SECRETARÍA EJECUTIVA DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Art. 15. Estructura de la Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional.

Para el cumplimiento de sus funciones, la estructura de la Secretaría Ejecutiva de Soberanía y Seguridad Alimentaria y Nutricional será la siguiente:

- a. Secretaría Ejecutiva;
- b. Unidad de Planificación; y
- c. Unidad de Evaluación y Seguimiento.

La SESSAN está coordinada por la Secretaría Ejecutiva.

Art. 16. Secretaría Ejecutiva de la SESSAN.

La Secretaría Ejecutiva de la SESSAN es el ente encargado de operativizar las decisiones de la CONASSAN y tendrá la responsabilidad de llevar a efecto la coordinación intersectorial, así como la articulación de los programas y proyectos de las distintas instituciones nacionales e internacionales vinculados con la seguridad alimentaria y nutricional del país.

Sus funciones son:

a. Establecer las coordinaciones entre la SESSAN y los Consejos Técnicos Sectoriales para la Soberanía y Seguridad Alimentaria y Nutricional, a fin de:

i. Formular y evaluar la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género y étnica para su presentación a la CONASSAN y posterior envío a la Presidencia de la República.

ii. Formular y evaluar las estrategias, planes, programas en materia de soberanía y seguridad alimentaria y nutricional, que han sido orientadas por la CONASSAN.

iii. Dar asesoría y asistencia técnica, de acuerdo a solicitud, para el desarrollo de las coordinaciones de los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional con los Consejos Regionales de las Regiones Autónomas del Atlántico de Nicaragua, los Consejos Departamentales y con los Gobiernos Municipales, para el establecimiento e implementación del Sistema de Soberanía y Seguridad Alimentaria y Nutricional.

iv. Facilitar la coordinación de las diferentes instancias sectoriales en los niveles nacional, regional, departamental y municipal del SINASSAN con el Sistema Nacional para la Prevención, Mitigación y Atención de Desastres para enfrentar situaciones de emergencias.

v. Fomentar el estudio y análisis del problema alimentario nutricional y sus soluciones, asegurando la existencia y funcionamiento efectivo de canales y espacios de diálogo y comunicación, así como mecanismos de consulta y coordinación entre el gobierno, sociedad civil y cooperación internacional.

vi. Proponer a la CONASSAN, la declaratoria de zonas de emergencia o emergencia nacional en materia de soberanía y seguridad alimentaria y nutricional.

b. Brindar información de carácter técnico y educativo a los miembros de la CONASSAN sobre temas referidos a la soberanía y seguridad alimentaria y nutricional.

c. Dirigir los órganos auxiliares de apoyo: Unidad de Planificación y Unidad de Evaluación y Seguimiento, según sus funciones.

d. Elaborar el reglamento interno de organización y funcionamiento de la Unidad de Planificación y de la Unidad de Evaluación y Seguimiento para su presentación a la CONASSAN.

El Secretario Ejecutivo o la Secretaria Ejecutiva será nombrado por el Presidente de la República.

Para optar al cargo de Secretaria Ejecutiva o Secretario Ejecutivo de la SESSAN, se requiere las siguientes calidades:

a. Ser nacional de Nicaragua. Los que hubiesen adquirido otra nacionalidad deberán haber renunciado a ella al menos cuatro años antes de la fecha de su nombramiento.

b. Estar en pleno goce de sus derechos políticos y civiles.

- c. Haber cumplido veinticinco años de edad.
- d. Haber residido en forma continua en el país los cuatro años anteriores a la fecha de su nombramiento, salvo que durante dicho período cumpliera Misión Diplomática, trabajare en Organismos Internacionales o realizare estudios en el extranjero.
- e. Titulación académica a nivel de estudios superiores, preferentemente con título de maestría y relacionados a la materia de soberanía y seguridad alimentaria y nutricional.
- f. Experiencia técnica de al menos de siete años en temas de Soberanía y Seguridad Alimentaria y Nutricional.

Art. 17. Unidad de Planificación de la SESSAN.

La Unidad de Planificación de la SESSAN tiene la responsabilidad de realizar las siguientes funciones en coordinación con los Consejos Técnicos Sectoriales:

- a. Desarrollar un Sistema Nacional de Planificación para la Soberanía y la Seguridad Alimentaria y Nutricional, a partir de los Sistemas de Planificación Sectoriales.
- b. Apoyar y dar asistencia técnica para la implementación del sistema de planificación en las instancias territoriales del nivel regional, departamental y municipal.
- c. Elaborar la propuesta de Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional.
- d. Elaborar para la SESSAN la propuesta de Estrategia Nacional en Materia de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género y étnica.
- e. Elaborar la propuesta de Estrategia de Gestión Financiera del SINASSAN, para su aprobación en la CONASSAN.
- f. Las demás que establezca la presente Ley.

La Unidad de Planificación de la SESSAN estará a cargo de un o una Responsable nombrado por la CONASSAN a propuesta de la Secretaria o Secretario Ejecutivo de SESSAN. Para optar al cargo se requiere tener estudios en planificación estratégica, conocimiento del Sistema Nacional de Planificación y experiencia técnica mínima de cinco años en temas de seguridad alimentaria nutricional.

Art. 18. Unidad de Evaluación y Seguimiento de la SESSAN.

La Unidad de Evaluación y Seguimiento de la SESSAN tiene la responsabilidad de realizar las siguientes funciones en coordinación con los Consejos Técnicos Sectoriales:

- a. Desarrollar un Sistema Nacional de Evaluación y Seguimiento para la Soberanía y la Seguridad Alimentaria y Nutricional, a partir de los Sistemas Sectoriales de Evaluación y Seguimiento.
- b. Elaborar la propuesta de estrategia de divulgación del SINASSAN priorizando la Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, la Ley y su reglamento, la que será

aprobada por la CONASSAN.

c. Elaborar la propuesta de Informe Nacional del Estado de la Soberanía y Seguridad Alimentaria y Nutricional (INESSAN), para aprobación por la CONASSAN.

d. Monitorear y evaluar en coordinación con los equipos de planificación de los COTESSAN el estado de la Nación en materia de Soberanía y Seguridad Alimentaria y Nutricional e informar de ello a la CONASSAN.

e. Apoyar y dar asistencia técnica a los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional para la implementación de los Sub-sistemas de Información sectorial de monitoreo y evaluación del estado de la Soberanía y Seguridad Alimentaria y Nutricional en las instancias territoriales a nivel regional, departamental y municipal.

f. Divulgar y difundir la Política Nacional y su plan de acción, aprobado por la CONASSAN, a través de los medios de comunicación masiva nacional y en las regiones autónomas, departamentos y municipios del país.

g. Las demás que le establezca la presente Ley.

La Unidad de Evaluación y Seguimiento de la SESSAN estará a cargo de una o un Responsable, nombrado por la CONASSAN a propuesta de la Secretaría o Secretario Ejecutivo de SESSAN. Para optar al cargo se requiere: tener estudios en sistemas de evaluación y seguimiento de políticas públicas y experiencia técnica mínima de cinco años en temas de seguridad alimentaria nutricional.

CAPÍTULO IV

ESTRUCTURA, COMPOSICIÓN Y FUNCIONAMIENTO DE LOS CONSEJOS TÉCNICOS SECTORIALES PARA LA SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Art. 19. Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN).

Los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria estarán coordinados por el Ministro que coordina el sector.

