

***Protecting, Respecting, or Violating Peasants' Rights?
UNDROP, the State and Sembrando Vida—Mexico's Flagship
Reforestation Project***

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Abstract: *In this article, we critically examine Sembrando Vida—a Mexican social and economic development programme that pays individual farmers a subsidy to plant trees on their land—through the lens of a new instrument in the landscape of international human rights law (IHRL): the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). Sembrando Vida purports to simultaneously advance efforts to combat climate change and to enhance rural social development, and the programme leans heavily on its promise to learn from 'Indigenous' and 'peasant' lifestyles to enhance its legitimacy. We interviewed people impacted by the Sembrando Vida project. Here, we draw on the evidence we gathered to contest its presentation as a human rights-respecting development programme, and to demonstrate that the programme is undermining traditional agroecological practices that offer a more sustainable and equitable alternative to combatting climate change. By analysing Sembrando Vida through the lens of UNDROP, we demonstrate that a project that purports to learn from rural and peasant communities in their stewardship of nature is a form of mandate system that seeks to nurse rural communities, as opposed to fledgling nations, into a particular vision of economic health. Sembrando Vida is, predictably, remunerative for private investors and state actors trying to develop the poorer regions of Mexico through a number of disparate large-scale infrastructure projects that traverse constitutionally protected common lands.*

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1. Introduction

Sembrando Vida (“sowing life”) is a Mexican social and economic development programme that pays peasant farmers a generous financial subsidy to plant trees on their land. The programme has been heavily promoted by the Mexican government as the solution to the climate crisis, as a vehicle for enhancing employment opportunities, and as a means to address the flow of Mexican migrants emigrating to the United States (US).¹ The Mexican Government explicitly claims *Sembrando Vida* helps peasant farmers and Indigenous communities scale up their traditional agroecological farming practices—a claim that seeks to differentiate the programme from other development initiatives that have historically threatened the autonomy, culture, and livelihoods of peasant communities in rural Mexico. Indeed, the programme’s goals are explicitly social as well as environmental. It aims to promote “productive inclusion”, foster stewardship of nature and the environment, and regenerate the social fabric of the communities, including by “fermenting a culture” of financial planning and saving.² Through *Sembrando Vida*, the Mexican Government is seeking to position Mexico as a global leader in reforestation initiatives, advance the country’s progress towards its international commitments to address climate change and promote sustainable development whilst respecting traditional livelihoods. The programme is already operational in twenty-one states in Mexico,³ and it is

¹ As President Andrés Manuel López-Obrador (AMLO) has underlined, the programme “gets to the root of the migration problem. It’s not just about stopping it, and it’s certainly not about being coercive, about violating human rights. Rather, it gets to the root of the problem, and we can do this together with the United States government.” (See Presidencia de la República del Gobierno de México, News Release, “The Sowing Life program addresses the root causes of migration, affirms President López Obrador to the US delegation” (18 October 2021), online: <gob.mx/presidencia/prensa/the-sowing-life-program-addresses-the-root-causes-of-migration-affirms-president-lopez-obrador-to-the-us-delegation?idiom=es>).

² Secretaría de Bienestar del Gobierno de México, Press Release, “Programa Sembrando Vida” (6 November 2020), online: <gob.mx/bienestar/acciones-y-programas/programa-sembrando-vida> [Secretaría de Bienestar del Gobierno de México, “Programa Sembrando Vida”].

³ *Ibid.*

currently being exported to other states in South and Central America, including Honduras, El Salvador, and Guatemala.⁴

With its public character and agroecological approach, ostensibly, *Sembrando Vida* entails a shift away from now widely criticized neoliberal development models that required states to liberalise, deregulate, and incentivise private investment as a condition of participation in the global economy. The programme also reflects a rejection of the longer-standing “modernisation logic” that led many former colonies to try to urbanise and industrialise rapidly in order to replicate a (false) image of the development trajectories of countries in the *core* of the global economy.⁵ The deliberate and substantial investment in the rural sector, the focus on benefits to rural communities, and the explicit adoption of an agroecological approach coheres with the broader international agenda for promoting inclusive sustainable economic development and respecting the human rights of Indigenous peoples and peasants. But is *Sembrando Vida* all that it seems?

In this article we—an interdisciplinary research team working across Mexico and the UK—present a new body of evidence we gathered by interviewing participants and organisations impacted by *Sembrando Vida* to challenge its environmental and social credentials. We then re-examine Mexico’s flagship reforestation programme through the lens of a relatively new instrument in the legal landscape of international human rights law (IHRL): the *United Nations Declaration on the Rights of Peasants and Other People Working in Rural*

⁴ Karla Pinel Valerio, Jorge González Cruz & Alejandro González Basurto, *Our Voices From Below: Diagnosis of the Results of the Sembrando Vida (Sowing Life) and Jóvenes Construyendo el Futuro (Young People Building the Future) Projects in Their Beneficiaries in El Salvador and Honduras*, (Mexico City: United Nations Development Programme, 2022).

⁵ Andre Gunder Frank, *Dependent Accumulation and Underdevelopment* (London, UK: Macmillan Press, 1978) pp.84-86.; Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (Princeton, NJ: Princeton University Press, 2011); Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth, and the Politics of Universality* (Cambridge, UK: Cambridge University Press, 2011).

Areas (UNDROP).⁶ On the surface, *Sembrando Vida* appears to be a model programme in terms of its apparent respect for human rights, particularly for peasants and agricultural workers. *Sembrando Vida* apparently does not seek to “grab” the lands of peasant farmers and Indigenous communities in Mexico in order to put the land into the hands of developers, or miners, or logging companies or agribusiness firms, as many state-led development initiatives have done in the past, and as many continue to do. As the evidence gathered by the Project Team uncovers, however, the programme deploys a set of incentives and puts into motion a set of relations that create divisions within communities based on who can participate in the programme and who cannot. These divisions inculcate individualistic economic rationalities that, over the longer-term, erode community values and weaken the longstanding resistance of communities in Chiapas, Oaxaca, Tabasco, the Yucatán peninsula and other regions of Mexico to large-scale infrastructure projects.⁷ A project that purports to learn from rural and peasant communities in their stewardship of nature actually places them under the tutelage of state technicians and is a form of Mandate System that seeks to nurse rural communities, as opposed to fledgling nations, into a particular vision of economic health.⁸ Predictably, *Sembrando Vida* is remunerative for private investors and for state actors who are trying to develop the poorer regions of Mexico through a number of disparate large-scale infrastructure projects that

⁶ *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*, UNHRC, 39th Sess, UN Doc A/HRC/RES/39/12 (2018) HRC Res 39/12 [*UNDROP*].

⁷ See Glasgow Centre for International Law & Security, “Understanding *Sembrando Vida*: The Governmental Programme in Mexico That Inspired the COP Agreement on Reforestation” (25 November 2011) online (video): <gciils.org/?events=understanding-sembrando-vida-the-governmental-programme-in-mexico-that-inspired-the-cop-agreement-on-reforestation>.

⁸ The League of Nations Mandate System was established as a mechanism for the distribution and governance of former German and Ottoman Empire territories following World War One. The declared purpose of the system was to oversee the transition of these territories from imperial rule to self-governance, with the ultimate aim of preparing them for independence as sovereign nations. However, as critical scholars of International Law, notably Antony Anghie, have argued, the Mandate System in fact served to advance neo-colonial development practices that maintained the influence of the former colonial powers over the economies and peoples of the global South (see Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, UK: Cambridge University Press, 2012)).

traverse constitutionally protected common lands.⁹ Looking through the lens of UNDROP and sub-altern approaches to human rights, we find that the Mexican government is systematically violating the human rights of peasants and people working in rural areas by rolling out this “social and environmental” development programme.

The article is structured as follows: Parts One and Two of the text are dedicated to relating competing perspectives on the nature and operations of *Sembrando Vida*. First, the presentation of the programme by the Mexican government is discussed. In Part Two, we present an alternative outlook on this programme from the evidence gathered through our interviews with communities and organisations working and living in the regions of Mexico in which *Sembrando Vida* is being implemented. In Part Three of the article, we move to analyse *Sembrando Vida* through the lens of IHRL. Our aim in this section is to highlight differences between dominant legal and institutional mechanisms of IHRL and so-called political approach to human rights, such as the approach advanced through UNDROP. Our particular concern is with how these different perspectives on human rights represent the relationship between human rights and the state. At the centre of UNDROP is a new human right to food sovereignty.¹⁰ Food sovereignty connotes “peoples’ democratic control of the food system”, and encompasses access to land and productive resources, access to seeds, the promotion of

⁹ As Rocheleau has found in her analysis of dynamics of land appropriation and ‘green grabbing’ in Chiapas, the forms of land-grabbing that are deployed by the Mexican state are subtle but sophisticated, and must be understood to be “rooted in the very specific history of Mexican land law and agrarian culture, where the land is for the people who live and work on it, and care for it.” “Networked land grabbing processes driven by conservation and tourism interests, or the pretext of such, are less visible, more distributed and more complex than the large land deal form of grabbing, but no less significant, or violent,” she underlines (see Dianne E Rocheleau, “Networked, rooted and territorial: green grabbing and resistance in Chiapas” (2015) 42:3-4 J Peasant Studies 695 at 698–99).

¹⁰ The food sovereignty movement developed in Central America in the 1980s as a response to the advancement of the agenda of the World Trade Organisation (WTO): an agenda that pursued trade liberalisation and export-led agricultural production, and threatened the livelihoods of small farmers by flooding local markets in Central and South America with cheap subsidised food imports from the US. Priscilla Claeys, “The Creation of New Rights by the Food Sovereignty Movement: The Challenge of Institutionalizing Subversion” (2012) 46:5 Sociology 844 at 849.

local knowledge and local markets, and the centrality of food to cultural identity.¹¹ Central to the food sovereignty movement's agenda is the campesino-to-campesino method, which promotes a shared model of learning, and ensures the survival and development of traditional systems. Drawing on the German social theorist Jürgen Habermas, Priscilla Claeys underlines how *La Via Campesina* (LVC), the transnational agrarian movement that spearheads the food sovereignty agenda, “opposes the ‘colonization of the lifeworld’ by the state and the economy that ‘robs actors of the meaning of their own actions.’”¹² Much of the activism of LVC is focused on enhancing resilience and peasant autonomy, “ensuring that peasants regain ‘the possibility of controlling their own destinies’”,¹³ and resisting incursions by governments and corporations seeking to grab lands, appropriate resources, and relocate communities to make way for large scale development projects.

The *United Nations Declaration on the Rights of Peasants* is an outcome of the strategic engagement of LVC and other activist groups with the institutional machinery of the United Nations (UN) human rights system.¹⁴ The *UN Declaration on the Rights of Peasants* thus reveals a different understanding of state's role in economic development to that represented in core legal and institutional mechanisms of IHRL. In many countries in the global North, struggles to “respect, protect, and realise” economic and social rights are focused on restoring tattered welfare states in the aftermath of the privations of a neoliberal agenda of privatisation and austerity.¹⁵ However, for the food sovereignty movement, and for many

¹¹ Fergal Anderson, *Food Sovereignty NOW! A Guide to Food Sovereignty* (Brussels: European Coordination Via Campesina, 2018), online (pdf): <viacampesina.org/en/wp-content/uploads/sites/2/2018/02/Food-Sovereignty-A-guide-Low-Res-Vresion.pdf>.

¹² Claeys, *supra* note 10 at 846, citing Jürgen Habermas, *The Theory of Communicative Action, Vol. 2: Lifeworld and System: A Critique of Functionalist Reason* (Cambridge, UK: Polity, 1987) at 302–07.

¹³ Claeys, *supra* note 10 at 846.

¹⁴ Marc Edelman & Carwil James, “Peasants’ rights and the UN system: quixotic struggle? Or emancipatory idea whose time has come?” (2011) 38:1 *J Peasant Studies* 81.

