

Why is the legal system not sustainability oriented, and how should it be modified in order to be an engine for change and not only a legislator for what already exists?

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My presentation is divided into two parts: i) some features of my approach; ii) the context in which, nowadays, the discussion about food policies is back again, relating to some of the topics touched upon during yesterday's conference. My presentation relates to one of the issues highlighted by Carlo Petrini: a territorial approach to "development together with identity" that challenges the legal system.

I am going to follow a socioeconomic and political line of thought, by taking inspiration from my personal professional experience: I have been working in South America for the last 25 years and this is where I realized that stronger links and equal relations among the different regions of the world are needed. Nowadays, by leaving behind the past Eurocentric vision, we have a unique opportunity to discuss common worldwide issues together.

My approach combines applied socioeconomic research, interest in public policies, in local processes as well as in territorial strategies.

Having clarified this, I will begin by observing that, following years of marginality in political agendas, agriculture is again an important topic for discussion. It is significant that in 2008, for the first time in 20 years, the World Bank's report once again included the role of agriculture in development.

What are the key-elements of this discussion, either in Latina America or elsewhere? Many colleagues pointed them out in yesterday's presentations: i) poor results in the fight against poverty and in achieving the millennium goals; ii) the unaltered or worsened gap indexes even in those countries in which the economy grew; iii) climate change; iv) changes in energy production and consumption; v) concerns over the preservation of the biodiversity; vi) erosion of the assets of local populations: water, earth and soil, which is increasingly serious in those countries which are war-stricken or where violence is growing; vii) institutional and "good government" weakness, as well as governance weakness at all levels (international, national and regional); viii) crisis in food prices; ix) the financial crisis.

Obviously these nine issues have stronger repercussions in developing countries; however issues such as governance weakness, the price crisis of food products and the financial crisis, seriously affect even regions such as Europe.

A recent study¹ on the effects of the financial crisis in Latin America showed that it is structural and systemic: it partially affects, as in Europe, salaries, employment rates and social public expenditure. There is one element I want to highlight: the financial crisis in Latina America is not affecting the poorest level of its populations and those non-reliant on markets: on the contrary, it is affecting those who have risen from the lowest poverty segments and have joined the market, namely the rural middle classes. Those who had succeeded in emerging from extreme poverty for a certain period of time are now, paradoxically, stepping back.

When we made known and discussed this data with social movements, with social and economic organisations, with local and national governments in Latin America, some political recommendation were proposed: most of them relate to what Mr. De Lutio said with regard to Europe and with the new central worldwide role of Agriculture.

First: public policies should be oriented towards small producers and family agriculture.

¹ Trivelli, Carolina et al. Crisis y pobreza rural en América Latina. FIDA, IDRC, Rimisp, IEP. Lima-Perú, 2009. Data structured on the basis of official statistics and enquiries in 11 countries in Latin America (either in those with poverty levels higher than the regional average level (Central America and Bolivia) either in those where the number of poor is higher (Brazil and Mexico)).

Second: social capital and collective organisational structures in all countries should be taken into account.

Third: public policy requires interaction between all its sectors: it is no longer feasible to leave rural and territorial development policies exclusively to the agricultural ministries. The real challenge is to think and act between different ministries: i.e. to link subsidies for agriculture to those destined to diversified rural employment. In simpler words, to foster all the functions of rural territories and links with urban centres.

Fourth: to act on territory, on territory players and networks, as well as on a diversified offer of products and services within the territory.

Fifth: to foster innovation, not only technological innovation but also innovation of knowledge systems, of interexchange between scientific/academic knowledge and traditional knowledge.

Such conclusions – yielded by studies and debates in Latin America – are somehow similar to those reached at the G8 meeting in L'Aquila. In L'Aquila it was decided “that food sovereignty and sustainable agriculture must be priorities in political agendas and need to be dealt with by transversal approaches inclusive of all global, national and regional actors. Food sovereignty is not only linked to economic growth but also to social progress, to political stability and peace.” In such a statement, there are a series of compromises concerning the use of the theoretically unlimited funding – destined to foster the aforementioned worldwide agricultural transversal centrality which automatically arise. We want to believe that these policies, initiatives, recommendations are truly destined to valorise the diverse potentiality of the territories. However, many concerns are legitimate: in Africa a “green revolution” – which has nothing to do with “green” - similar to that which occurred in Latin America between the 1960's and the 1980's, is ongoing. More production, more productivity, more profit, more uniformity: these are the aims and keywords, regardless of the loss of diversity and the risk of transforming peasants with specific expertise into farmers able to enter and compete in a highly demanding market. For those who do not make it, solutions are migration, urbanisation or the handing over of their own property to become a part of the workforce.