Los Consejos Técnicos Sectoriales estarán conformados por los siguientes actores vinculados a la Soberanía y Seguridad Alimentaria y Nutricional:

a. El o los Ministerios e Instituciones Públicas que conforman el Sector;

b. Una o un representante de organismos no gubernamentales de cobertura nacional;

c. Una o un representante de los gremios con cobertura nacional;

d. Una o un representante de la empresa privada, con cobertura nacional;

e. Una o un representante de las organizaciones de los pueblos indígenas;

f. Una o un representante de las Universidades designado por el Consejo Interuniversitario de Soberanía y Seguridad Alimentaria y Nutricional.

Los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN) podrán incorporar con carácter de invitados a otros representantes del Estado y de la sociedad civil en temas relevantes a la Soberanía y Seguridad Alimentaria y Nutricional.

Art. 20. Funciones de los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional.

Son funciones de los Consejos Técnicos Sectoriales para la Soberanía y la Seguridad Alimentaria y Nutricional (COTESSAN) las siguientes:

- a. Coordinar con los Consejos Regionales de las Regiones Autónomas del Atlántico de Nicaragua, los Consejos Departamentales y Gobiernos Municipales, el establecimiento e implementación del Sistema de Soberanía y Seguridad Alimentaria y Nutricional apoyando la constitución de las Comisiones de Soberanía y Seguridad Alimentaria y Nutricional respectivas.
- b. Elaborar la propuesta de Política Sectorial para la Soberanía y Seguridad Alimentaria y Nutricional para su aprobación por el Sector.
- c. Apoyar en coordinación con la SESSAN, a las instancias territoriales del nivel regional, departamental y municipal, para la implementación del Sistema de Planificación de Soberanía y Seguridad Alimentaria y Nutricional en el marco del Sistema Nacional de Planificación.
- d. Apoyar en coordinación con la SESSAN, a las instancias territoriales del nivel regional, departamental y municipal para la implementación del Sistema de Información para el monitoreo y evaluación del estado de la Soberanía y Seguridad Alimentaria y Nutricional.
- e. Elaborar para la SESSAN en coordinación con la Dirección de Planificación de la SESSAN, el Proyecto de Política Nacional de Soberanía y Seguridad Alimentaria y Nutricional, a ser presentado a la CONASSAN.
- f. Elaborar para la SESSAN, las estrategias, planes, programas y proyectos sectoriales, en materia de Soberanía y Seguridad Alimentaria y Nutricional con equidad de género.
- g. Participar en coordinación con la Dirección de Evaluación y Seguimiento de la SESSAN, en la elaboración de la estrategia de divulgación del SINASSAN para su presentación y aprobación por la CONASSAN, debiendo priorizar la política nacional de soberanía y seguridad alimentaria y nutricional, la ley y su reglamento.
- h. Participar en coordinación con la Dirección de Evaluación y Seguimiento de la SESSAN, en la elaboración del Informe Nacional del Estado de la Soberanía y Seguridad Alimentaria y Nutricional, INESSAN, para aprobación por la CONASSAN.
- i. Monitorear y evaluar en coordinación con la Dirección de Evaluación y Seguimiento de la SESSAN, el estado del Sector en materia de Soberanía y Seguridad Alimentaria y Nutricional e informar de ello a la SESSAN.
- j. Las demás que le establezca la presente Ley.

CAPÍTULO V

ESTRUCTURA Y COMPOSICIÓN DE LAS COMISIONES REGIONALES, DEPARTAMENTALES Y MUNICIPALES

Art. 21. Comisiones Regionales en las Regiones Autónomas del Atlántico Norte y Sur para la Soberanía y Seguridad Alimentaria y Nutricional (CORESSAN).

Las Comisiones Regionales en las Regiones Autónomas del Atlántico Norte y Sur para la Soberanía y Seguridad Alimentaria y Nutricional (CORESSAN), son las máximas instancias de toma de decisiones y de coordinación intersectorial a nivel regional. Están adscritas al Consejo Regional de Planificación Económica y Social (CORPES). El Consejo Regional en cada una de las dos Regiones Autónomas de la Costa Atlántica, mediante resolución deberá crear la CORESSAN de conformidad a lo dispuesto en el Reglamento de la presente Ley.

Las comisiones de las Regiones Autónomas del Atlántico estarán integradas por una delegada o un delegado de las siguientes entidades:

- a. Gobierno Regional;
- b. Gobiernos Locales;
- c. Ministerios que forman parte de la CONASSAN; y
- d. Organizaciones de la Sociedad Civil que ejecuten programas y proyectos en la región, orientados a fomentar la soberanía y seguridad alimentaria y nutricional de la región.

Art. 22. Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (CODESSAN).

Las Comisiones Departamentales para la Soberanía y Seguridad Alimentaria y Nutricional (CODESSAN), adscritas a los Consejos Departamentales de Desarrollo, son las instancias máximas de toma de decisiones y coordinación intersectorial a nivel departamental, y de seguimiento y evaluación de planes y proyectos dirigidos al desarrollo de la soberanía y seguridad alimentaria y nutricional.

Las comisiones departamentales estarán integradas por una delegada o un delegado de las siguientes entidades:

- a. Una delegada o un delegado electo entre los Alcaldes del departamento respectivo, quien lo coordinará;
- b. Una delegada o un delegado de los Delegados Ministeriales de los Ministerios que forman parte de la CONASSAN; y
- c. Una delegada o un delegado de las Organizaciones de la Sociedad Civil que ejecuten programas y proyectos en el Departamento, orientados a fomentar la soberanía y seguridad alimentaria y nutricional del departamento.

Art. 23. Comisiones Municipales para la Soberanía y la Seguridad Alimentaria y Nutricional (COMUSSAN).

Las Comisiones Municipales para la Soberanía y la Seguridad Alimentaria y Nutricional (COMUSSAN), son las instancias máximas de toma de decisiones y coordinación intersectorial a nivel municipal, están adscritas a los Concejos Municipales de Desarrollo y son presididas por el Alcalde o Alcaldesa. La COMUSSAN será integrada y convocada por el Concejo Municipal a través del secretario del Concejo Municipal en un plazo no mayor de noventa días a la entrada en vigencia de la presente Ley.

Las Comisiones Municipales estarán integradas por:

- a. El alcalde o su delegado o delegada por el Concejo Municipal, quien lo coordina;
- b. Una delegada o delegado de las Delegaciones Ministeriales de los Ministerios que forman parte de la CONASSAN; y
- c. Una delegada o un delegado de las Organizaciones de la Sociedad Civil que ejecuten programas y proyectos en el municipio orientados a fomentar la soberanía y seguridad alimentaria y nutricional del Municipio.

Art. 24. Invitados.

Las Comisiones Nacional, Departamentales, Regionales y Municipales podrán incorporar con carácter de invitados a otros representantes del Estado y Sociedad Civil en temas relevantes a la Soberanía y Seguridad Alimentaria y Nutricional.

CAPÍTULO VI FUNCIONAMIENTO DE LAS COMISIONES REGIONALES, DEPARTAMENTALES Y MUNICIPALES

Art. 25. Funciones de las Comisiones de las Regiones Autónomas del Atlántico Norte y Sur, Departamentales y Municipales de Soberanía y Seguridad Alimentaria Nutricional.