¹⁵ Aoife Nolan, “Privatization and Economic and Social Rights” (2018) 40:4 *Hum Rts Q* 815; UN High Commissioner for Human Rights, *Report on austerity measures and economic and social rights* (Geneva: Office

Indigenous communities living in the global South, further empowering the state to provide welfare is not necessarily a desirable outcome. Food sovereignty advocates and Indigenous peoples understand states as captured by corporations and financial institutions, and subordinated to a logic of capital accumulation that is inimical to the wellbeing of peoples who live by a different understanding of what it means for human beings, and other life forms, to flourish. Our examination of *Sembrando Vida* demonstrates that this initiative is putting into effect precisely such a “colonisation of the lifeworld” of peasant farmers in rural Mexico.

2. Understanding *Sembrando Vida*: The Account of the Mexican Government

Sembrando Vida was launched by the Mexican Government in 2018 and is the largest rural development programme of its kind, distributing more than 1.45 million dollars to more than 425,000 beneficiaries per year, and covering more than a million hectares of land.¹⁶ This flagship rural development programme offers substantial subsidies to peasant farmers in rural Mexico for planting trees on their land. In addition to a monthly payment of five thousand pesos—a sum of money that comes close to a monthly salary at the current minimum wage in Mexico (207.44 pesos per day)¹⁷—participants in the programme are supplied with the plants, inputs, and tools needed to carry out agroforestry, and they are assisted by specialist technicians

of the High Commissioner for Human Rights, 2013), online (pdf): <ohchr.org/sites/default/files/E-2013-82_en.pdf>.

¹⁶ Elías Camhaji, “México echa mano de los programas sociales para ampliar su influencia en América Latina”, *El País* (28 December 2021), online: <elpais.com/mexico/2021-12-28/mexico-echa-mano-de-los-programas-sociales-para-ampliar-su-influencia-en-america-latina.html>. *Sembrando Vida* is funded by one of the largest budgets historically granted for a rural development programme: 15 billion pesos in 2019; 27.5 billion pesos in 2020, and 27 billion pesos in 2021 (see World Resources Institute, Press Release, “Boletín de prensa: Analizan impactos forestales y potencial de mitigación de *Sembrando Vida*” (18 March 2021), online: <wrimexico.org/news/bolet%C3%ADn-de-prensa-analizan-impactos-forestales-y-potencial-de-mitigaci%C3%B3n-de-sembrando-vida>).

¹⁷ Secretaría del Trabajo y Previsión Social del Gobierno de México, Press Release, 001/2023, “Entran en vigor salarios mínimos 2023 en todo el país” (1 January 2023), online: <gob.mx/stps/prensa/entran-en-vigor-salarios-minimos-2023-en-todo-el-pais?idiom=es>.

tasked with “shar[ing] knowledge and experience” with local communities, and ... learn[ing] from “the wisdom of the people who have lived together with nature in their territory.”¹⁸

The Mexican government defines *Sembrando Vida* as a social development programme that seeks to contribute to the welfare of its participants—*sembradoras y sembradores* (“sowers”)—by encouraging self-sufficiency in food, and by implementing measures that favour both the reconstruction of the social fabric and the restoration of the environment through the creation of productive agroforestry systems within their territories.¹⁹ In return for a monthly payment of five thousand Mexican pesos, participants are required to plant fruit and timber trees on their land. They are also to use their plots to cultivate a *milpa*, a traditional polyculture agricultural system used widely throughout Meso-America in which a number of different crops, most typically maize, beans, squash, and chillies are grown in and around forested areas.²⁰ In order to join the programme, participants must: be at least eighteen years of age and have “basic knowledge in the agrarian field”; live in one of the twenty Mexican states in which the *Sembrando Vida* programme is active; reside in agrarian communities that have a high level of “social marginalisation”; and be “the proprietor of at least 2.5 hectares of agricultural land that can be worked and employed in an agroforestry project.”²¹ In addition to meeting these requirements, participants must agree to the programme’s terms and conditions,

¹⁸ Secretaría de Bienestar del Gobierno de México, “Acuerdo por el que se emiten las Reglas de Operacion de Programa Sembrando Vida para el ejercicio fiscal 2020”, s 3.6.3 online:

<dof.gob.mx/nota_detalle_popup.php?codigo=5590695&fbclid=IwAR02YKBHLzBWWVm1jOwmWOIDBv1vKnjvKs9DMRKidd8LuJHwoSfp7FTUfg>.

¹⁹ Secretaría de Bienestar del Gobierno de México, “Programa Sembrado Vida”, *supra* note 2.

²⁰ To be eligible for the program, farmers must own or hold 2.5 hectares of land available for the establishment of agroforestry projects that combine the production of traditional crops with fruit and timber trees. In addition to the subsidy, the program includes in-kind support such as plants, inputs and tools, as well as technical assistance for the design and implementation of biofactories and community nurseries. Beneficiaries are organized in farmer learning communities with an average of 25 members. Secretaría de Bienestar del Gobierno de México, “Acuerdo por el que se emiten las Reglas” *supra* note 18, s 3.4; s 3.6.

²¹ Convocatorias Mexico, “Convocatoria Programa Sembrando Vida Registro” (2022), online: <convocatoriasmexico.com/bienestar/sembrando-vida/>.

which include stipulations regarding the condition of the land—notably that it must be “unused”, not form part of a protected area of forestry, and not be deforested or subject to any form of burning.²² They must also agree to save a minimum of ten percent of the financial support of five thousand pesos.²³ A further set of regulations require participants to fulfil at least eighty percent of the terms of the work plan that they have agreed with the Production and Social Technicians, which includes objectives, activities, and dates of completion; and to participate in two monthly meetings²⁴ with the *Comunidad de Aprendizaje Campesino* (Community for Peasant Learning; CAC).²⁵ If participants do not fulfil their obligations under the rules of operation of the programme, they can be subject to sanctions, including a verbal warning, or the suspension or cancelation of benefits.²⁶

The two principal problems to which *Sembrando Vida* is addressed are rural poverty and environmental degradation.²⁷ In spite of being the second largest economy in Latin America, Mexico is a country in which already high poverty rates are rising rapidly. According to one source, there were “55.7 million people in poverty in 2020, 43.9% of the total population of the country, of which 10.8 million (8.5%) were found to be living in extreme poverty.”²⁸ Rural poverty is particularly acute. It was reported that people in rural areas represented approximately two-thirds of the “extremely poor” in Mexico in 2017.²⁹ Indigenous communities in Mexico are the most vulnerable to poverty, with 8.4 million (69.5 percent of

²² Secretaría de Bienestar del Gobierno de México, “Acuerdo por el que se emiten las Reglas” *supra* note 18, s 3.4.

²³ Two hundred and fifty pesos are to be deposited into a savings account at a financial institution, and two hundred and fifty pesos will automatically be destined for a welfare fund (see *ibid*).

²⁴ *Ibid* at Glosario.

²⁵ The Comunidad de Aprendizaje Campesino (“Community for Peasant Learning”; CAC) are a collective subject of the programme that consist of 25 legal subjects for the generation of knowledge by means of the exchange of experiences and training (see *ibid*, s 3.6.3).

²⁶ *Ibid*, s 3.7.3.

²⁷ *Ibid* at 7-12.

²⁸ BBVA Research, “Mexico: 3.8 million more poor and 2.1 million more in extreme poverty between 2018-2020” (last modified 10 August 2021), online: <bbvaresearch.com/en/publicaciones/mexico-38-million-more-poor-and-21-million-more-in-extreme-poverty-between-2018-2020/>.

²⁹ *Ibid*.

the Indigenous population) living in poverty in 2018, and 3.4 million people (27.9 percent of the Indigenous population) living in extreme poverty.³⁰ Although the factors driving migration from Mexico to the US are multiple and complex, poverty and economic inequalities form an important part of the background for migration.³¹ Many Mexican migrants send money home to family, generating flows of income into the Mexican economy. Nevertheless, the impacts of a ‘brain drain’, and an outflow of social ‘capital’ to the US and other countries are significant in terms of their impact on rural poverty.

Regarding environmental degradation, Mexico is among the countries with the highest levels of deforestation globally.³² According to figures from the Geography Institute of the National Autonomous University of Mexico (UNAM), 500,000 hectares of jungles and forests are lost each year, with a significant cause being illegal logging that accounts for at least 70 percent of the wood sold in the country.³³ Many million-dollar reforestation programs have already been launched in Mexico to counter deforestation, including the ProArbol programme in 2007, but the programmes have been broadly unsuccessful, and have been “denounced for mismanagement, irregularities, and financial anomalies”.³⁴ Mexico faces complex challenges, and like other states in the region these challenges are exacerbated by the intensifying pressures of climate change and migration. From its inception, *Sembrando Vida* has also aimed to

³⁰ Consejo Nacional de Evaluación de la Política de Desarrollo Social, *Medición de pobreza 2018: Población según pertenencia étnica* (last accessed 9 March 2024), online (pdf): coneval.org.mx/Evaluacion/PublishingImages/Pobreza_2018/POBLACION_PERTENENCIA_ETINICA.jpg

³¹ Rene Zenteno, "Is Mexican Migration to the United States an Issue of Economic Inequality?" (2019) El Colegio de Mexico, Seminar Migration Inequality and Public Policies No 2, online (pdf): <https://scholar.smu.edu/texasmexico-research/6>.

³² World Economic Forum, “Why investment in forest restoration is critical for Mexico’s future” (30 September 2022), online: <https://www.weforum.org/agenda/2022/09/why-investment-in-forest-restoration-is-critical-for-mexico-s-forests/#:~:text=Mexico's%20deforestation%20rate%20is%20one%20of%20the%20world's%20highest&text=With%20180%2C000%20hectares%20of%20forest,of%20land%20already%20severely%20degraded.>>.

³³ Servicio Internacional para la Paz, “FOCUS: Between deforestation and poor reforestation – Mexico, a country of authorized ecological destruction” (27 September 2019), online: sipaz.org/focus-between-deforestation-and-poor-reforestation-mexico-a-country-of-authorized-ecological-destruction/?lang=en.

³⁴ *Ibid.*

respond to both of these problems. A recent study by Rodriguez et al summarised the vision of the *Sembrando Vida* policy: “with this increased agricultural and forestry production, the program expects to contribute to food sovereignty, stimulate local economies, increase monetary incomes, and help reconstruction of the social fabric”.³⁵

In terms of assessment of the effectiveness of *Sembrando Vida*, accounts are mixed. Based on interviews with operational personnel within the programme, the aforementioned Rodriguez study reported that overall, people perceived the programme to have adequate objectives *and* execution, especially as it created job opportunities and cash payments. There were, however, also significant problems with implementation, for example a lack of training in caring for the types of trees they were encouraged to plant, as well as the form of governance of the programme.³⁶ According to the Mexican government’s press release, *Sembrando Vida* has been one of the biggest creations of employment in history.³⁷ However, there are some incongruences between official narratives of the programme’s success and the realities of its implementation. For example, regarding migration, Anna Mary Garrapa notes that, despite some reported successes, the programme has had problems integrating migrants as workers.³⁸ Another study emphasised that while there have been notable problems with implementation, including examples of deforestation, the design of the programme has been sound and noted that the programme has had some successes, for example in the promotion of women’s

³⁵ Gabriel Alejandro Gómez-Rodríguez et al, “Local Perceptions in the Implementation of the *Sembrando Vida* Program in Southern Mexico” (2023) 51:3 *Human Ecology: Interdisciplinary J* 379 at 381.

³⁶ *Ibid* at 386.

³⁷ “‘*Sembrando Vida*’, el programa más grande de creación de empleos en la historia: Presidente AMLO” (2019), online: <<https://presidente.gob.mx/sembrando-vida-el-programa-mas-grande-de-creacion-de-empleos-en-la-historia-presidente-amlo/>>.

