



# Food Sovereignty & Community

## Food Sovereignty As A Step Toward Community Resilience

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When we want to support local agriculture we think first to plant a garden or organize a farmers market. But rarely do we take the next logical step, which is to use local law to protect that sustainable agriculture system that we're trying to build. When we don't take that step, agribusiness corporations sometimes step into the vacuum that's created. As our farming practices return to decentralized production, so too must the decision-making about that food.

La Via Campesina coined the term "food sovereignty" in 1996, defined as the "right of peoples to define their own food, agriculture, livestock, and fisheries systems, in contrast to having food largely subject to market forces." Unlike the food security movement, aimed at ensuring that people have enough to eat, food sovereignty focuses on the question of who controls local food and agriculture policy. Who holds the power to determine those policies? Who sets goals and designs policy? Politicians? Corporations? Or the people directly affected by such policies?

As former Secretary of State, Henry Kissinger, once said, "Control oil and you control nations; control food and you control the people." Let's remember some examples of corporate attempts at control over food systems:

- Genetic engineering and forms of "biopiracy" like seed patenting
- Financial instruments over farmers like the revolving wheel of debt
- Engineering dependence on high-energy inputs (fertilizers, pesticides) often leveraging influence over university and extension agency experts to promote their use
- Collusion with government to regulate the small family farm out of existence by insisting on a "level playing field" (that is, industrial in scale). The Food Safety Modernization Act (FSMA) is the latest example of this.
- Crafting a narrative of food safety that implies all food producers are producing for national and global markets, and that all operations therefore require bureaucratic oversight and expensive equipment to ensure food safety.
- The well-known revolving door between agribusiness and regulatory agencies that write, implement and enforce food system policy

Big solutions to big problems often recreate the problem in a new form. Small scale solutions have the advantage of being site and situation specific and being more amenable to incremental organic adaptation with less risk that failure causes higher order systemic failures. For example a local raw milk CSA (Community Supported Agriculture system) has some real (very low) risk of causing illness but large scale corporate supply systems of industrial milk have created problems where large numbers of people spread across countries become sick before corrective responses can be enacted. A vision of small-scale, site-specific corrective action is offered by the political project of food sovereignty. Food sovereignty is based on the right of peoples to define their own food system and to develop policies on how food is produced, distributed and consumed. It is above all a political call for action that it is based on empowerment processes and the generation of critical knowledge in support of the collective and popular construction of alternatives.

### Food Sovereignty in Maine

Food Sovereignty, as it has emerged in Maine, is the concept that people who eat and those who grow food should be at the heart of designing food systems policy instead of large-scale industrial "food commodity" manufacturers or government bureaucracies. Food sovereignty as a political movement asserts the right of people local to a geographic place to grow food, save seed and exchange products of the home economy free from government interference as long as sales are direct from producer to patron. All other food production regulations apply if you are selling to retail venues like restaurants and grocery stores.

This concept has yielded a strategy about asserting a legal space, usually within a municipality, where residents have the guaranteed right to save seeds, grow their own food and exchange it with each other in face-to-face venues (like roadside stands, church potlucks, and farmer's markets). The strategy was borne out of resisting corporate control of our food systems in our home towns using locally binding law, which is much more accessible than state or federal levels of

legislation. In Maine it takes the form of town ordinances. These ordinances are rights-based rather than regulatory in nature.

Instead of regulating what you can and can't do, a rights-based ordinance leverages language usually found in state constitutions that declare the inherent right of the people of a state to self-governance. Rights-based ordinances declare and secure rights in a positive and guaranteed way. In the United States, authority is often delegated throughout the varying levels of government. In home rule states, authority in matters of self-governance are decentralized to the local level, and people within a municipality can create governance as they see fit so long as it doesn't conflict with or frustrate the purpose of higher state or federal legislation. On matters of food and water, it is sometimes unclear who has the ultimate jurisdiction to make these sorts of policy decisions. We assert that if there is any uncertainty about what polity has the decision-making authority regarding matters of food and water, that authority should devolve to the local level. Rights-based ordinances secure these rights over the supposed rights of corporations and claimed authority of regulatory agencies, which are often dominated by corporate influence. RBOs reinforce the civil and political rights of people in their communities, and allow them to make determinations about the health, safety and welfare of their town.

Food sovereignty has enjoyed a good deal of success in Maine because many towns practice direct democracy at the municipal level. The process for getting on the agenda before a select board or city council is straightforward, accessible and often welcome. In both statute and constitution, the state of Maine grants authority to towns to pass ordinances that deal with matters "local in nature" that affect health, safety, and welfare. It would seem that there are no matters more local in nature than the procurement of food and water for general welfare. When it comes to designing food policy, the idea here is to privilege the voices of consumers and primary small-scale producers that directly feed local patrons, rather than corporate agribusiness or entrenched government bureaucracies. Many farms are small-scale, family-owned operations and Maine enjoys a relatively youthful farmer demographic that is actually getting younger, bucking the national trend. There are even cases of people relocating to Maine specifically to begin an agricultural enterprise because their town has passed a food sovereignty ordinance.