Las Comisiones en los distintos niveles tienen las siguientes funciones:

- a. Coordinar en su ámbito respectivo, los esfuerzos de articulación de las acciones públicas y privadas orientadas a elaborar, implementar y evaluar políticas, programas y proyectos, con equidad de género, que aseguren la Soberanía y Seguridad Alimentaria y Nutricional de sus comunidades;
- b. Asegurar mecanismos efectivos de planificación y evaluación para el desarrollo de acciones que garanticen la Soberanía y la Seguridad Alimentaria y Nutricional en sus comunidades, con la participación de las distintas instituciones del gobierno y organizaciones de la sociedad civil relevantes al tema de Soberanía y Seguridad Alimentaria y Nutricional;
- c. Establecer coordinación permanente con los Consejos Técnicos Sectoriales que conforman la CONASSAN para asegurar el desarrollo de la Soberanía y Seguridad Alimentaria y Nutricional en sus respectivos territorios;
- d. Solicitar apoyo técnico a la SESSAN para la implementación del Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional en su respectivo territorio.

CAPÍTULO VII DE LOS INSTRUMENTOS Y MECANISMOS DEL SISTEMA

Art. 26. Recursos Financieros.

- a. Las Instituciones del Gobierno que forman parte de la CONASSAN, priorizarán en su partida presupuestaria la asignación de recursos en el Presupuesto General de la República y de la cooperación internacional, asociados a programas, proyectos y actividades de Soberanía y Seguridad Alimentaria y Nutricional, con equidad de género.
- b. Los Programas de Inversión Municipal, deberán estar orientados a desarrollar, de manera

coordinada con las demás instituciones públicas, estrategias para el fomento de la Soberanía y Seguridad Alimentaria y Nutricional, por medio de programas y proyectos con fondos propios o con recursos provenientes del Presupuesto General de la República.

c. El Ministerio de Hacienda y Crédito Público, deberá incorporar una partida presupuestaria de acuerdo a los instrumentos y mecanismos establecidos en el Presupuesto General de la República, para la aplicación de la presente Ley. La asignación de recursos presupuestarios estará basada en las necesidades y requerimientos del SINASSAN y las capacidades presupuestarias del país.

d. La Asamblea Nacional de la República de Nicaragua, en el proceso de aprobación del Presupuesto General de la República identificará de manera clara las partidas de gastos que serán asignadas a cada una de las instituciones responsables de implementar las medidas derivadas de esta Ley.

Art. 27. Prevención y Precaución.

Las actividades comerciales de importación y exportación de alimentos para consumo humano o animal, deberán contar con la debida gestión y evaluación de riesgos, así como, la autorización de salud animal y sanidad vegetal, de acuerdo con la legislación de la materia, debiendo aplicar en todos los casos el principio de prevención y precaución.

Art. 28. Incentivos.

La CONASSAN deberá fomentar incentivos económicos para el desarrollo de la soberanía y seguridad alimentaria y nutricional, así como incentivos morales a las personas naturales o jurídicas que se destaquen en la promoción y fomento de la soberanía y la seguridad alimentaria y nutricional. El reglamento de la presente Ley establecerá los tipos de incentivos morales, así como los criterios y requisitos para su otorgamiento que fomenten la cultura alimentaria y nutricional.

Art. 29. Fondo Nacional de Emergencia de Soberanía y Seguridad Alimentaria y Nutricional.

Se crea el Fondo Nacional de Emergencia de Soberanía y Seguridad Alimentaria y Nutricional, denominado FONASSAN, con el objetivo de enfrentar situaciones de emergencia alimentaria ocasionadas por desastres naturales, crisis económicas o sociales.

a. Los recursos para el FONASSAN provendrán del Presupuesto General de la República, donaciones de organismos nacionales e internacionales, aportes privados u otros financiamientos que la CONASSAN proponga a la Presidencia de la República para su gestión y aprobación.

b. Los fondos destinados al FONASSAN serán ingresados al Ministerio de Hacienda y Crédito Público, el que destinará las partidas necesarias a los presupuestos de las instituciones del gobierno, que conforman la CONASSAN, responsables de atender las emergencias alimentarias previa propuesta de plan de acción.

CAPÍTULO VIII DE LAS COMPETENCIAS DE LAS INSTITUCIONES PÚBLICAS DEL SISTEMA DE SOBERANÍA Y SEGURIDAD ALIMENTARIA Y NUTRICIONAL

Art. 30. De los Objetivos Sectoriales del SINASSAN.

Las Instituciones Públicas del SINASSAN deben fortalecer el Sistema de Soberanía y Seguridad Alimentaria y Nutricional a través de:

a. Un Sistema Alimentario capaz de proveer, de manera sostenible, alimentos nutritivos e inocuos, culturalmente aceptable enmarcado en nuestro patrimonio cultural y ambiental, y en nuestra capacidad de producción nacional de alimentos y su transformación priorizando la pequeña y mediana producción, con un sistema de acopio y gestión de precios que de manera equitativa asegure la disponibilidad, el acceso, el consumo y el aprovechamiento biológico de los alimentos de todas y todos los nicaragüenses y como oportunidad de desarrollo. Siendo el responsable de la Coordinación el Ministerio Agropecuario y Forestal, en el marco de su Consejo Técnico Sectorial.

b. Un Sistema Nutricional, que llene las necesidades energéticas, nutricionales y culturales, y que garanticen la salud y el bienestar de nuestras comunidades, la eliminación de la mal nutrición, priorizando la atención a mujeres embarazadas y lactantes y la erradicación de la desnutrición crónica infantil. El responsable de coordinación es el Ministerio de Salud a través de su Consejo Técnico Sectorial.

c. Un Sistema Educativo que forme recursos humanos emprendedores, desarrollando actitudes, habilidades, capacidades y conocimientos de la población estudiantil y la comunidad escolar que les permita un mejor aprovechamiento sostenible de los recursos locales, fortalezca la cultura de producción y consumo basada en la diversidad cultural nacional y promueva cambios de comportamiento para mejorar el estado alimentario y nutricional de las familias nicaragüenses. El responsable de Coordinación es el Ministerio de Educación, en el marco de su Consejo Técnico Sectorial.

d. Un Sistema Ambiental Natural que asegure la calidad del agua, suelo y biodiversidad, en el marco de la conservación y un manejo sostenible de los recursos naturales, que garantice la alimentación y nutrición, la salud, la cultura y la riqueza de nuestras comunidades. El responsable de Coordinación es el Ministerio del Medio Ambiente y Recursos Naturales, en el marco de su Consejo Técnico Sectorial.

e. Un Ambiente Institucional donde cada Ministerio representante de Sector tiene la responsabilidad de coordinación, articulación y armonización de su competencia sectorial a lo interno de su sector y con otros sectores.

f. El Estado de Nicaragua es responsable de crear un Ambiente Político, Económico y Social que garantice la institucionalidad y la sostenibilidad del quehacer de los sectores en el marco de una distribución justa de la riqueza que asegure la Soberanía y la Seguridad Alimentaria y Nutricional y mejore la calidad de vida de las y los nicaragüenses.

Art. 31. De las Políticas de Equidad de Género y Étnica para la Soberanía Alimentaria.

La CONASSAN, es la autoridad competente para garantizar las siguientes medidas de políticas y estrategias con equidad de género, orientado a lograr un modelo de desarrollo sostenible a través de:

a. La promoción de cambios sustantivos en los modos y medios de producción del sistema alimentario, en armonía con el medio ambiente, priorizando la pequeña y mediana producción, para el aumento de la productividad y la diversificación en el marco de un mercado incluyente y justo, orientado a alcanzar la autonomía alimentaria nacional basada en la Cultura Alimentaria Nacional.

b. La mejora de la distribución y acopio de alimentos inocuos y nutritivos, culturalmente aceptables, con equidad social, en coordinación entre los sectores públicos y privados.

c. El respeto del derecho de diversidad cultural alimentaria de la población nicaragüense.