³⁸ Anna Mary Garrapa, “El éxodo centroamericano entre inserción laboral y militarización en la frontera sur de México” (2022) 114 *European Rev Latin Am & Caribbean Studies* 25 at 36.

participation.³⁹ The authors of this report stressed that problems in implementation were not the fault of the design, but of lack of resources.

In the preamble to the regulations for *Sembrando Vida*, the Mexican government highlights that Mexico is a country rich in natural resources, biodiversity, and culture, and that this wealth is concentrated in rural areas where the largest part of the “original peoples” (*los pueblos originarios*) and the Afro-Mexican communities live. Through their knowledge and traditional practices, the government affirms, “they have known how to preserve the resources that they have in their surroundings”.⁴⁰ On the other hand, it is underlined that the areas that are richest in biodiversity are those with the “greatest indicators of poverty and marginalisation,” as political and institutional programmes that “value” agriculture and augment the level of welfare in rural homes have not been established.⁴¹ Due to these conditions of poverty, the rural regions of the country have suffered “a process of deforestation and overexploitation of resources”, which has negatively impacted their microclimates, further damaging the socioeconomic conditions of the populations and generating food shortages for the communities.⁴² Nevertheless, as the passage introducing the programme stresses, the rural zones of Mexico can be converted into a strategic sector for the development of the countryside if sustainable productivity is increased.⁴³ With this goal in mind, *Sembrando Vida* will incentivise “agrarian subjects” in Mexico to establish productive agroforestry systems, including *milpas* to enhance

³⁹ See Juan Gerardo Cortez Egremy et al, “La multifuncionalidad de la agricultura como herramienta de análisis de políticas agrarias: el caso del programa Sembrando Vida en Chahuites, Oaxaca” (2022) 32 Acta Universitaria 1 at 6–12.

⁴⁰ *Agreement on the Rules of Operation for the Sembrando Vida Programme*, DOF, 30 November 2018 at “Introduction”, online:

<dof.gob.mx/nota_detalle_popup.php?codigo=5590695&fbclid=IwAR02YKBHLzBWWVm1jOwmWOIDBv1vKnpjvKs9DMRKidd8LuJHzwoSfp7FTUfg> [translated by author].

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

food security, thereby generating jobs, incentivising food ‘self-sufficiency’, boosting the incomes of the population, and reforesting 1.075 million hectares of the country.⁴⁴

It is repeatedly underlined in the regulations that the programme recognises the vital role that Indigenous communities and peasants in Mexico play in conserving biodiversity. *Sembrando Vida* is categorised as a social programme for constructing a welfare state (*un estado con bienestar*) under section II(6) of the *National Development Plan (Plan Nacional de Desarrollo; PND) 2019–2024*.⁴⁵ The PND’s purpose is to specify the national objectives, strategy, and priorities for Mexico’s inclusive, equitable, and sustainable development. Under section I(3) of the plan, the government commits to advance its policies in “full respect of human rights” (“*pleno respeto a los derechos humano*”).⁴⁶ In all circumstances, it is stipulated, the government “will be guided by a concept of development that rectifies social injustices and promotes economic growth without disturbing peaceful coexistence, bonds of solidarity, and cultural and environmental diversity”.⁴⁷ The need to recognise the special contribution of peasants and Indigenous communities in terms of preserving biodiversity within the country is repeatedly stressed by the government in its development plan. As President Andrés Manuel López-Obrador (AMLO) also stated in a presentation of the programme to US delegates in October 2021, “[a]ll that we are seeing here has to do with the knowledge of science that the peasants inherited from the great Mayan culture ... They know how to sew and harvest, and this knowledge was transferred from generation to generation.”⁴⁸ At the same time, in a further

⁴⁴ *Ibid.*

⁴⁵ *Plan Nacional de Desarrollo 2019–2024*, DOF, 12 July 2019, s II(6), online: <dof.gob.mx/nota_detalle.php?codigo=5565599&fecha=12/07/2019#gsc.tab=0>.

⁴⁶ *Ibid.*, s I(3) [translated by author].

⁴⁷ *Ibid.*, art II [translated by author].

⁴⁸ Presidente Andrés Manuel López Obrador, “Versión estenográfica. Presentación del programa *Sembrando Vida* a delegación de Estados Unidos de América, desde Chiapas” (18 October 2021), online: <lopezobrador.org.mx/2021/10/18/version-estenografica-presentacion-del-programa-sembrando-vida-a-delegacion-de-estados-unidos-de-america-desde-chiapas/?fbclid=IwAR0gQoszRNMJ4D8B3TSIO4yP3MtQ4-QqZ3rvV13waKFxQoVJl6QtMFX83kc> [translated by author].

characterisation within the same speech, AMLO outlines another vision for the country: “[T]he most important factory in Mexico is the countryside”, he insists, a factory that with further capital investment “can give work to 450 thousand peasant farmers.”⁴⁹ The President did not appear to recognise that characterising the countryside as a “factory” and peasant farmers as its “workers” contradicts the worldview of the “great Mayan culture” to which he had previously referred. The worldview of the Maya would not accommodate the utilitarian, productivist paradigm espoused by the President.

As the body of evidence that we will now present from interviews conducted by the research team underlines, the portrayal of *Sembrando Vida* by the Mexican government contrasts considerably with the views and experiences of people who have been supporting peasant agriculture and agroforestry in the region, as well as people directly involved in its operations. From the perspectives of our interviewees, what the Mexican state is characterising as a social scheme to assist communities and to advance agroecological food systems is a project of social engineering designed to buy votes, and to form subjectivities that will be less resistant to present and future initiatives that jeopardise community lands and traditional knowledge systems, including those of agroecology.

3. Understanding *Sembrando Vida*: Evidence from Organisations and Communities Impacted by the Programme

Here we present findings from qualitative research with a variety of organisations and individuals in different regions of Mexico who are working on the ground with peasant communities impacted by *Sembrando Vida*. The data we draw on was gathered as part of a

⁴⁹ *Ibid.*

series of semi-structured interviews with seventeen different individuals and groups impacted by *Sembrando Vida* in the regions of the Yucatán peninsula, Oaxaca, and Chiapas. Many of the interviewees are members of organizations including La Via Campesina México, Network of Seed Guardians (*Red de Guardianes y Guardianas de Semillas*), Union of Organizations of the Sierra Juárez of Oaxaca (UNOSJO), Network of Indigenous Ministry Agents (*Enlace de Agentes de la Pastoral Indígena* (EAPI)), the Centre for the Study of Rural Change in Mexico (*Centro de Estudios para el Cambio en el Campo Mexicano* (CECAAM)) and Network in Defense of Maize (*Red en Defensa del Maíz*). Almost all of these organisations are also part of the National Indigenous Congress (*Congreso Nacional Indígena* (CNI)), the organization formed after the very first nationwide Indigenous congress ever held in Mexico which took place in October 1996.⁵⁰ The interviews were conducted over Zoom and in person by members of the Project Team in the period between November 2020 and July 2021. Some of these groups are NGOs who have been working with communities on projects relating to peasant autonomy and food sovereignty; others are academic organisations that study agrarian change in Mexico. A few of the individuals have been involved directly in the *Sembrando Vida* programme, either as participants or as facilitators. Of the 17 interviews, two were with government program technicians in Tabasco and Chiapas; five with representatives of peasant organizations in Campeche, Oaxaca, Guerrero, and Chihuahua; three with NGO researchers; and seven with program beneficiaries in La Selva Lacandona in Chiapas. Names and identifying remarks have been removed to protect the anonymity of the interviewees.

In reviewing the material gathered through the interviews, four common themes that resonated throughout the interviews have been chosen for discussion: A) perverse incentives:

⁵⁰ Congreso Nacional Indígena, “¿Qué es el CNI?” (last visited 5 March 2024), online: <congresonacionalindigena.org/que-es-el-cni/>.

interference with traditional agriculture and deforestation; B) moulding a productive workforce and changing peasant ways of life; C) breaking down communities: land and ethos; and D) clearing the way for mega-development projects: the Maya train and the Transisthmus Corridor. As we illustrate in Part Three, these themes highlight aspects of the programme that conflict with the human rights of peasants as articulated under UNDROP.

Before moving on to this discussion, it is first necessary to offer some (necessarily brief) context on the nature of land ownership in Mexico, and the historic progress of agrarian reform that has shaped these territories and the agencies within them. The regions of Mexico in which *Sembrando Vida* is operational are very diverse. Some regions are already densely forested and mountainous, notably Chiapas and Oaxaca, others, such as the Yucatán peninsula, have been transformed by the expansion of industrial agriculture, which is practiced by settling Mennonite communities in the Chen region of the Yucatán. Many of the regions have high concentrations of land held in various forms of community ownership including the “*ejido*” system and “*bienes comunales*”.⁵¹ The *ejido* system was established in the aftermath of the 1917 Mexican Revolution. Formalised under article 27 of the Mexican Constitution, the *ejido* structures conferred a form of land title upon *ejido* members that allowed them to use land and water within demarcated territories. Between the 1930s and the late 1970s, the Mexican government transferred almost half of the territory of the state to the *ejido* sector, which significantly enhanced the access of rural communities to land and resources. As Perramond notes, “Local *ejidos* became one of the more formidable groupings of smallholders, driving political and

⁵¹ Bienes Comunales are one of a number of types of community land tenure established under the Mexican Constitution of 1917. The purpose of the Bienes Comunales land regime was to return land to its original communal owners under the assumption that they were dispossessed or subject to disentanglement. However, the actions of the Mexican government were calculated in many cases to ensure that land was governed by groups with allegiances to the government, and, in many contexts, these developments led to intra-community conflicts (see Héctor Calleros-Rodríguez, “Land, conflict, and political process: the case of the Lacandon Community, Chiapas, Mexico (1972–2012)” (2014) 41:1 J Peasant Studies 127 at 129).

economic change at the municipio level and redistributing local power.”⁵² The advent of the Mexican debt crisis in the 1980s provoked a reversal of these earlier policies, as the Mexican government sought to introduce a series of market-based land-reforms. Under the *Programa de Certificación de Derechos Ejidales y Titulación de Solares* (PROCEDE), the government sought to map the communal lands of the *ejidos*, and to give *ejidatarios* the right to privatise their lands, though they were not forced to fully enclose their “commons”.⁵³ During the presidency of Carlos Salinas de Gortari (1992–1993), a further series of neoliberal constitutional reforms were pushed through as the government sought to make the Mexican countryside more productive, which led to widespread uprisings by rural communities and Indigenous peoples. This pushback was further ignited by the signing of the *North American Free Trade Agreement* (NAFTA) in 1993, the terms of which requested further privatisation of formerly common lands.⁵⁴ There has thus been a long-standing conflict between rural communities, the state, and corporations in many of these regions. Peasant communities and Indigenous peoples have sought to counter repeated attempts by the Mexican state to incorporate their lands into a broader productivist logic in which producing food for their own consumption is subordinated to a wider national project of producing agricultural commodities for export. It is crucial that the developments that we discuss below are understood in this wider context.

3.1 Perverse Incentives: Interference with Traditional Agriculture and Disruption of Ecosystems

⁵² Eric P Perramond, “The Rise, Fall, and Reconfiguration of the Mexican Ejido” (2008) 98:3 *Geographical Rev* 356 at 357.

⁵³ *Ibid* at 358–59.

⁵⁴ Willem Assies, “Land Tenure and Tenure Regimes in Mexico: An Overview” (2008) 8:1 *J Agrarian Change* 33 at 49–50.

In opposition to the declared goals of *Sembrando Vida*, a common issue for many of our interviewees was that the programme was not, in fact, contributing to increased biodiversity and the advancement of food self-sufficiency, but was instead incentivising deforestation, propagating the planting of trees that are ill-suited to local conditions, and interfering with traditional systems of community agriculture.