This is the actual point: there is a difference between some public policies - of the European Communities, the Latin American countries of other countries of the world, and what is actually being implemented in rural areas: we need to pay attention to what will happen in the future.

We believe an important approach – besides the European, global and international policies – is the local one: I would like to extend what has been said about the European context in yesterday's conference, to a wider scenario. A territorial approach based on “development along with identity”, on biodiversity, on the cultural and natural richness of diversity. This is a new challenge for the legal and normative system. I now would like to relate to the possibility of developing approaches similar to those of the European and other continents.

Mr. De Lutio mentioned the Commons Agricultural Policy – namely the Leader program – as a transversal tool to foster diversified territorial interventions from the base, from local action groups (LAG). In many areas of Italy, Leader has played a major role: it has contributed to enhance the value of material and cultural resources and to make understood that cultural identity is what makes a territory coherent.

Cultural identity helps people living in the community to feel they belong to it, and people living outside to recognize themselves in it.

In Latin America – through similar processes – we realized how significant the identity and cultural heritage is: this may be employed in fighting poverty and in fostering sustainability. I am referring to Latin America as it is where I live and work. However, the same things may be said for Africa and Asia.

In the past two years we did some research² in nine Latin American countries, trying to identify differences in strategies for the enhancement of cultural heritages: two interesting elements for the legal system emerged.

Firstly, territory's central role: where populations live. Territory identifies not only an area limited by public administration, but also a complex and coherent cultural, social as well as economic area. Territory is where we live: it is space collectively and socially shaped by people and communities which feel they "belong to": this is exactly what the Leader program seeks. It is the identity sense that defines territory's limits, beyond geographic and bureaucratic limits. These are elements that go beyond the place of residence: I am referring to the territorial links, to the historical memory, to the territorial identity persisting either in emigrants in Latin America or from Latin America to Europe. This is not mere poetry: there are concrete elements involved, such as products from the country of origin. In the United States there is a significant market for products from Mexico, Colombia, Bolivia and Peru due to the emigrants' interest in investing in products from their country of origin. Secondly, the approach to cultural heritage and its management. Frequently for Europeans – even in the Terra Madre context – a farmer wearing a poncho is more fascinating than populations from southern Brazil, from Argentina: but this is Latin America! When we are talking about cultural identity we are not merely referring to traditional indigenous peasants' societies from the Andean area. We are talking of colonisation areas in Chile, in Brazil, in Uruguay, in Paraguay, originally populated by people from Italy, Hungary, Russia and also Africa.

What follows is the main argument: we need to look at this cultural heritage not focusing merely on the exotic and folkloristic aspects. Such blend makes us recall non-uniformed tastes, smells which can become a strength for globalisation and, quite paradoxically, in globalisation can flourish too.

How come this poses a challenge for the legal system? How is it that cultural heritage, the territory, diversity can be a challenge for the normative system? Why is our legislative system insufficient or it is just not making local, regional and national levels interact together.

What follows is a list of a few examples which imply a change in the legal system:

1. "Protection of the cultural and natural territory heritage of nations and of humanity". How can Unesco's efforts to identify tangible and intangible heritage be implemented and how can it become a tool for enhancing the value of these territories we were talking about? Nowadays, we do not necessarily have a coherent solution between theoretical law and its practise.
2. Biodiversity and the protection of tradition. We all know we need to protect the culture and traditional knowledge of peasant societies: however, often there are no legal tools to actually protect them and to prevent them becoming Monsanto's patent.
3. Protection of the origin of products. Geographical indications can act as a potential tool for fostering territorial development only if they function as social and economic inclusion processes.

² Ranaboldo, Claudia y Alexander Schejman. El valor del patrimonio cultural. Territorios rurales, experiencias y perspectivas latinoamericanas. Rimisp – IEP. Lima-Perú, 2009.