TÍTULO III INFRACCIONES, SANCIONES, RECURSOS Y RESOLUCIÓN DE CONFLICTOS ADMINISTRATIVOS:

CAPÍTULO I INFRACCIONES Y SANCIONES

Art. 32. Infracciones.

Son infracciones a las disposiciones de Soberanía y Seguridad Alimentaria y Nutricional todas las acciones y omisiones de los servidores públicos y demás personas responsables que vulneren o contravengan la presente Ley y su reglamento.

Toda actuación que contravenga la presente Ley y su reglamento, o las normas derivadas de éstos, dará lugar a la imposición de sanciones a las y los servidores públicos y demás personas responsables, de conformidad con lo dispuesto en los códigos y las leyes específicas de la materia.

Art. 33. Sanciones Administrativas.

La violación por acción u omisión de las disposiciones establecidas en la presente Ley, es causal de infracción administrativa por parte de las y los servidores públicos y demás personas responsables. El reglamento de la presente Ley establecerá cada caso de aplicación de sanciones administrativas.

Art. 34. Derecho de Acción.

El ejercicio de la acción civil y penal que corresponda, se regirá por la legislación de la materia.

CAPÍTULO II DE LOS RECURSOS ADMINISTRATIVOS

Art. 35. Recurso Administrativo.

Se establece el Recurso de Revisión y el Recurso de Apelación en la vía administrativa a favor de aquellas personas cuyos derechos se consideren perjudicados por los actos administrativos emanados de los distintos Órganos de la Administración Pública y que tengan por base la aplicación de la presente Ley.

El Recurso de Revisión deberá interponerse en el término de quince días hábiles a partir del día siguiente de la notificación del acto.

El Recurso de Apelación se interpondrá ante el mismo órgano que dictó el acto, en un término de seis días después de notificado la Resolución del Recurso de Revisión.

El Recurso de Revisión y el de Apelación se tramitarán de conformidad con lo dispuesto en los artículos 40, 41, 42, 43, 44 y 45 de la Ley No. 290, "Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo", publicada en La Gaceta, Diario Oficial No. 102 del tres de junio de mil novecientos noventa y ocho y su Reglamento.

Con la interposición y fallo de los recursos consignados en la presente Ley, se agota la vía administrativa.

CAPÍTULO III DE LOS CONFLICTOS DE COMPETENCIA

Art. 36. Conflictos de Competencia.

Los conflictos de carácter administrativo que se presenten como consecuencia de la aplicación de la presente Ley, entre los distintos organismos de la administración pública, se resolverán de conformidad al procedimiento establecido en los Artículos 34, 35, 36, 37 y 38 de la Ley No. 290, "Ley de Organización, Competencia y Procedimientos del Poder Ejecutivo", publicada en La Gaceta, Diario Oficial No. 102 del tres de junio de mil novecientos noventa y ocho y su Reglamento.

TÍTULO IV DISPOSICIONES FINALES Y TRANSITORIAS

Art. 37. De la Armonización Legislativa.

La Junta Directiva de la Asamblea Nacional ordenará a los responsables del Digesto Jurídico Nicaragüense que prioricen la recopilación y ordenamiento de la legislación en materia de soberanía y seguridad alimentaria y nutricional, así como sugerir, cuando proceda, las reformas y derogaciones pertinentes. La Asamblea Nacional garantizará que la futura legislación nacional guarde coherencia y armonía con la presente Ley.

Art. 38. Defensa de los Derechos Humanos relacionados con esta Ley.

La Procuraduría para la Defensa de los Derechos Humanos, con el objetivo de garantizar el derecho de las personas, con equidad de género, a la Soberanía y Seguridad Alimentaria y Nutricional deberá:

- a. Designar un Procurador o Procuradora Especial en materia de Soberanía, Seguridad Alimentaria y Nutricional;
- b. Incluir en su Informe Anual Ordinario Anual ante la Asamblea Nacional, la situación del Derecho a la Soberanía y Seguridad Alimentaria y Nutricional y sobre el cumplimiento progresivo del derecho a la alimentación.

Art. 39. Instalación de los Órganos del SINASSAN.

El Presidente de la República en un plazo no mayor de noventa días, contados a partir de la entrada en vigencia de la presente Ley, convocará e instalará la CONASSAN y la SESSAN. Igual plazo se aplica para el caso de la instalación de la CORESSAN, CODESSAN y COMUSSAN.

Art. 40. Difusión y Divulgación del SINASSAN.

La CONASSAN deberá realizar de forma inmediata a la entrada en vigor de la presente Ley, una amplia difusión y divulgación de la misma.

Art. 41. Reglamento.

La presente Ley deberá ser reglamentada por el Presidente de la República en el plazo constitucional.

Art. 42. Derogación.

La presente Ley deroga todas las normas de igual o menor rango que se le opongan y en

particular el Decreto Ejecutivo No. 40-2000, creador de la Comisión Nacional de Seguridad Alimentaria y Nutricional, publicado en La Gaceta, Diario Oficial No. 92 de 17 de mayo de 2000 y sus reformas.

Art. 43.- Vigencia.

La presente Ley entrará en vigencia a partir de su publicación en La Gaceta, Diario Oficial.

Dado en la Sala de Sesiones de la Asamblea Nacional. Managua, a los dieciocho días del mes de junio del año dos mil nueve. **Ing. René Núñez Téllez**, Presidente de la Asamblea Nacional. **Dr. Wilfredo Navarro Moreira**, Secretario de la Asamblea Nacional.

Por tanto. Téngase como Ley de la República. Publíquese y Ejecútese. Managua, nueve de Julio del año dos mil nueve. **DANIEL ORTEGA SAAVEDRA**, Presidente de la República.

**Asamblea Nacional de la República de Nicaragua.
Complejo Legislativo Carlos Núñez Téllez.
Avenida Peatonal General Augusto C. Sandino
Edificio Benjamin Zeledón, 7mo. Piso.**

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Appendix V

Selected Interpretations and Reflections on Food Sovereignty by Nicaraguan Food Sovereignty Movement Advocates

Concept of Food Sovereignty

“Understanding food sovereignty conceptually as the right of citizens to choose their own food, to decide what they want to eat, their own system of production, and it is not imposed upon them what they should eat. But rather each individual, each woman, each man, each peasant can choose their own system of production and choose what they want to eat, right. That the food culture of the people, of the communities, is not lost, and it is for this that together with different organizations – members of the [food sovereignty] network – we are working on the rescue of native foods, which people have stopped eating.” ~Interview with GISSAN representative, 29 August 2011.

“So the discussion from the conceptual point of view had to be put aside and the concept had to be raised to the level of public policy and to the scientific level, because food sovereignty has a scientific basis and it has a legal basis – like public policy in the context of human rights. So, the discussion has always been revolving around this and I believe that food sovereignty should not be viewed as a separate concept but rather as something more encompassing – like an umbrella concept – because if you want me to talk about the struggle against transgenics and GMOs and you stop talking about food sovereignty, this cannot be. If you are going to talk about human rights and food as fundamental right, food sovereignty cannot be left out of the discussion – it is talking about the same thing. There are countless things that are important. They have to be evaluated in the sense of how far we are contributing to food sovereignty and making only one common forum – one front – access to land, financial resources, technical assistance, right? I cannot discuss food sovereignty without talking about education and health. There are many elements that make food sovereignty a solid concept. And at Nyéléni, if you read the declaration, it does not define the concept but rather it lists what the movement struggles against, why we fight... There are a number of elements that it says we fight against – even against the ideology of patriarchy, which is the ideological basis of unbridled capitalism based on the oppression of women. And it also speaks about the future of new generations, of young people. Food sovereignty speaks of many things. It is an incredibly comprehensive concept. We are talking about what they call “*buen vivir*” [“the good life”] or here we say improving the standard of living in the *campo* [countryside] – that’s food sovereignty. Food sovereignty is a set of ethical values of life – justice, equality, autonomy, independence, sovereignty, gender, equity. Food sovereignty is not that we are going to buy rice to distribute in a certain place. It is not this.” ~Interview with former UNAPA/GISSAN representative, 15 August 2011.