In the Chen region of the Yucatán peninsula, one interviewee noted that:

The programme *Sembrando Vida* is currently causing those reserves of land that are the *ejidos*, and in the hills, to be cut down. We're seeing that as a result of joining *Sembrando Vida*, a whole region that previously hadn't been deforested for agriculture is being deforested to put those pieces of land into the program *Sembrando Vida*.

This is because the cash payments for *Sembrando Vida* are only eligible for land in need of reforestation. *Sembrando Vida*'s rules of operation forbid clearing or burning down trees to free up land in order to make it eligible for the programme; yet the programme creates strong monetary incentives for this to occur. However, other interviewees took issue with this blanket ban on deforestation, noting that it forms part of a longer-standing war that the Mexican government has waged on shifting cultivation or rotational agriculture, which has been practiced for centuries as part of an agroecological form of food production by many peasant communities.⁵⁵

But the large majority of people ... what they do is fell a little—not necessarily clearcutting. They burn a little. They don't necessarily leave the terrain razed, and they take advantage of all that hot ash to give fertility to the soil, and if there are the necessary conditions for the population or the communities to rotate their plantings within that territory in which they move, bit by bit they plant in different places. It becomes a very sustainable thing, and we still see it in Chiapas.

⁵⁵ Álvaro Salgado Ramírez, "Sembrar trabajo comunitario para cosechar Vida" in Ramón Vera-Herrera, ed, *Comunidad y autonomía frente a Sembrando Vida* (Mexico: Centro de Estudios para el Cambio en el Campo Mexicano, 2021) 61 at 66–69.

In addition to the problem of *Sembrando Vida* incentivising deforestation and outlawing the traditional and sustainable practice of shifting cultivation, a further issue with the programme is that the technicians in charge of the process are planting trees that are unsuitable for the regions concerned.

In the Yucatán, our respondent noted that the trees being planted:

Are cedar, mahogany—that is, the same ones that have been used in the history of reforestation of the nation—species that are very ... it's not to say they're exotic but they require a lot of care. They're very fragile, weak, to survive in environments like the tropics here of the peninsula.

In Chiapas it was noted that:

Of these varieties that we see that the program has provided, in the majority of the nurseries that we've entered, above all in the region of Pantelho, we've seen that the plants are not adapting. They're suffering stress from being introduced to a place where they weren't planted and they're dying ... They haven't been able to adapt.

One interviewee cited a source that suggested that “30 percent of all seeds is what's surviving. They're not even all surviving because they're not adapted to the region.” A further complaint was that the technical advisers of the programme were not interested in learning “the wisdom of the people who have lived together with nature in their territory,” as the office of President López-Obrador claims. As a respondent from the Yucatán underlined:

We have cases of people for example who planted *achiote* [*Bixa orellana*]. This is a species used a lot here on the peninsula for food, and they [the technicians] aren't wanting to recognize that, although it's a tree and it's endemic, and has culinary use, but they told them [the communities] no.

Reports on the role of the technicians were varied: “some people from Veracruz have told us that among the technical advisors, there's some who have come from longstanding peasant organizations who are taking a more agroecological approach to the program.” Others found that the parameters of the programme and the power exercised by the technicians had very harmful consequences: “the technical advisors—who are the ones who interact with the

peasants—define a quota of trees that should be planted in a plot, and that quota in some cases for some peasants seems extremely high—that it’s a lot of trees to plant in two and a half hectares.” The large quantity of trees concerns peasant farmers participating in the programme because “the trees ended up beating the *milpa* over time, because the trees grow, and their crowns begin to block the sun, and this type of shade in the end impedes the *milpa*’s growth,” threatening local access to food. The use of chemicals to encourage growth in some regions contravenes the purportedly “agroecological” nature of the programme, and has raised further concerns. “They’ve told us in many places that it’s rather *Sembrando Muerte* [sowing death, as opposed to sowing life], for example because of the way they’re using chemicals on the trees, as we’ve seen.”

Beyond the threat posed by the growth of the trees being planted, the programme also disincentivised people from growing as much of their own food as they had before the introduction of the programme through traditional practices, and it produced a new reliance on purchasing food. As one interviewee noted:

We consider the principal problem to be that the people who join the program generally have stopped planting *milpa*. So the need arises to purchase maize and beans. So the family economy is totally affected, aside from the rest: the symbolic, cosmogonic, epistemological aspects involved with planting *milpa* in relation to knowledge and in relation to many things that we know to make up communitarian life.

They are “breaking with the peasant productive system ... in this sense the program is affecting the true *milpa* system—the *milpa* system from below, not that of academia,” another respondent from the Yucatán stated.

3.2 Moulding a Productive Workforce and Changing Ways of Life

Another set of concerns voiced by several of the groups and individuals that we interviewed related to how *Sembrando Vida* was changing ways of life within peasant communities, including altering work habits, eroding autonomy, interfering with community governance systems, and incentivising new behaviours that are in tension with community values.

As one group of respondents commented, the programme:

Sometimes generates conflicts among the family or in the community and has economic implications in the jobs that they're being asked [to do]. They have to work Monday to Sunday, every day, and it starts breaking with communitarian dynamics or ways of traditional organization and start[s] to individualize the properties.

Interviewees from Chiapas shared some of the views of peasants in their region collected at meetings that they had had with people who participate in the programme:

They said they have to follow the guidelines, but in the end they “feel like slaves on our own land.” That was the expression they used, “because the programs tell us what we have to do, how we have to do it, and when we have to do it,” going against the foundations of local knowledge—all of the cosmovision, the knowledge, traditional synchronization with the cycles of the moon that they follow. Those are broken, because now it's according to guidelines and things are done following the institutional [government departments'] calendar.

In Oaxaca, similar views were expressed: “the peasants of Oaxaca feel they are indentured servants, in the sense that the technical advisors say what has to be done.” There were also strong feelings expressed about the deeper shift in subjectification that the programme is bringing about:

Sembrando Vida is ... nothing more than disabling in the strictest sense of the word—disabling of peasant knowledge, disabling of the virtues of a community and of a connection and mutuality with other people, and brutal erosion of peasant knowledge, going to the extreme of telling them they don't know how to plant and that they have to change precisely everything that they've known before to begin to be “agroecologists”.

In some regions, these dynamics had caused participants to exit the programme: “So several have left the program despite all the money that they were giving them. I think few have been able to choose to be free and not have money instead of having to obey for the benefits.”

There have been many reports of negative impacts of the programme in terms of its legacies, and in terms of how it is reconditioning behaviours in many communities. As respondents in Yucatán highlighted:

They've said it very clearly—the program will last five years ... So we're saying that it will last five years, in a process of transition in which the peasants who previously had their own seed, who had peasant practices, will have been converted into proletariat who when the program ends will require that set income.

Another concern was that this set income will have allowed people in the communities:

To incur debt, which is already happening. Some peasants are already taking out their motorcycles. Obviously, all of this is on credit, right? Motorcycles, televisions, electronic devices, computers, cell phones ... simply debt, from “groceries”, which allows them to go about depending more on the program to pay the debt. So we see these two characteristics ... they're becoming people who are used to that sum, but also consuming based on credit. So when the five years of the program are up, that will only have deepened ... now they will “need” a job to continue paying that debt, to continue to sustain that lifestyle based on credit consumption.

In addition to changing labour dynamics and conditioning a new reliance on wages and credit, the programme is seen to be causing a degradation of the governance structures of the community. As respondents from Chiapas commented:

We've also seen that it has caused problems among family members, as well as communitarian problems ... [the programme] is breaking not only with the mechanism of the community assembly for making decisions and agreements and managing territory, but also with the family. It greatly imposes territorial control, weakening the communities' organizational practices.

In Chiapas, it was underlined that *Sembrando Vida* is producing a decline of highland systems of growing coffee:

They've abandoned the coffee groves to place more emphasis on the program. Furthermore, it's very rigorous. It has its calendar, its list of tasks to carry out, and it demands a lot of labour from the peasants. So they stop caring for other systems that they traditionally maintain in the community.

It was further noted that the model is producing a kind of standardisation and new control of land and living spaces:

So when we go to the communities, we see that the model is homogeneous. They're like "Teletubbi" [cartoon] houses. The houses and even the fences are all exactly the same. The nursery area is always the same. The size is the same. Suddenly we began to see something like the suburbs of the '80s in some regions of the United States—the model home with its fence painted white and its trash bins. It's a very western model that's being imposed. That concerns us a lot.

3.3 Breaking Down Communities: Land and Ethos

As noted at the outset of this section of the article, the operations of *Sembrando Vida* must be understood within the broader context of constitutional land protections and land reform in Mexico. A consequence of the *ejido* system is that land cannot simply be bought and sold on the market, as is the case in many other parts of the world. Land ownership is tied to structures of communal governance and is passed down through generations. Everyone interviewed in our study believed that *Sembrando Vida* was interfering with community land governance. They also believed that the programme was designed to enable the government to effectively take indirect control over the land by enrolling participants in a social development programme and requiring them to make the land "productive", in accordance with a narrow understanding of that term.

One of the key issues noted in many interviews was the inegalitarian distribution of the benefits of *Sembrando Vida*.⁵⁶ As discussed earlier, the rules of the programme enable an application by an individual, and that individual must be in possession of at least 2.5 hectares

⁵⁶ Ana de Ita, "Sembrando Envidida" in Ramón Vera-Herrera, *supra* note 55 at 13–27.

of suitable land. Rights are individually, rather than communally granted, with strict eligibility rules. This means only some, and not all, members of any given community can be enrolled in *Sembrando Vida*. Under some of the *ejido* structures in different regions, there are individuals and families who do control 2.5 hectares of land, meaning that they can apply for the programme directly. In other cases, individuals need to ask the community organisation in charge of a larger *ejido* if they can be granted 2.5 hectares to use to participate in the programme. As one respondent stated, one of the problems “has to do with exclusive selection of only some farmers who have certain rights. They’re not families. It’s the people that have certain tenancy over the land—a title of property or some rights over the land—so that’s a way of excluding the community population.” Another interviewee notes that the government, “say that they prioritize peasants who don’t have land, and women who don’t have land either,” which means that:

For those who don’t have land they’re going to ask the *ejido*, the community, to lend them land, but that borrowed land is going to be in the communal use areas, because no peasant is going to loan their plot to another to use it. So in these communal use areas they seek to plant, but at the same time subdivide the land.

The selection process was noted by thirteen respondents to be sowing tensions within communities. As one respondent put it, “by being selective, this program causes divisions inside of the community. The people that form a part of *Sembrando Vida* start being differentiated economically and socially from the rest of the community.” The programme stirs up tensions, generates conflicts, and breaks down the values of community self-governance. “There they are seeking to get into a very internal part of the life of the communities, separating the peasants that receive *Sembrando Vida* from those that don’t receive *Sembrando Vida* and the collective organization of land management.” Thirteen respondents argued that the programme was producing a form of covert privatisation: “and people that devoted all those years to planting and caring for those trees aren’t going to want to return that land for communal

use, so it's a form of privatisation from within." A different interviewee noted that people will think:

"These are my two and a half hectares, so returning them for communal use I think is going to be complicated; it's going to generate internal conflicts in the *ejidos* and the communities of ... well, finally of who that land belongs to." It's a form of privatisation of plots from within the *ejido* and the community. I think that's the issue.

Nine respondents brought up the longer history of land governance in Mexico, noting that the Mexican state has repeatedly tried to find pathways to renege on the constitutional commitment to agrarian reform and land redistribution via the communal *ejido* system that was part of the post-revolutionary constitutional settlement. Another respondent insisted how:

Since 1992 they tried to privatise the land, and we think that *Sembrando Vida* is oriented toward privatising land, to eradicating the community, to erosion of that community and erosion of the agrarian structures [laws] that we have today. Everything that PROCEDE didn't achieve, *Sembrando Vida* seeks to do it.