These food sovereignty ordinances in Maine are formally titled the Local Food and Community Self-Governance Ordinance (LFCSGO). The LFCSGO used language from rights-based ordinances (RBOs) in Shapleigh and Newfield, Maine, as a template. These RBOs prevented Nestle from taking water from their shared aquifer to bottle and sell back to them. These were ordinances drafted by the Community Environmental Legal Defense Fund (CELDF), which pioneered the use of RBOs. Food freedom bill proposals from Wyoming and Florida also provided inspiration for the text of the LFCSGO. (source)

First formulated in 2011 as a response to industrial scale food processing regulations applied to small-scale operations, the LFCSGO was first passed in Sedgwick, Penobscot and Blue Hill and quickly spread to other towns in a process called "horizontal diffusion." A key feature is that the ordinance language is usually uniform across different towns because we all use the same ordinance template as a starting point. "Horizontal diffusion" occurs within a "precedence of uniformity."

These ordinances have always been about small scale and face-to-face sales directly to patrons of the farm. The idea of making exemptions from corporate and industrial style regulations struck a nerve with Mainers. The LFCSGO was adopted in many towns across the state as activists flooded the state capital to pass state-level legislation that mirrored the town ordinance in spirit and content. State-level bills were narrowly defeated in 2012 and 2014, and then finally in late 2017, Maine passed the Food Sovereignty Act. This process is called "vertical diffusion." Unfortunately, it had to be amended in an emergency special session to take some food out of "food sovereignty" because the USDA, a federal agency, claims jurisdiction over the regulations around animal slaughter. So while the Maine Food Sovereignty Act doesn't pertain to meat sales, it does recognize and codify the long standing tradition of face-to-face sales at local venues of all other locally-produced food.

So we have a focus on local rules for local food grown by small-scale operators using bottom-up democracy in action by leveraging local, state, and federal law. The exciting pattern that emerged was "horizontal diffusion" (influence on other localities facing similar situations) resulting in "vertical diffusion" (influence on policy design and implementation at upper political and administrative levels), largely made possible by a "precedence of uniformity" (most food sovereignty ordinances use the same language set forth in the LFCSGO template). We think the time is right to spread these sorts legal strategies to help rebuild local economies, especially to other home rule states.

Why You Should Care? (source)

Industrial Agriculture Is Not Sustainable.

Our current system of agriculture, which substitutes chemicals for living soil, is not sustainable. It is killing soil, creating dead zones in the oceans, pouring greenhouse gases into the environment, and destroying biodiversity. The earth is our only home, and we must learn to relate to it as a living system, not as an environment we can exploit for profit, while killing its ability to regenerate.

Corporate Agriculture Is Not Healthy.

We are having epidemics of health problems created by modern agriculture, especially obesity, diabetes, heart disease and cancer. We need healthy soil to raise healthful food, both plant and animal. Food-borne pathogens, the only form of unsafe food recognized by the Food and Drug Administration, is the least of our worries. Those causing the problems are also telling us how to eat, and a great deal of what you think you know about that is wrong.

Local Food Brings Local Prosperity.

Our oligarchic food system sucks money out of our local communities and concentrates it in the hands of a few multinational corporations. Eating locally-produced food circulates money locally and strengthens local economies. A thriving local food system means more jobs and a more vibrant and healthy economy. It also builds the resiliency needed when times get tough. Local food tastes good, too!

Food Strengthens Communities.

Breaking bread together is a time-honored way of celebrating life in community. Church suppers, bake sales, Grange pig roasts and all of the other gatherings bring people together. It is hard to be disagreeable to people when you are all eating together! And when people care about food, they care about people, and find ways to make sure that everyone gets to eat.

What you can do.

Talk to your neighbors about this issue to get them interested. Rally a few friends and learn what it takes to bring legislation before your town government. Find allies both in town and in town government. Use the LFCSGO template as a starting point. If you live in Maine, you benefit by using this template because it has been passed in 22+ other over 40 towns. Make sure your legislation protects sales at roadside stands, church potlucks, and farmer's markets (all of which are allowed under the 2017 Maine Food Sovereignty Act). If you live outside of Maine, the language may largely apply, and you can customize it to make your own template to share across towns. Learn about your state's laws and find leverage points in agricultural related statutes. Once you get familiar with the legal language, you can hone your arguments using various levels of law. After that, use the tools of rhetoric and debate to start conversations and build a local coalition to bring locally binding food sovereignty legislation to your town.