“Currently, the concept of food sovereignty has to do with its evolution. It is linked with the issue of agrarian reform, to land. It is linked to the issue of water – conserving water as an important resource, as our resource, as a community’s own resource. The issue of sovereignty, the concept of sovereignty is linked to both income and family education. If there is no awareness in the family of its environment, about how to take care of the environment, how to take care of its fields, how to take care its seeds, protecting our own native seed – well, this is linked to food sovereignty...you have work, you have financing for your fields to produce healthily, you fundamentally have land. Men as well as women are impacted by State policies and local policies. Likewise, that discrimination doesn’t exist from the point of view of sex, gender, color, political viewpoints, race, from the point of view of your language, of culture, of your form of expression. So, the concept of sovereignty, in the context in which we work with it together – all of this struggle that was began by the ATC in 1978 and later claimed in the Sandinista Revolution in the constitution and later reflected in the international context of La Vía Campesina – so this concept of sovereignty brings together, synthesizes, simplifies all these things from a historical point of view, from the point of view of social struggle, and our organizations have developed.” ~Interview with MAF representative, 27 July 2011.

“Well, [food sovereignty] is something that we can examine from two points of view. Well, as I understand it as a citizen, food sovereignty could be the right that I can have to choose what I want to put in my mouth and with my resources I can buy what I want. This is sovereignty – the freedom I have to be able to have. And the other side of food sovereignty, which I think is sensible as a state policy, is Nicaraguans having the possibility of being able to access quality foods in necessary and sufficient quantities to be able to support families and that hunger is not something that Nicaraguans experience every day...So this sovereignty, right, that we are referring to, people also have to build it in the rural world. The people have to construct sovereignty. People cannot remain indolent, waiting for help to arrive to them in order to be able to eat. So this is the other side of the coin. When you give and you give, it is the father of the State that is supplying everything. Therefore, I do not have to go to work, I do not have to make the slightest effort because the State is taking care of me. Sovereignty must be built with people so that people care and produce what is necessary to live in the *campo* [countryside]. A young lime tree...is often hard to find in the *campo*. And in the *campo*, there is land, there is water, and this is the possibility of having not one but many lime trees and having a source of Vitamin C that the people need in order to prevent many illnesses. The flu can be prevented by taking Vitamin C – preventative medicine. A small garden with aromatic plants and the properties that these aromatic plants have – to be able to make tea, different infusions so that they can drink them. How much help does this bring to the *campo*? But they do not have it because we have not created security, or we have lost the culture of our ancestors. They lived on herbs. Now there is very little [because of] cultural penetration, cultural transformation.” ~Interview with Biolatina representative, 11 June 2013.

“So far, all of the previous governments have been limited to addressing the issue of food sovereignty with food packages or food for work, a glass of milk, holding events, and basically asking for assistance from the FAO, the World Food Program, this there actions were minimal. When Food Sovereignty and Security is spoken of, we must not only think about the necessity of people to eat, people with little food, but we also must think about the peasants producing food, peasants organized in cooperatives and associations that can play a more active role – more of leadership, that up until now they have played. It also implies strengthening unions of producers to battle legally, politically, and through production because Food Sovereignty has a more multidimensional focus and thus should address the response with multiple actors intervening from different perspectives and playing roles that were previously agreed and determined. So Food Sovereignty is related to the quality of life of a Nicaraguan family or Central American family, in the case of the region. This implies that they need to understand that to address the problem of food insecurity and Sovereignty, discuss programs [and] projects from the perspective of the government, of policy, of a legal framework. But from the perspective of civil society, we need to speak of peasant families, of the community, [and] of society in general. In other words, this wider spectrum requires thinking that it is necessary to refocus the policies, programs, and projects of the government and organizations, including thinking in terms of Nicaragua and the improvement of seeds, strong political decisions, and the adequate legal framework to prevent the introduction of transgenic varieties that put the genetic base of native seeds at risk, and also to avoid putting public health at risk. ~Sinforiano Cáceres, *FENACOOOP*, June 2009. (Source: GISSAN 2009)

“Food sovereignty happens for this reason, to overcome ignorance, modify educational systems to create new habits, new customs, keep the good ones, discard the ones that are harmful...Here we are trying to raise awareness about this, influence, see that businesses become responsible social enterprises, meaning that they don’t pollute so much, the increasingly work with less poison, exploit people less, that their products are healthier, with better quality – not in the presentation but rather in the organic composition because you can see a great big, very red apple but it is pure agrochemicals.” ~Interview with *UNAPA representative*, 16 August 2011.

“To speak of food sovereignty today implies not only the right to eat – that is of course a key element – but also that food is produced by poor people. We have to talk about native seeds, of not using agrochemicals, because small producers do not only have the responsibility of producing products that won’t cause their families harm but they also are responsible for the food safety of many more people. We don’t have to use pesticides and agrochemicals. We have to talk about ways and methodologies of working that are environmentally friendly. We have to talk about climate change.” ~Interview with former *UNAPA/GISSAN representative*, 15 August 2011.

“As governments sign, make agreements, international norms like security, human rights, so food sovereignty is another right of populations in so much as the populations decide what they want to produce, what they want to consume, what they want to sell – and not global policies. But also another element is access to land, financing. [Food sovereignty] proposes a new agricultural focus that is juxtaposed against agriculture that destroys nature and only considers resource extraction and profits. So, this other model is agroecology.” ~Interview with UNAG representative, 7 June 2012.

“For us, food sovereignty is also education, or that from our different training centers, we can adapt to this reality, to this necessity of producing healthier, of local production, of collective production, of individual production. Training more young people in these subjects – obviously this is going to promote, encourage, and develop these practices as such.” ~Interview with ATC representative, 2 April 2013.

Differentiating Food Sovereignty from Food Security

“For me the concept of food security, well, it essentially is that the *campesino* [peasant], the producer must be certain of having food, must be certain of its quality, must be certain of the origin of the seed – in this case, I want to say the *semilla criolla* [native seed], which is what we need to be sure is being planted – to be sure of what you are consuming and not be waiting for what others have. What someone else has, waiting that they tell you ‘take this’ or ‘buy this from me’ or ‘I’m giving you this.’ For me food security is essentially that you are guaranteed and assured [food], for the family and for the house. It is security in what I have, of what I am doing, of what I am really producing. I am secure, I have faith, I am sure I have a bottle of water, I am sure that this bottle of water is water that I took from my well – it was not taken from a stranger’s well nor given to me because I won’t know if it contains harmful substances. So, for me, this is what security consists of – to be assured, guaranteed everything to eat.

And sovereignty, for me, I think sovereignty [is] an act of determination. I am going to plant yellow corn, I am going to plant white corn. No one is going to tell me to plant such corn nor going to bring something from the outside. I am not going to plant a seed that I am not familiar with – a seed that I don’t know if it is good or bad. I am going to produce what I want to produce, not what another tells me to produce or that they tell me to produce sesame when essentially what I need is corn and beans. No one is going to tell me to plant cotton because what I need is corn and beans. This is sovereignty.