Sembrando Vida "in reality is intended to directly bring down that shifting agriculture," another respondent insisted. "Because the first thing they say is, 'Don't think you're going to plant with shifting agriculture here in this plot that we're putting into the program. No, you have to geoposition it, and it's very important that you have it in a set place so that we know where you're planting.'" It was further noted that the regulations to which participants must comply to stay in the programme mean that:

Sembrando Vida is replacing the community assembly; it calls its members together, has meetings according to its schedule and has left the assembly aside ... what we've seen is that it has left the community assembly aside and generates its own dynamic of meetings, and this has generated a lot of conflicts—principally dissolving the community assembly in the *ejidos* and in the common use land.

The same respondent continued, "We've also noticed that territorial dispute has been exacerbated."

One of the big debates about the *ejidos* is whether they are democratic. To this question, one respondent replied that, "I think it needs more analysis, but my

impression is that the government has no reason to get involved and shake things up. That is, if the people ... if there are non-democratic *ejidos*, well of course, there are also democratic *ejidos*.” Speaking of the technicians and politicians that she worked with in the Programme, the respondent replied that “I’ve also seen [*Sembrando Vida*’s] rules of operation and their documents stem from that conception that the *ejido* is non-democratic ... they’re just a bunch of old men, they don’t plant anymore, the land is abandoned ... All those arguments in many places are false.” Another respondent replied,

I don’t want to idealize the communities. There are a lot of problems in the communities, as you all know, and there are many types of interests that come into conflict with the true interests of the community members, but the dream of autonomy is a dream in which there’s that respect, that mutuality of that shared responsibility that exists everywhere.

Four respondents acknowledged that there was a need for the reform of the governance structures of the *ejidos* in many contexts, notably to include more participation by women, but it was repeatedly stressed that this reform should come from within the *ejidos*, as opposed to being instigated from outside.

But for a long time the *ejidos* and the communities have impeded that devastation in Mexico, unlike in many countries of Latin America in which they got involved before. So now, to infringe against those original structures, it seems to me that they could be anti-democratic structures ... it could be, yes, but the *ejido* members today would be the ones that should try to change that, and not the government.

The need to consider the bigger political picture was also repeatedly emphasised. One interviewee acknowledged the various challenges faced by the *ejidos* that have impeded community governance structures in recent years, but underlined that:

The memory of collective land has remained in the hands of the peoples, in the hands of the communities, and that’s what in some way has impeded devastation by big business, devastation with [Genetically Modified Organisms], and all that memory of resistance that we see in the regions of Mexico against the megaprojects.

3.4 Clearing the way for mega-development projects: the Maya train and the Trans-Isthmus Corridor

In the final stage of our interview analysis, we will share the views shared by numerous participants that, in spite of state claims about the programme, the underlying political objectives of *Sembrando Vida* is to weaken community resistance to invasive, socially and environmentally damaging infrastructure initiatives. Two specific initiatives were consistently connected to *Sembrando Vida* by our interviewees. The first is the so-called “Maya (or Mayan) Train”, a proposal to introduce a new railway line and train to open up further regions of Mexico for greater tourism. The first section of the Maya Train was scheduled to start operating in December 2023.⁵⁷ The train is now partially running, and eventually it will travel 1,545 kilometres, connecting the states of Chiapas, Tabasco, Campeche, Yucatán, and Quintana Roo.⁵⁸ The second initiative is the Trans-Isthmus Corridor, which is an initiative to “promote regional development through the construction of a dry canal that connects the Gulf of Mexico with the Pacific Ocean, linking the ports of Coatzacoalcos, Veracruz, and Salina Cruz, Oaxaca.”⁵⁹ The Trans-Isthmus corridor is designed to make transport in the region more efficient, creating a new over-land route that reduces the time and distance currently required to circumnavigate the Southern American continent via sea. The project has been proposed without meaningful progress by successive Mexican presidents, and AMLO has advanced the proposals for the Trans-Isthmus corridor by building new ports and by creating a “special economic zone”, wherein companies benefit from reduced regulatory requirements and tax incentives to operate there, as contrasted with the country at large.⁶⁰ Twelve respondents echoed the fact that many communities have been resisting these projects for decades, and they drew our attention to problematic trends around political corruption and vote buying, as well

⁵⁷ For further details of the Maya train, see Alstom, “The Mayan train project” (last visited 6 March 2024), online: <[alstom.com/mayan-train-project](https://www.alstom.com/mayan-train-project)>.

⁵⁸ *Ibid.*

⁵⁹ Luis Hernández Navarro, “The Trans-Isthmus corridor” (14 August 2018), online: <chiapas-support.org/2018/08/14/the-trans-isthmus-corridor/>.

⁶⁰ *Ibid.*

as the convenient connection between these mega-projects and the weakening of community resistance that *Sembrando Vida* is producing.

One of the key concerns of several respondents was how *Sembrando Vida* was being used as a mechanism to influence elections. Allegations of corruption and vote-buying were raised, and it was noted that:

It turns out that the beneficiaries of the program are those who sympathize with the political party in power. The same who were promoting the party are today the beneficiaries of the program. This is what we know about how the program is operating in the communities.

Another respondent from a different region noted that:

A very clear bias is evident. “Well, here the Trans-Isthmus train will go through”; “Well, we have to give these people *Sembrando Vida* with the goal of purchasing their loyalty, so there’s no resistance movements, so that peasant organization will be increasingly difficult” ... The government situates the program as a prize ... So the president goes on his tours, and depending on what the people say, if he likes them, which project ... he decides, “We have to give them *Sembrando Vida*”. It’s like a gift the president gives them.

Noting that in its original rules of operation, the government had stipulated that *Sembrando Vida* would be implemented in municipalities characterised by poverty, violence, and social marginalisation, and that it was specifically for people “below the poverty line”, several of our interviewees pointed to changes in that original framing of the criteria of acceptance into the programme that indicated the government was rolling out the *Sembrando Vida* according to other motivations, particularly to locations earmarked for infrastructure development.

As it’s a very standardized program, I think the technical advisors don’t have the capacity to decide who is below the poverty line. They’ve already taken away that criterion, and now it’s that the locality be marginalized, but that’s not even a criterion, because there are communities that are better off, but that are on the Trans-Isthmus Corridor. So, what has more weight? Well, that it’s on the Trans-Isthmus Corridor. If they are more marginalized than the Chinantecas [in Oaxaca], well, whatever ... These have more priority because the corridor passes through them.

Similar observations were made with regard to the Maya Train. “*Sembrando Vida* doesn’t exist everywhere, not even in each municipality. There are municipalities where there’s not *Sembrando Vida*, because there’s no Maya Train”. Respondents in that region had carried out their own research seeking to understand the coincidences between *Sembrando Vida* and the train:

friends from the Yucatán Peninsula ... told us that a sort of conditioning of the program *Sembrando Vida* was occurring, [and people were getting support] if and only if they supported the entrance of the Maya Train ... And the picture was a bit more complete with all the localities in Yucatán, Campeche, Quintana Roo, Chiapas, Tabasco... We saw that there was a strict relationship between those sites where the program is and the train route. Not just any stretch of the train route, but precisely those new stretches that would have to be constructed, because in the old stretches they already have the permits they need—the right of way—and in the new stretches no.

The relationship between the train project and *Sembrando Vida* was characterised slightly differently by different respondents. One suggested that the programme was a kind of compensation for the ecological damage that was foreseen by the Maya Train:

What [López-Obrador is] saying is, “Although I’m destroying a whole bunch of well-conserved sites with my works—like the Trans-Isthmus train or the Maya train—and I’m not compensating or mitigating as they say, I’m planting a million hectares of fruit and timber trees!”

Others opined that the programme was deliberately designed to prevent opposition by peasants and rural communities.

Yes, definitely the programme is working as a chain, an ideological shackle, because those who are receiving the program—this government of the Fourth Transformation says that it’s benefiting us, they’re giving us this support. So they say that if *Sembrando Vida* is so good, surely this other [government program or project] will be good too, no? So it’s serving as an ideological shackle to eliminate opposition to this megaproject poorly named the Maya Train.

Serious concerns were raised over the techniques used by officials of the government to obtain consent for the train project.

They never asked the community if they agreed with the construction of the Maya Train in their territory. They gathered signatures in a deceitful manner,

carrying out another type of consultation with the people despite the fact that they manifested the contrary. *Sembrando Vida* is carrying out political proselytism with respect to the consultations about the neoliberal megaprojects.

One respondent who had been a participant in *Sembrando Vida* told us that, one day, everyone in the community:

Received a [WhatsApp voice message] from the coordinator saying that the order is for all technical advisors to cancel all the meetings in the communities, as all the people had to go and vote in favor of the President's project about the Mayan Train ... They provided trucks to transport the people, [she continued] The technical advisors of the community were standing next to the voting booths [for the consultation about the Mayan Train]. The manipulation was very evident.

The extent to which *Sembrando Vida* was always intended to function to appease resistance to the Maya Train was discussed by respondents.

I remember in one of the morning conferences [of the President], in which Maria Luisa Albores [Secretary of Mexico's Secretariat of Environment and Natural Resources]—just when she began to speak of how the localities in which *Sembrando Vida* was functioning were interlinked with the Mayan Train, she said that that was premeditated by the government, that it was a project of integrity and complementarity between the programmes.

This connection was evident to many of our interviewees, who linked these developments to longer-standing developmental logics and colonial practices. “Yes, they are connected. I think that the megaprojects that are planned provide continuity to other governments and to this colonial neoliberal project; although López-Obrador says that's over, they're related. They're all connected”, one respondent replied. Another was even more explicit:

The multi-modal grabbing of land and territories undertaken by what they call the Mayan Train and the Trans-Isthmus Corridor in reality is a web of projects of extractivism, of tourism projects, of *giro negro* projects, of real estate reconversion projects, of projects to kick out communities, of reconversion of people to their minimal expression as labor in hotels.

4. Examining *Sembrando Vida* through the Lenses of IHRL and UNDROP

The evidence gathered through our interviews with participants and grassroots organizations offers a very different account of *Sembrando Vida* than that of the Mexican government's, which focuses on social and environmental goals. In this section of the article, we will now offer some critical reflections on *Sembrando Vida* through the lens of IHRL. First, we will highlight the divergence between dominant and critical sub-altern approaches to IHRL. Legally binding IHRL instruments such as the *International Covenant on Economic, Social and Cultural Rights* (ICESCR),⁶¹ the interpretative work of the relevant treaty bodies, and the rights-based approach to development reflect the former. Instruments such as UNDROP reflect the latter, often described as “political”. We will argue that both approaches to conceptualising human rights are, in fact, political, but that they each frame the nature and purpose of human rights and their relationship to State sovereignty differently. Second, we will juxtapose how these diverging human rights frameworks approach economic development and how each framework conceptualises the *Sembrando Vida* programme and its relationship to human rights.

4.1 Legal versus “Political” Approaches to IHRL

International human rights law began to develop as a discrete legal field in the late 1940s with the signing of the *United Nations Declaration on Human Rights* (UDHR) in 1948.⁶² One important trend in the development of IHRL has been the increased institutionalisation and legalisation of IHRL, notably through the development of the two binding *International*

⁶¹ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) [ICESCR].

⁶² *Universal Declaration of Human Rights*, UNGA, 3rd Sess, UN Doc A/810 (1948) GA Res 217A (III) [UDHR].

Covenants in 1966,⁶³ as well as the creation of accountability mechanisms including the ten human rights treaty bodies that are responsible for overseeing the implementation of different human rights treaties.⁶⁴ Core functions of this institutionalised system for the protection of human rights are to lend greater specificity to the nature of States' legal obligations under IHRL through the system of General Comments of the Treaty Bodies, and to create monitoring mechanisms to improve compliance with IHRL.

A “rights-based approach to development” has emerged through the core IRHL system in recent decades, which draws from a “wide array of international human rights treaties and declarations, as a way of operationalising, planning and programming development.”⁶⁵ The rights-based approach is underpinned by the principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment, and the rule of law (PANTHER principles), per the UN Food and Agriculture Organisation.⁶⁶

The dominant approach to IHRL sees human rights as legal claims that are actionable primarily against States. The complex role of the State, which can both violate and realise human rights, is recognised under the tripartite typology of State obligations that is the hallmark of the dominant approach: States must *respect* human rights, intimating that they can be violators; *protect* rights from violation by third parties, assigning States a very different character and role; and *fulfil* human rights, positioning the State as an agent capable of

⁶³ *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) [ICCPR]; ICESCR, *supra* note 61.

⁶⁴ United Nations Human Rights Office of the High Commissioner, “What the treaty bodies do” (last visited 6 March 2024), online: <[ohchr.org/en/treaty-bodies/what-treaty-bodies-do](https://www.ohchr.org/en/treaty-bodies/what-treaty-bodies-do)>.

⁶⁵ Oche Onazi, *Human Rights from Community: A Rights-Based Approach to Development* (Edinburgh: Edinburgh University Press, 2013) at 28.

⁶⁶ For a detailed discussion of the principles-based approach to realizing a right to adequate food in particular see Alejandro Morlachetti, “The rights to social protection and adequate food: Human rights-based frameworks for social protection in the context of realizing the right to food and the need for legal underpinnings” (2016) FAO Legal Papers No 97 (UN, FAO).

proactively shaping the political, economic and social conditions under which rights can be enjoyed. Nevertheless, given their commitment to political neutrality, there is little discussion by treaty bodies of what critical perspectives insist are the incompatibilities between particular global and domestic economic structures and modes of governance, and the enjoyment of human rights by all.⁶⁷

Many populations in the global South perceive these “core” instruments as Eurocentric and individualistic and have thus worked to develop alternative approaches over the decades. Global South countries have mobilised to create new human rights instruments through the political institutions and processes of the UN, often in the form of non-binding declarations, as opposed to legally-binding treaties or conventions, reconceptualising and positioning human rights as a tool to challenge deeper structural characteristics of the global political economy. The *UN Declaration on the Rights of Peasants* is one such instrument; the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*⁶⁸ and the *Declaration on the Right to Development* are others which preceded it.⁶⁹ Each of these instruments advances what have been categorised as “third generation” human rights, which are often solidarity rights, collective rights, or rights of specific classes that have attained international recognition as human rights but which are not easily classified as either civil or political rights, or economic, social, and cultural (ESC) rights.

“Third generation” human rights, and even ESC rights, are characterised by some theorists as an unacceptable “expansion” of human rights that weakens their function as powerful legal

⁶⁷ Anna Chadwick, “Human Rights, Poverty, and Capitalism” in Suzanne Egan & Anna Chadwick, eds, *Poverty and Human Rights: Multidisciplinary Perspectives* (Cheltenham, UK: Edward Elgar Publishing, 2021).

⁶⁸ *United Nations Declaration on the Rights of Indigenous Peoples*, UNGA, 61st Sess, UN Doc A/RES/61/295 (2007) GA Res 61/295 [UNDRIP].

⁶⁹ *Declaration on the Right to Development*, UNGA, 41st Sess, UN Doc A/RES/41/128 (1986) GA Res 41/128.

tools to prevent encroachment on the lives of individuals by the State.⁷⁰ Yet the neat parsing of legally binding first and second generation individual human rights and non-binding collective third generation human rights is frustrated by the human rights treaties, as common article 1 of both binding international covenants recognises a human right *of peoples* to self-determination, affording them the freedom to “determine their political status and freely pursue their economic, social and cultural development.”⁷¹ Moreover, the language of “generations”, which conveys an idea of an original list of individual human rights and their subsequent expansion to cover other collective interests, has been strenuously challenged. In a recent contribution, Susan Marks recovered a lost radical tradition of human rights thinking that significantly pre-dated the commonly-cited origins of human rights in the French and American Revolutions.⁷² She demonstrates that the original conception of freedom that animated early English theorists of human rights, including Thomas Spence and Mary Wollstonecraft, was not restricted to that of creating a separate civil and economic realm in which individual freedom is protected by civil and political rights against the trespasses of a powerful sovereign. Rather, freedom meant true emancipation, which was seen to require access to land and productive resources as rights. The conception of human rights of these early thinkers, who were writing in a context of enclosures of formerly common land and the development of industrial capitalism, has more in common with the right to food sovereignty enunciated under UNDROP than it does with the so-called “first” generation of civil and political rights.

⁷⁰ For examples of literature advancing concerns about human rights expansionism on various grounds, see Onora O’Neill, “The dark side of human rights” (2005) 81:2 *International Affairs* 427; Anne Peters, *Beyond Human Rights: The Legal Status of the Individual in International Law* (Cambridge, UK: Cambridge University Press, 2016) especially at Chapter 14; John Tasioulas, “Saving Human Rights from Human Rights Law” (2019) 52:5 *Vand J Transnat’l L* 1167.

⁷¹ *ICCPR*, *supra* note 63, art 1(1); *ICESCR*, *supra* note 61, art 1(1).

⁷² Susan Marks, *A False Tree of Liberty: Human Rights in Radical Thought* (Oxford, UK: Oxford University Press, 2019) at 95–120.

We contend that what distinguishes so-called first-generation rights from other generations of rights is not the order in which these claims started to be articulated in the language of rights, but how these different conceptions of human rights relate to the nature and constitution of the State. “Subaltern”, “critical”, “heterodox”, and “radical” approaches to IHRL tend to see human rights as political and legal tools that should be used to dismantle an unjust and inequitable global political economy. These approaches are often highly critical of States, and eschew the legal formalism of dominant IHRL, which trades in abstract principles and constructs, and which refuses to lend historical specificity or political characterisation to state practices. In contrast, for so-called heterodox or subaltern accounts (the political approaches to IHRL), there can be no meaningful analysis of State obligations and duties, or of “causation” leading to human rights “violations”, that does not account for the complicity of sovereign States (many of which were former colonial powers) in erecting social, economic, and political structures that subject ordinary workers, citizens, and migrants to undignified living and working conditions, foreseeably denying their human rights. Importantly, from the point of view of critical and sub-altern perspectives on human rights, the mainstream project of further empowering States to take control over the governance of the economy and of society based on an understanding that governments will “respect, protect, and fulfil” both civil and political and ESC rights is naive. This is because this project overlooks the fact that States—their bureaucracies, their modes of governance and the epistèmes and knowledge-systems through which they try to control populations—are deeply coloured by colonial histories and by neoliberal conceptions of economic development that create the social and economic conditions in which human rights are routinely violated.⁷³

⁷³ Ben Golder, “Beyond redemption? Problematising the critique of human rights in contemporary international legal thought” (2014) 2:1 *London Rev of Intl L* 77 at 81–89; Bal Sokhi-Bulley, *Governing (Through) Rights* (London, UK: Hart Publishing, 2016); Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (London, UK: Verso, 2019).

Scholarship that interrogates power and its manifestations and operations in government highlights the reification of the category of the State in political and legal theory (and in many theories of human rights). Scholars working in this tradition have argued that the State possesses “neither the unity nor the functionality ascribed to it” and insisting that it is a “mythical abstraction” which has assumed a particular place within the field of government.”⁷⁴ In the assumption that the government sits at the top of a hierarchical legal order in which it can control the behaviour of other agents within its territory, dominant approaches to IHRL install a Eurocentric ideal of State sovereignty and sovereign equality as a *sine qua non* of a universal IHRL, denying the gap between the ideal of sovereignty and the realities of governance in most countries, and obscuring the particular political conditions and colonial legacies that prevent sovereignty from operating in this way in many states in the global South. As scholars examining the enjoyment of human rights in rural contexts in the South find, often “[g]overnments may be either unable—due to lack of effective control over parts of their territory, or due to lack of resources—or unwilling—due to corruption or internal power struggles—to intervene to ensure the realisation of rights in practice.”⁷⁵ Yet, as Oche Onazi has underlined, as a result of the fetishization of the State under IHRL, “the possibilities of realising human rights are placed within the potential and limits of state action, apart from the relationship between individuals being mediated through the state.”⁷⁶

The differences between dominant legal and institutional approaches to IHRL and the approach emerging through UNDROP can be further illustrated in terms of how each

⁷⁴ For Rose and Miller’s discussion of Foucault’s work on governmentality, see Nikolas Rose & Peter Miller, “Political Power beyond the State: Problematics of Government” (1992) 4:2 *British J Sociology* 173 at 175; Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79*, ed by Michel Senellart, translated by Graham Burchell (London, UK: Palgrave Macmillan, 2008).

⁷⁵ Katie Sandwell et al, *A View from the Countryside: Contesting and constructing human rights in an age of converging crises* (Amsterdam: Transnational Institute, 2019) at 7.

⁷⁶ Onazi, *supra* note 65 at 24.

alternative discourse and practice of human rights would perceive *Sembrando Vida* and its relationship to human rights.⁷⁷

4.2 *Sembrando Vida*, Human Rights, and the State through the Lens of Dominant Approaches to IHRL

The rights-based approach to development that has emerged from the dominant approach to IHRL contains powerful tools that, if adhered to, could prevent human rights violations occurring through development programmes such as *Sembrando Vida*. Notably, the rights to participation and empowerment under the PANTHER approach should, if interpreted strictly, require that those constituencies impacted by development policies play a leading role in their elaboration, and that development programmes that do not have legitimate community consent not go ahead.⁷⁸ However, even when a human right has constitutional protection, States can dilute their impact through restrictive interpretation. The right to “free, prior, and informed consent” (FPIC) is illustrative. States have limited it by introducing time constraints on consultations, by restricting its application to specific groups (Indigenous peoples), and by not interpreting the right as granting communities a veto over development projects.⁷⁹ Hence, the rights-based approach to development advances a set of tools that could protect the rights of communities impacted by development projects. At the same time, however, since rights-based approaches are grounded in a liberal conception of consent that does not consider the vast power imbalances, resource differentials, and knowledge-frameworks that condition such

⁷⁷ See generally Priscilla Claeys & Marc Edelman, “The United Nations Declaration on the rights of peasants and other people working in rural areas” (2020) 47:1 J Peasant Studies 1.

⁷⁸ Patrick Twomey, “Human Rights-Based Approaches to Development: Towards Accountability” in Mashood Baderin & Robert McCorquodale, eds, *Economic, Social, and Cultural Rights in Action* (Oxford, UK: Oxford University Press, 2007) 45 at 52–53.

⁷⁹ Kinnari I Bhatt, *Concessionaires, Financiers and Communities: Implementing Indigenous Peoples’ Rights to Land in Transnational Development Projects* (Cambridge, UK: Cambridge University Press, 2020) at 11–22; See generally Nathan Yaffe, “Indigenous Consent: A Self-Determination Perspective” (2018) 19:2 Melbourne J Intl L 1.

interactions and bargains, these approaches can serve to legitimise problematic projects through a veneer of participation and agreement. What is more, the rights-based approach presupposes that the state is the legitimate author of policies that seek to improve productive outcomes through an implicitly growth-centered economic model.