And the other is that I am trying to have a healthy diet because when I buy seeds in the *casas comerciales* [commercial stores], they could be selling me modified seeds that really don’t germinate. I become dependent on the *casas comerciales*, not only for seeds...*semillas criollas* are not like this and the *semilla criolla*, you save it and you plant this and you continue producing as many years as you want to plant. Everything is improving through the process, becoming healthier, improving the condition of the seed and like this you will plant for your lifetime and you will be sure of your harvest and you will be sure you are eating healthy.” ~Interview with representative from the Unión de Cooperativas-San Ramón, 21 March 2013

“Food security is very linked to the United Nation’s concept, [which] guarantees you availability, access – this is food security as well as other nutritional aspects, etc. But food sovereignty, we have seen, was that communities had the right to be able to plant, had the opportunity to produce their own food, that cultural aspects – foods – are respected. There were a ton of elements that had to be rescued within the food sovereignty framework that to us seemed good. They were many articles, for example, that mentioned that communities could not be brought food or could not be obliged to accept foods that were not adapted to their cultures. For example, here in Nicaragua, we didn’t used to eat soy, but all of a sudden the WFP [World Food Program] began to bring soy, soy, soy, soy and the worst was that it was transgenic soy...” *~Interview with Centro Humboldt representative, 11 March 2013.*

“A more sustainable society must be created, and this as an idea, as a philosophy, as a model for life, is not found in food security. But in sovereignty, yes – it’s broader – not just food...Food security and food sovereignty have to be differentiated. Food security refers to nothing more than access and distribution. Food sovereignty is political. It has a distinct vision of agriculture and society...Sovereignty is the capacity to empower citizens so that they can drive their own development.” *~Interview with UNAG representative, 7 June 2012.*

“For us, as we see it from Campesino a Campesino, [food sovereignty and food security] are two different concepts. Security is physical. It is like having food and sovereignty is more political. So, as we have analyzed it, when my family has food, I am not worried about my family, but rather now I begin to see problems in the community or municipality. Social problems or things that go beyond. So we understand sovereignty from there. They are two different concepts but they have to be worked on together because without food, with hunger, I cannot work, I cannot do anything for anyone else. I cannot help. So sovereignty deals with these things. The other is not depending on other people to eat. This is appalling as well. To depend on the WFP [World Food Program], getting on line to give me food. So, I do not have my own sovereignty because I depend on the PMA to send me this food and many times it is not healthy food – it’s expired, or it’s transgenic food, or it’s food for animals. So, I have to beg – a beggar. So, we see food sovereignty from this perspective. Of course, at the level of Nicaragua this is something else. But from the smaller scale – because of this we say ‘I am sovereign,’ ‘I am free from others giving me food.’ So this approach. And security is to produce food on the *finca* [farm]. Producing it with my own hands. This is security and not having to take out money to buy food, maybe buying the minimum - oil, salt, what cannot be produced on the *finca*. So this is the focus of food sovereignty and security that we have.” *~Interview with CaC representative, 7 June 2012.*

“As Vía Campesina and peasant movements, we coined the term ‘food sovereignty.’ It is different from food security...Food sovereignty explains and addresses not only the state of being guaranteed food, but rather how to produce in harmony with Mother Earth, free of pesticides, fair trade. Meanwhile, security, for example, is the view of the FAO and other national and international agencies who combat the phenomenon, or rather the effects – for me they address the effects. If there is hunger, food has to be provided – it doesn’t matter what kind or how or where it comes from, but the effect of hunger has to be addressed. We don’t think about addressing the effect because it would be a struggle until the world ends. Attacking these causes, the phenomenon as such, we don’t think that we are always going to be bringing pieces of bread to the people. From the perspective of Vía Campesina, we teach the people to produce from their homes...The concept of food sovereignty is that we ourselves create food sovereignty. It is not like the concept of food security that someone provides us with the certainty of having food on our plate. It is that we bend over backwards to have this security beginning with our culture, our traditions. A tradition for us was harvesting tomatoes, taking out the seed, and planting it. This was the culture here in the region and today it has been lost.” *~Interview with ATC representative, 2 April 2013.*

“Food sovereignty, when I began to learn about it, it spoke of conceptual differences between food sovereignty and food security. It was a struggle among specialists in food security – which I call health professionals – because their focus was on health, vitamin deficiency, calcium, malnutrition, and they were never concerned with why people suffered from hunger. Meanwhile, food sovereignty began to be spoken about by Vía Campesina and evolved a little more in 2001, but still the conceptual discussion around the issue remained.” *~Interview with former UNAPA/GISSAN representative, 15 August 2011.*

Food Sovereignty in Practice

“We are also conscious that food sovereignty is not only the responsibility of producers. It also has to be the responsibility of the State. And producers, the State, and different institutions have to find a way to protect food production and also to contribute to solving the problem of world hunger.” *~Interview with UNAG representative, 7 June 2012.*

“Here we have held on to our native breeds of chickens. We have also gotten natural chickens from Brazil and from Cuba that do not require other things to survive and we are creating a breed – returning to our own breeds. Now the government has a program called *Bono Productivo Alimentario* [Food Production Voucher] – *Hambre Cero* [Zero Hunger] is what they call it, but it consists of providing people with small livestock in order to create this protein base – a national food base. This is emerging in a natural way with the foods people produce. Little by little it is going to result in eggs, chicken, meat from another type of animal production. Now this invasion of [artificial products] from outside the country will gradually become smaller. This is food sovereignty.” *~Interview with UNAPA representative, 16 August 2011.*

“For me, the government and peasant sector, we are walking hand in hand with the purpose of promoting food sovereignty, obviously linked with the other large sector, which is that of consumers that is like a nucleus. And how is this working? Through small farmers markets. That is about 20 producers and they set up a post where they sell their products directly. They do not work with an intermediary but rather they sell their products. Those of us from UNAPA, we are promoting Mercampos, which are farmers markets, and this reflects an important idea for us of how we have to work to bring back consciousness to the people about consuming their own. These are experiences – maybe that are not so big in terms of having farmers markets in all the municipalities, but there are some farmers markets in some [municipalities] and in others, there are not. But we know that at some point we will make it happen, but right now we know that we are beginning. We also are promoting exchanges – that a group comes to see how others are selling their products, so that they can do this in their own communities.” ~ *Interview with ATC representative, 4 August 2011.*

“The other is that this issue of sovereignty at the national level because we see sovereignty from the level of the family. It is easier to work on sovereignty from this level. This is the availability of health food and this for us is sovereignty and to do what one wants with their food, their seeds, give it away, sell it – this is having sovereignty. But at the national level, it is a little more complicated. For example, we have all these trade agreements, so I don’t know how it is to have sovereignty. We know that a lot of food is bought – oil is bought, a lot of rice is bought from the outside when it can be produced here. I think there are not a lot of policies that focus on the *campo* [countryside] to provide incentives for food production. Policy incentives for producers. Well, you grow corn and beans to eat, so I am going to give you an incentive – for example, cheaper fertilizers, that in moments of emergency, you will have a subsidy if your harvest is lost, or regulating the prices of corn and beans. So, this is very difficult because we have trade agreements to fulfill. There are shortages of corn, so [imports of] corn invade from Guatemala and other places, like Mexico. I believe that food sovereignty at the national level is a little more complicated. For example, right now there are many threats from the private companies of producing transgenic yellow corn. This is serious for Nicaragua. Here we are practically losing our sovereignty. I believe it is easier to work this here from the municipalities because when there is awareness, there are alliances, there is coordination, that to see this from the national level – the implementation is more difficult. But well, the idea is this. It is a national framework and in which it is executed by the municipalities, the communities, as it is much easier to ground the law at the local level. But for the national policies, it is more difficult because of all the treaties involved.” ~ *Interview with CaC representative, 7 June 2012.*

“Before, only Vía Campesina could mention food sovereignty and no one else. It was like the concept was patented. Members of Vía Campesina did not allow any NGOs to adopt the concept of food sovereignty because, according to their position – in my understanding – it was going to be manipulated, tampered with, etc. And Vía Campesina was always very careful to not let the concept be tampered with...” ~ *Interview with former UNAPA/GISSAN representative, 15 August 2011.*

“The small producers, when we do food sovereignty – learning to use our seeds [and] our own, good quality fertilizers – we are sovereign. This is political and social as well.”
~Interview with MAONIC/FENACOOOP representative, 30 August 2011.