When looked at through the lens of dominant legal approaches to IHRL, many of the actions taken by the Mexican government with regard to *Sembrando Vida* correspond to what the state is required to do in order to meet its international human rights obligations. We will illustrate this briefly with reference to an important human right in this context: the right to adequate food. Under article 11 of the ICESCR, States are required to:

Take, individually and through international co-operation, the measures, including specific programmes, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.⁸⁰

The commitment to developing the “most efficient” food systems and utilisation of natural resources through the use of “technical and scientific” knowledge elevates the knowledge systems of scientific communities above those of peasant communities pursuing traditional production methods, and it positions nature as a resource to be exploited for human needs. The fact that the need for an “efficient food system” is foregrounded further implies that States should implement a food system in which food is produced and distributed quickly, and at low cost. Combined with the orientation towards technical and scientific knowledge, the ICESCR orients States towards industrialised, large-scale food production systems that can produce food rapidly and at scale. The second part of article 11(b) requires states to account for “(b) ... the problems of both food-importing and food-exporting countries, to ensure an equitable

⁸⁰ ICESCR, *supra* note 61, art 11(2)(a).

distribution of world food supplies in relation to need.”⁸¹ This indicates that States should pursue an export-led food production model in order to ensure that international needs for agricultural and food products are met. Hence, when looking through the lens of IHRL, the actions taken by Mexico to try to render the rural communities of Mexico “more productive” are in accordance with its human rights commitments, at least if its actions in doing so do serve to enhance national and international food security.

Prevailing conceptions of the nature of socio-economic rights in IHRL lend further support to a growth-centric economic model, positioning that model as a necessary component of realising rights such as a right to food, a right to health, and a right to housing. The ICESCR refers to the right of everyone to the “continuous” improvement of living conditions⁸² and enjoins states to use “the maximum of [their] available resources”, to support the progressive realization of ESC rights.⁸³ It is thus assumed, Wouter Vandenhole argues, “that resources increase with economic growth”, suggesting that the realisation of these rights is “premised on economic growth.”⁸⁴ Michael Likowsky offers a similar diagnosis, finding that growth and infrastructure projects “are a precondition to economic development and thus necessary for rising standards of living under dominant human rights frameworks.”⁸⁵ The orientation to increased growth is problematic from a food sovereignty perspective as it would seem to orient States towards continuing to make interventions to boost economic development, taking control over land and resources to enhance productivity in spite of how such activities tend to infringe the ability of local communities to own land in common and to grow food for

⁸¹ *Ibid*, art 11(2)(b).

⁸² *Ibid*, art 11(1).

⁸³ *Ibid*, art 2(1).

⁸⁴ Wouter Vandenhole, “Planet *and* People: making human rights distributive by design” in Suzanne Egan & Anna Chadwick, *supra* note 67 at 105, 109–10.

⁸⁵ Michael B Likowsky, *Law, Infrastructure, and Human Rights* (New York: Cambridge University Press, 2006) at 50.

subsistence. The influential typology of State obligations with respect to rights under IHRL is also problematic from a food sovereignty perspective. The key paradigm for understanding State obligations with respect to IHRL is the “respect, protect, fulfill” paradigm advanced by Asbjorn Eide in the 1980s. Acting in his role as Special Rapporteur on the Right to Adequate Food, Eide formulated the legal terms in 1987 as “[t]he obligation to respect, the obligation to protect, and the obligation to fulfil human rights.”⁸⁶ In doing so, he drew on the work of philosopher Henry Shue, who had elaborated these obligations in 1980 as meaning “to avoid depriving”, in the case of the obligation to respect, “to protect from deprivation”, in the case of the obligation to protect, and “to aid the deprived”, in the case of its duty to fulfil human rights.⁸⁷ For many proponents of food sovereignty, the portrayal of people as “deprived” is a part of a discourse of development that legitimates intervention by the state into the self-governing practices of communities based on metrics of “wealth” and “poverty” that exclude the multifaceted prosperity enjoyed by communities who practice agroecology.

In recent years, a notable shift has been underway within the UN system as successive Special Rapporteurs on the right to adequate food have highlighted structural issues in the food system, and have focused on the human rights of food producers.⁸⁸ The *UN Declaration on the Rights of Peasants* is one of the latest developments in a longer process whereby proponents of food sovereignty, led by LVC, have sought to reform the institutional structures of the UN and to encourage the development of IHRL. We will now move on to re-evaluate *Sembrando*

⁸⁶ *The New International Economic Order and the Promotion of Human Rights: Report on the right to adequate food as a human right submitted by Mr. Asbjørn Eide, Special Rapporteur*, UNESCO, 1987, UN Doc E/CN4/Sub2/1987/23 at para 66.

⁸⁷ Henry Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy*, 2nd ed (Princeton, NJ: Princeton University Press, 1996) at 52.

⁸⁸ *Report of the Special Rapporteur on the right to food, Michael Fakhri*, UN Human Rights Council, 46th Sess, 2020, UN Doc A/HRC/46/33.

Vida through the lens of subaltern and heterodox approaches to human rights, and, more specifically, with reference to the new declaration on the human rights of peasants: UNDROP.

4.3 *Sembrando Vida*, Human Rights, and the State through the Lens of UNDROP and Sub-Altern Approaches to Human Rights.

The *UN Declaration on the Rights of Peasants* is the outcome of a six-year process in the UN Council on Human Rights that was spearheaded by LVC and that included a wide range of other organisations working in the field of agrarian reform.⁸⁹ The declaration was designed and lobbied for by peasant movements themselves, rather than State representatives starting the process as is more typical.⁹⁰ Claeys and Edelman term this process “a new kind of people’s diplomacy and an innovative, bottom-up process of building alliances, lobbying, and authoring international law.”⁹¹ The declaration was adopted by the UN General Assembly on 17 December 2018, with 121 votes in support, eight against, and 54 abstentions.⁹² Many of the states supporting the declaration are from the Global South. The declaration recognises a broad spectrum of rights specific to peasants and people working in rural areas as human rights, including the right to food sovereignty (article 15.4), the right to land (article 17), the right to save, use, exchange, and sell their farm-saved seed or propagating material (article 19.1), and the right to water for livelihoods (article 21.2).

By including a human right to “food sovereignty”, UNDROP opens the door to novel interpretations of the obligations of States with respect to human rights. Significantly,

⁸⁹ Nora McKeon & Gonzalo Berron, “Introduction to ‘Reclaiming democracy from below: From the contemporary state capitalist system to peoples’ sovereignty’” (2020) 17:7 *Globalizations* 1241 at 1251.

⁹⁰ Coline Hubert, *The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future* (Geneva: CETIM, 2019) at 19.

⁹¹ See Claeys & Edelman, *supra* note 77 at 1.

⁹² UNGA, 73rd Sess, UN Doc A/73/PV.55 (2018) 55th Mtg at 23.

combined with the recognition of peasants’ individual and collective rights *to land*, including “the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures,” the inclusion of a right to food sovereignty conjures a different constitutional imagination to the liberal model that underpins dominant legal practices of IHRL. As opposed to the State being a political and legal sovereign that should control its land and territory in order to achieve the maximisation of its resources in order to meet its rights obligations—a State which must also respect private property, according to UDHR⁹³—UNDROP exhibits an alternative conception of rights grounded in an understanding that community management of land and resources is what should enable people to achieve an adequate standard of living. Contained within the right to an adequate standard of living is the requirement that peasants are “facilitated access to the means of production” as well as “a right to engage freely ... in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialisation systems.”⁹⁴ Here, the connection between access to land and the means of production is seen to be a condition for adequacy, whereas in dominant approaches to human rights, physical and economic “access” to food is sufficient.⁹⁵ As such, UNDROP supports struggles for agrarian reform and the re-transfer of land rights to peasants, particularly in post-colonial contexts characterised by high levels of inequality in land access and ownership.⁹⁶ The sovereign’s governance and control of its territory and resources is subject to explicit qualifications under

⁹³ UDHR, *supra* note 62, art 11.

⁹⁴ UNDROP, *supra* note 6, art 16(1).

⁹⁵ *Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment 12: The right to adequate food (art 11)*, CESCR, 20th Sess, UN Doc E/C.12/1999/5 (1999) at para 6.

⁹⁶ Christophe Golay, “The Right to Land and the UNDROP: How Can We Use the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas to Protect the Right to Land?” (Geneva: Geneva Academy of International Humanitarian Law and Human Rights & International Land Coalition, 2020) at 35, online (pdf): <[geneva-academy.ch/joomlatools-files/docman-files/Guide%20the%20right%20to%20land%20and%20UNDROP%20\(1\).pdf](http://geneva-academy.ch/joomlatools-files/docman-files/Guide%20the%20right%20to%20land%20and%20UNDROP%20(1).pdf)>.

the framing advanced under UNDROP, as States are also required to “take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems.”⁹⁷ Customary law, which in many contexts is law developed by communities, as opposed to being produced through the central constitutional apparatus of the State, is placed in a hierarchically superior position to the sovereign’s right to freely administer land and resources within its territory for national development objectives.

The framing of the relationship between rights-bearers, peasants, and people working in rural areas and the State under UNDROP also evinces a different conception of freedom and dignity to the dominant interpretation under IHRL. The development of State obligations and conceptions of dignity under IHRL lean heavily on both the example of European welfare states and the capabilities approach to human development, which associates freedom with the development of individual capabilities to achieve an adequate standard of living.⁹⁸ Conversely, the inclusion of a right to food sovereignty in UNDROP indicates that in contexts where peasant and Indigenous communities are choosing to govern themselves, and are achieving a standard of living that they consider adequate, States should abstain from trying to actively “realise” human rights, such as a right to food, through programmatic development initiatives. As Claeys underlines, drawing on Felice, the right to food sovereignty also “conveys a call for smaller political units within a world society, ‘the search for a more intuitively plausible scale of community.’ In that sense, it is akin to the right to autonomy or self-government which has been recognized in UNDRIP.”⁹⁹ With this inclusion, UNDROP contributes to the development of the “radical democratic potential in human rights that can be appreciated only by paying

⁹⁷ *UNDROP*, *supra* note 6, art 17(3).

⁹⁸ Amartya Sen, “Development as Capability Expansion” (1989) 19 *Journal of Development Planning* 41–58.

⁹⁹ Claeys, *supra* note 10 at 849 citing William F Felice, *Taking Suffering Seriously: The Importance of Collective Human Rights* (New York: SUNY Press, 1996).

attention to the pluriverse of human rights, enacted in many counter-hegemonic cognitive frames.”¹⁰⁰

By seeking to break down community governance systems in Mexico, viewed through the lens of UNDROP, *Sembrando Vida* attacks the basis for achieving an adequate standard of living that is seen to be necessary for the enjoyment of human rights. As our research has shown, while the programme claims to respect and learn from communities and their approaches to environmental governance and conservation, *Sembrando Vida* outlaws shifting cultivation and burning despite the fact that these systems are central to the traditional agricultural practices of many communities. The programme thus violates the requirement under UNDROP that States “eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.”¹⁰¹ Furthermore, the regulations for the programme force participants to follow the lead of technicians and to convert their labour patterns into a standardised model with the result that community systems of food provision (*milpas*) have been undermined. Hence, the programme violates article 15(4) of UNDROP which mandates that, “Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty.”¹⁰² As all our respondents reported, programme technicians had undue power over which species of trees and plants participants grew on their land. This contravenes article 19(5) of UNDROP, which determines that “States shall recognize the rights of peasants to rely either on their own seeds or on other locally

¹⁰⁰ Balakrishnan Rajagopal, “Counter-hegemonic International Law: rethinking human rights and development as a Third World strategy” (2006) 27:5 Third World Q 767 at 768.

¹⁰¹ UNDROP, *supra* note 6, art 26(3).