“Speaking of food sovereignty, although [organic coffee] is generally exported, it forms part of sovereignty because it is produced here and here we can decide to produce in a safer way, improving environmental management, but this is also seen as food for us...We are precisely thinking that we should work on producing seeds [using] good agroecological practices, and after make use of some techniques that allow us to preserve this genetic material in appropriate conditions. Like this, the food production design is improved, not only for food sovereignty in Nicaragua but also for exporting quality products...”
~Interview with MAONIC/FENACOOOP representative, 30 August 2011.

“In some way [food] security can be achieved, but food sovereignty is very difficult because this is a lot of – because there is all the propaganda about *agricultura química* [conventional agriculture], junk food, and everything else that comes to us from outside [the country]. It is very difficult.”
~Interview with member organization of GPAE, 8 June 2012.

Appendix W

Selected Interpretations and Reflections on Food Sovereignty by Food Security Experts, the Private Sector, Government Representatives, and other Stakeholders

Food Security Experts

On Food Sovereignty

“So, we constructed a concept of sovereignty that, if you review the law, we wrote it in one way and GISSAN in another. But there are two perspectives of what is understood as sovereignty. From there – we began from this logic – because as I was telling you, there are a diversity of views of sovereignty in a country. Some see it as the sovereignty of having, of producing enough food to not depend on imported food. They see it solely and exclusively as this, at least in the way I have perceived how they want sovereignty to be understood. But it is that to produce food, it is not only the production but rather also the inputs for food production with seeds and sovereignty with regard to biological utilization as well. Why – what type of production do we have? With what are we producing? With dangerous substances, toxic substances, pesticides? Or are we producing in a way that is culturally like our ancestors, like we have produced? Because, culturally, if you review our history, our food production culture is more family-oriented, it is culturally diversified, of diverse crops in which there is a – each family or each family group or each community had their own food production and it was not necessary to go to the supermarket or acquire packaged or bottled products that came from other countries. So there is a series of situations here that have to be addressed to talk about food sovereignty, among other things that I observe through the experience I have had with the issues of food security and food sovereignty...[T]o me it does not appear to be appropriate to politicize or politically ideologize the issue of sovereignty because I believe the matter of sovereignty should not have a politico-ideological color, on the one hand. On the other hand, if you review the issue, the concept of food sovereignty in the proposed laws, they effectively have a concept that is more rooted in the concept proposed by Vía Campesina and this is a concept that reflects the perspective of Vía Campesina. I think this concept, I don’t know – it’s a very personal opinion – I think [Vía Campesina’s] concept is much more focused on the issue of food production or the availability of food. I think more focused on the issue of organic agriculture – produce food but produce organic food. So, I believe that the focus on sovereignty from this perspective would bias the concept of sovereignty in its sense, in its overall theoretical concept that incorporated other elements within what is also understood by food security or food sovereignty.” *~Interview with FAO consultant, 18 August 2011.*

“It is not to say that free trade goes against food sovereignty, goes against, food security, No. You must see which parts could and should and which parts [should or could] not. The case of GMOs is typical. If standards and controls as a result of risk assessment and management are not in place, it could violate the sovereignty, food security of the country and the State and the people are sovereign to decide policy and the mechanism that is going to govern the issue of GMOs. This is sovereignty. How are we going to govern this? Who is going to govern this? This is part of the decision of the State, of the people – they decide this. But has this been decided? Well, we are in agreement that the Nicaraguans have been decided on how it is going to be done. If we are not in agreement, then we search for how to open the debate to see how it is going to be done. But to say no free trade – no, no, no. First we review which parts of free trade could be harmful and which parts are rather an opportunity for strengthening food sovereignty and security. But decisions should not be taken lightly. That’s what I think could hurt us – decisions taken lightly. That sometimes we can destroy economic sectors that rather are contributing to food sovereignty...” ~*Interview with FAO consultant, 18 August 2011.*

“The concept of food sovereignty, when it was first proposed, it wanted to rescue production practices that had been abandoned, especially having to do with food. So, what happened? Maybe give a little bit of the history of Monsanto...When Monsanto came to our small little countries, we fell in love with the seeds from Monsanto. More than 30 years ago. Monsanto appeared with big seed producers. They gave you the seed and gave a quintal of urea or other fertilizer for free, and with this came an entire process of substituting national varieties and we began to become dependent on imported seeds – more yield and more everything. Because all the ancestral seeds were degrading over time and, although I can have produce better if I save seeds, the seeds from use and reuse were becoming more degraded and were producing less and less. Monsanto comes with its seed – more vigor. What are you going to do? Because we didn’t have a research and development process for native seeds. So, there emerged food sovereignty. When suddenly I couldn’t buy seeds from Pioneer or Monsanto or whoever and I had to fall back on my own small seeds and my own seeds made me poor, I kept producing less, I was not going to compare myself to my neighbor who had enough to buy the other seeds. So this motivated – here this entire process of creating better production was born. The Mexicans began to work a little on the rescue of native seeds and more, above all on corn. And like this it began to be established. The right that the people have, first, to recover, to improve the quality of their native seeds in order to ensure ancestral food security and this is a term that becomes very important. Because then sovereignty entered with a framework of rescuing ancestral food culture – we ate better before. That is, the quality of our food was better than it is now...All of these things related to food sovereignty were what gave rise to and later expanded the concept. It was not only the right, autonomy, and the rescue of these things, beginning with seeds, later food culture, and finally it tying the traditional concept of food security – of access at all times and in all places, safe and nutritious food, etc. And later, when the rescue of food culture, which became an essential component of the concept of food sovereignty, began to be spoken about, it was very hard to disentangle from food sovereignty.” ~*Interview with FAO official, 6 July 2012.*

“Because the concept of sovereignty definitely has a level of discourse – a different discourse from that of the market-oriented discourse of neoliberalism – that everything is market, market, market. So, the concept of sovereignty is raising consciousness at the level of public institutions that it is important to think – we can put it like this – in a higher degree of food independence in food production. I think that this point of view is very clear in the concept of food sovereignty. With a focus on free competition and with comparative advantage, statistics and strategies, Neo-Ricardian, right, to a concept in which the State would have a greater role in ensuring that national production of basic foods is mainly done in the country without depending on the importation of basic food. So this was a point that was raised from civil society before 2007 when the subject of food sovereignty was being raised [through] many of the writings, publications [from] many organizations like GISSAN that were part of this struggle for food sovereignty...The position that we have of being sovereign and being able to produce our own food – this is a healthy reaction of sovereignty. What is still not resolved, in my opinion, is the group of thinkers or those who have influence on public policies, who analyze public policies about food security and sovereignty in Nicaragua. It is that they arrive and say, ‘Ok, well, we agree. With respect to free trade and uneven powers of competition between a rich country and a poor country...it’s true, you have to protect yourself, but at the end, where do you see trade in this? Would you be arguing for autarky, which is the extreme? It is a tough question to say to someone who supports food sovereignty. You, instead of sovereignty, want to say autarky. Not trade any food. The challenge is here, in making one think of balance...[and] the challenge is having more specific operative concepts and equivalent measurement, more concrete to be able to establish a reasonable balance between national production and not being dependent.”

~Interview with Food Security Expert, Consultant to Food and Agriculture Agencies, 2 July 2012.

“I think in the end, the issue of [food] sovereignty is focused on – more than anything – I feel it is the ability that we should have as a country and this I believe in the end it is motivating, empowering, or that what we are saying is that we want to have the ability to have our own food production, our educational work, etc...support based on needs and national opinion. I believe that it is an element that the end – well, at the beginning, this issue of sovereignty was looked at as more of a political word but after the subject of sovereignty was deepened, you realize that they are issues that will demonstrate your ability, that you want to do things for yourself, but to say that at some point you will need support. You can do it perfectly because the central factor and all of this has to be the nation...There are various interpretations. This is the concept that is in the law, which is the one we have to use...”

~Interview with FAO official, 29 August 2012.

On Differentiating Food Sovereignty and Food Security

“Food and nutritional security is a condition or a situation in which you are – including that you eat healthily, that what you eat will serve your body and that you have access to this food that you are eating. It’s a condition. I, a citizen of this country, have daily access to my food, that my body absorbs it – biological utilization – and that there is availability in the market and have economic access to eat. A person that reaches this is a person who has a condition of food and nutritional security. A person who has food sovereignty is one that in principle – women who are vulnerable in countries like ours – have the right to land to produce food for their own consumption and the surplus is sold...[Food sovereignty] has a lot to do with gender and other characteristics that are not part of food and nutritional security. Almost, I would say, food sovereignty is more linked to the right to food. There is almost no difference because it is a matter of law, a legal norm, a legal order...It essentially is in this category. More or less this is the difference between [the two concepts].” *~Interview with Food Security Expert, Consultant to Food and Agriculture Agencies and Government, 27 June 2012.*

“Logically, when we interpret [food sovereignty], it includes elements of [food] security because it speaks about guaranteeing the right to food, respecting the small and medium producers...our own cultures, the diversity of peasant and indigenous methods of agricultural production, and it speaks about commercialization too, and of the management of rural spaces, of women. Logically linked more to security – we are talking about production, commercialization. We are talking about how we do things and all of this. But in practice, when you debate the concept of food sovereignty, they tell you that it is the ability that one has as an individual, community, as a country to obtain or of producing – this is sovereignty...Elements of the Vía Campesina definition are included [but it is a distinct interpretation] because here we talk about commercialization.” *~Interview with FAO official, 29 August 2012.*

“I believe the issue arises from civil society adding the word ‘sovereignty’ for politico-ideological reasons with a focus on ensuring food security...Now, there is another part to this. The subject of sovereignty, if you review it well, is really more linked to the component of availability of and access to food. These two components come from the concept of food security. In the concept of food security, there is availability but also consumption and also biological processing of food, the health of people, it is more of an issue of sustainability. The subject of food security is broader, is more comprehensive, because it touches on health issues. What has been in the minds of Nicaraguans when sovereignty is spoken of, including the FAO and what it says is meant by food sovereignty, is more linked to production, or the possibility of a country producing its own foods – not depending on imported foods. This is where the subject of food sovereignty is seen – not with the issue of sovereign health of Nicaraguans or with sovereign education, but rather it is linked to the issue of production.” *~Interview with Food Security Expert, Consultant to Food and Agriculture Agencies, 2 July 2012.*

“Sovereignty seems to me – the concept that appears in the law is that sovereignty guarantees security. Well, this is some extent true. I say to some extent because it does not mean that I can necessarily be [food] secure. We would be the dominated countries, the countries that have been dominated and they are [food] secure and I’ll explain this. Now, what I see as food security is something I can obtain in different ways, but sovereignty – there is only one way to do that. I can trace food security without being sovereign and I can be sovereign without being secure also...It is obvious that security and sovereignty are not the same thing, but if I try to pigeonhole sovereignty as a panacea for security – I believe I would be committing an error because security is something I can achieve with or without sovereignty. In an ideal world for our countries, having sovereignty and security would be ideal. But in reality, in practice – in a globalized world with treaties like the one with the United States, and treaties of agreement association with the EU, which are two powers that also govern Latin America. So, speaking of sovereignty, I have my reservations in this regard – in reaching food security through food sovereignty. I think here we ought to focus, on the one hand, more on guaranteeing food security, and on the other hand, seeing how we can gradually conceptually build what we understand as food sovereignty but focusing on the priorities, the agenda that we have. That is, the priorities of food sovereignty that should be promoted, otherwise we will not reach sovereignty...I think [sovereignty] should be pursued through the organs of the State...and that people should, we should work to build a model that allows people to exercise sovereignty through institutions and this model I believe is not being worked on. I repeat that [sovereignty] can be a way to achieve security but it is not the only way.”

~Interview with FAO consultant, 18 August 2011.

The Private Sector

“If you look at the structures of states you will find that they have always been institutions responsible for ensuring food production and food imports come into play, for example, ministries of trade and economy. So countries have always had policies. The [food sovereignty] concept may be new in its formulation, when speaking, e.g., availability, accessibility, acceptance and respect for cultural patterns – that is a formality in my opinion, but the true basis of food sovereignty has always existed. It is the right of peoples to determine their own policies and states always have institutions that are responsible for that. So for me it's not new...the law was more concerned with a structure, meaning the expansion of the size of the State, and it was also concerned about sovereignty, which in reality has always existed. Because of this, I also commented that for me the concept of food security is not new because States have always had institutions that are dedicated, on the one hand, to encouraging production, and on the other hand, to the regulation of trade.” *~Interview with COSEP Representative, 26 June 2012.*

Government Representatives

“...it is knowing what sovereignty is. When you speak of national sovereignty, the first thing is to be sovereign...now, at the level of food, it means that I have a right to my food. But there are many nutritional aspects that are recommended.” *~Interview with official from the Alcaldía de Matagalpa, 6 June 2012.*

“The FAO, at the national level and in countries, was at the same time deepening or entrenching the subject of food sovereignty as the need of countries to autonomously define what, how, when, and where to produce. That is autonomy to define their own production policies about access, consumption, availability of food, and protection and promotion of their natural resources. So, this is a fundamental concept and very important.” *~Interview with National Assembly deputy, 27 August 2011.*

“[food sovereignty is]...broad – self-sufficiency, sustainability, no dependence...” *~Interview with National Assembly representative, 21 August 2011.*

Other

“We see [food] sovereignty as having our own, ours. So from there we began and the majority of people from organizations as well. Until the law came and everyone began to say ‘man, we need to eat our own because we are going to eat food that really are not ours, that maybe do not nourish our body...” *~Anonymous, 13 December 2012.*

“Food sovereignty is a right and one of the fundamental pillars of the sovereignty of the people and nations.” *~Comment made by professor of the Department of Rural Development, Universidad Nacional Agraria, at the VII DMA Forum 2013 “Sustainable Food Systems for Food Security and Sovereignty, 16 October 2013.*

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Co-Author: “Can food sovereignty laws make the world more democratic? The case of Nicaragua’s food sovereignty law” in *Rethinking Food Systems*, Nadia Lambek, Priscilla Claes, Adrianna Wong, and Lea Brillmayer (Eds.), Springer (2014).