¹⁰² *Ibid*, art 15(4).

available seeds of their choice, and to decide on the crops and species that they wish to grow.”¹⁰³

There are multiple other respects in which *Sembrando Vida* violates provisions in UNDROP. Notably, the programme contravenes article 10(1), which requires that the involvement of peasants in the preparation and implementation of policies and programmes that impact their lives, land, and livelihoods should be “active” and “free”. In the case of *Sembrando Vida*, participants are given a heavy financial incentive to participate in the programme and are required to accept its terms and conditions without any means of modifying them. By implementing regulations and policies that are designed to change the work habits of peasants, and by instituting new governance systems in the territories that undermine community governance systems, the Mexican state further falls foul of the prohibition in article 10(2) that States shall “respect the establishment and growth of strong and independent organizations of peasants and other people working in rural areas.” The provisions in *Sembrando Vida* that require individual participation for persons in control of 2.5 hectares of land undermines the duty of States to protect land tenure rights, customary tenure rights, and the natural commons and their related systems of collective use and management under article 17(3) of UNDROP, as argued above. Community land ownership and management is protected under the Mexican Constitution, yet the programme undermines community land ownership by promoting the individualisation of *ejido* properties, which constitutes a regressive measure with regard to UNDROP. As one of our interviewees highlighted, “[t]here’s no need for community consensus to join the program, which is what we’ve seen in the majority of the [State development] programs. I think all the programs of this government have been individualized.”

¹⁰³ *Ibid*, art 19(5).

Sembrando Vida is in contravention of the underlying values and conception of dignity that characterises UNDROP, and critical and sub-altern approaches to human rights more broadly. As discussed earlier, the constituencies that participated in the development of UNDROP regard human rights not as claim-rights to be brought by “deprived” constituencies against a sovereign who is assumed to be the legitimate and lawful architect of a national economy. Rather, human rights are conceived of as legal entitlements that prevent states from encroaching on community governance systems, and that empower communities to achieve a standard of living that is commensurate with their own value systems. Under this framing, human rights must be legal and political tools that can enable a deeper form of emancipation than that which is available under the strictures of liberal constitutional democracies populated by individual property owners. Human rights should empower peoples—not “peoples” as pre-defined by a colonialist international law, but self-identifying peoples who choose to live together in communities and to live according to a particular set of values—to exercise self-determination, and to “determine their political status and freely pursue their economic, social and cultural development,”¹⁰⁴ *even if their determination goes against the broader developmental vision of the nation state.*

It must be highlighted that the text of UNDROP does contain some problematic provisions that cut against the progressive repositioning of the role of the state in the context of economic development in other sections of the declaration. For example, article 25 states that peasants and other people working in rural areas:

Have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests,

¹⁰⁴ ICCPR, *supra* note 63, art 1(1); ICESCR, *supra* note 61, art 1(1).

pathogens, system shocks, the effects of chemicals, climate change and weather-related events.¹⁰⁵

This framing is ambiguous, as it specifically highlights the need for approaches that are suited to agroecological and sociocultural environments, but it seems to nonetheless assign States the role of steering populations towards greater productivity. Other passages of UNDROP are more explicit, and arguably precisely legitimise the kinds of problematic practices that characterise *Sembrando Vida*. As article 13(4) stipulates, “In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote sustainable food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.”¹⁰⁶ These passages of UNDROP legitimise the false agroecological approach of *Sembrando Vida*, and speak to a phenomenon that some of us have highlighted in earlier research: a situation in which agroecology is being co-opted and depoliticised by institutional organisations. We have suggested that there is a risk that “the old messianic discourse of rural development, to save the poor, hungry, malnourished, and underdeveloped from their own conditions,” is likely to remain in place and at work in institutional systems at the national and international levels, except with a new remedy of “agroecological programmes” taking the place of national programmes geared towards achieving “food security”.¹⁰⁷ The suggestion that the State must act to create forms of rural labour that are sufficiently “labour intensive” to produce “decent” employment reinstates paternalistic conceptions of development that make peasants dependent upon the State. Under a framing like this, the provision of agroecological services becomes “a new commodity offered by experts”, some of us have cautioned, which “could create a new system of dependencies, colonize ongoing autonomous processes”.¹⁰⁸

¹⁰⁵ UNDROP, *supra* note 6, art 25(1).

¹⁰⁶ *Ibid.*, art 13(4).

¹⁰⁷ Omar Felipe Giraldo & Peter Michael Rosset, “Emancipatory agroecologies: social and political principles” (2022) 50:3 J Peasant Studies 820 at 820.

¹⁰⁸ *Ibid.*

As Salomon underscores, there is a further paradox in the framing of UNDROP in terms of how it requires that States “elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.”¹⁰⁹ As she correctly points out, this requirement means that “legal regimes that constitute and sustain global capitalism are retained [in UNDROP] ... indeed they are reinforced in the Declaration. International law that has served peasants so poorly is taken as a given and validated. Here, the Peasants’ Declaration anchors its demands to the continued existence of the regimes against which they struggle.”¹¹⁰ Critical analysts acknowledge that the language and framework surrounding some of the rights “is weaker than desired in some cases”,¹¹¹ and that the text of UNDROP “was made to follow the structure of the 2007 [UNDRIP] and underwent a series of revisions to be closer to ‘UN language’.”¹¹² Nevertheless, the elaboration of these new rights is seen to represent a critical victory for social movements.¹¹³ Though UNDROP does contain these contradictions, Golay and Bessa, discussing the opposition between intellectual property rights and peasants’ rights to seed, argue that UNDROP demonstrates a hierarchy of norms, with article 2.4 (States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas), and article 19.8 (States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed

¹⁰⁹ Margot Salomon, “The radical ideation of peasants, the ‘pseudo-radicalism’ of international human rights law, and the revolutionary lawyer” (2020) 8:3 *London Rev Intl L* 425 at 438, citing UNDROP, *supra* note 6, art 2(4).

¹¹⁰ Salomon, *supra* note 109.

¹¹¹ Sandwell et al, *supra* note 75 at 22.

¹¹² Claeys, *supra* note 10 at 853, citing Melik Özden & Christophe Golay, *The Right of Peoples to Self-Determination and to Permanent Sovereignty over their Natural Resources Seen from a Human Rights Perspective* (Geneva: Europe-Third World Centre (CETIM), 2010), online (pdf): <cetim.ch/legacy/en/documents/bro12-auto1-A4-an.pdf>.

¹¹³ Sandwell et al, *supra* note 75 at 22.

marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas), indicating that human rights should be given primacy over property rights.¹¹⁴ Significantly, the recognition of a human right to food sovereignty challenges the paradigm of private property ownership and labour relations upon which the global economy is built, and goes much further than the right to adequate food in terms of requiring that food systems are based on equitable social and political relations. As LVC has stressed, food sovereignty “ensures that the rights to use and manage our 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 classes and generations.”¹¹⁵ Indeed, as Salomon also argues, the fact that UNDROP reinstates collective life “as a matter of international human rights law is a subversive act,” and just because, ultimately, UNDROP may still rely “on the capitalist ‘authoritarian’ state ... should not blind us to the slow revolution that can come from ... the auto-marshalling of dissidence, expressed in the Declaration through the radical instrument of communality.”¹¹⁶

5. A Concluding Reflection: State Obligations under UNDROP Going Forwards

¹¹⁴ Christophe Golay & Adriana Bessa, “The Right to Seeds in Europe: The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas and the Protection of the Right to Seeds in Europe” (Geneva: Geneva Academy of International Humanitarian Law and Human Rights, 2019), online (pdf): <geneva-academy.ch/joomlatools-files/docman-files/The%20Right%20to%20Seeds%20in%20Europe.pdf>.

¹¹⁵ Nyéléni International Movement for Food Sovereignty, “Declaration of Nyéléni” (27 February 2007), online (pdf): <<https://nyeleni.org/IMG/pdf/DeclNyeleni-en.pdf>>. The Nyéléni Declaration emerged out of the World Forum for Food Sovereignty, which was held in Nyéléni, Mali in February 2007 and was attended by 500 delegates from five continents (see Food and Agriculture Organization of the United Nations, “Declaration of Nyéléni” (last visited 6 March 2024), online: <fao.org/agroecology/database/detail/en/c/1253617/#:~:>).

¹¹⁶ Salomon, *supra* note 109 at 449.

In this article, we have demonstrated that contrary to its widespread portrayal and presentation, *Sembrando Vida* is not a human rights-respecting development programme, at least not from the vantage point of UNDROP, the IHRL instrument dedicated to the human rights of peasants. The evidence we have gathered strongly suggests that this programme should not be taken as a model for rural development in Latin America, or elsewhere in the world. Indeed, when viewed through the lens of UNDROP and sub-altern approaches to human rights, the Mexican government is in fact systematically violating the human rights of peasants and people working in rural areas by rolling out this “social and environmental” development programme. We want to conclude with a short reflection on what the obligations of States ought to be with respect to peasants in light of these findings.

Within the food sovereignty movement, disagreements remain about the role States should play. As Claeys has noted, drawing on Neil Stammers,¹¹⁷ whilst the right to food is premised on a “highly state centric” approach, “definitions of the right to food sovereignty leave duty-bearers most often unspecified.”¹¹⁸ The food sovereignty movement has an ambivalent relationship to the State. Nevertheless, many food sovereignty activists and scholars suggest that the transition to a society in which people enjoy a right to food sovereignty will probably involve some degree of engagement with and cooperation with the State. For Schiavoni, the achievement of food sovereignty is not a process that is “state-driven nor society-driven alone”...rather it is “a product of the interaction between and among diverse state and societal actors.”¹¹⁹ Others remain sceptical about the possibility that a benevolent State can support a transition to food sovereignty.¹²⁰ In response to a question posed at a significant gathering of leading groups and figures in the food sovereignty movement—the question being “[c]an the

¹¹⁷ Neil Stammers, *Human Rights and Social Movements* (London, UK: Pluto Press, 2009).

¹¹⁸ Claeys, *supra* note 10 at 850.

¹¹⁹ Christina M Schiavoni, “The contested terrain of food sovereignty construction: toward a historical, relational and interactive approach” (2017) 44:1 *J Peasant Studies* 1 at 4.

¹²⁰ See e.g. Peter M Rosset & Lia Pinheiro Barbosa, “Peasant autonomy: The necessary debate in Latin America” (2021) 13:1 *Interface: A J for & about Soc Movements* 46.

state be encouraged to contribute to the transition, or do we need to cut off the tentacles that it extends into society like those of an octopus?”—McKeon and Berron report that views were polarised:

For some participants the two terms are radically opposed. “We describe democracy to be non-state. Self-governance without the state is democracy.” Others argued that “it’s representative democracy that ‘is a farce.’ We are trying to create states that are pluricultural and horizontal, with various dynamics of assemblies in which every part of the population is consulted.”¹²¹

In light of these tensions, it is very difficult to advance a conception of how states should act with regard to respecting, protecting, or realising the rights of peasants that will be acceptable to all, as many constituencies would regard involving the state in the project of achieving food sovereignty as a contradiction in terms. Nevertheless, a thesis on how States’ obligations under UNDROP should be framed, were they to receive the same kind of interpretative treatment that has been applied to other human rights via the system of the General Comments, could be useful given that LVC and the food sovereignty movement has sought to engage with IHRL and the UN system to advance their objectives.

We end this article with one small proposal. In line with UNDROP, human rights should be understood not only as individual claim rights against a sovereign that masters and dominates its territory in order to produce a constant improvement in living standards, but as set of legal structures designed to enable the empowerment of communities to create their own systems of food provision, and to live in accordance with their own values. In contexts where the will is expressed by communities to erect their own systems of governance and to develop their own systems of food production, and where developments such as recognised systems of community land tenure, such as those in Mexico, clearly enable such practice, it is evident that

¹²¹ McKeon & Berron, *supra* note 89 at 1255–56.

the state should not be actively trying to “realise” the human rights of peasants and other constituencies through top-down development programmes. Governments should respect local democracy and provide the resources that are requested by communities to achieve their understanding of a meaningful and dignified life, affording them the freedom to “determine their political status and freely pursue their economic, social and cultural development”.¹²²

¹²² *ICCPR*, *supra* note 63, art 1(1); *ICESCR*, *supra* note 61, art 1(1).