
THE INFLUENCE OF ANDEAN CONSTITUTIONALISM ON THE FORMATION OF A NEW AGROECOLOGICAL PARADIGM FOR LAW

Antônio Carlos Wolkmer

Juris Doctor at the Federal University of Santa Catarina (UFSC).
Master of Laws and Political Science at the Federal
University of Rio Grande do Sul (UFRGS).
Professor of the Post-Graduation Program in Law at the UNILASALLE Canoas.
Professor Graduate Program in Law at the Southern Catarinense University (UNESC).
Email: acwolkmer@gmail.com

Marina Demaria Venâncio

Master of Laws at the Federal University of Santa Catarina (UFSC).
Bachelor in Law at the Federal University of Santa Catarina (UFSC).
Email: marinademariavenancio@gmail.com

ABSTRACT

In the Anthropocene, increasingly complex problems affect modern societies. The triple burden of malnutrition and food insecurity are some examples of problems that illustrate the failure of modern agriculture and its associated production model. In this sense, this article seeks to outline the influence and some contributions of the Andean Constitutionalism to the formation and consolidation of an agroecological paradigm. The “New” Latin American Constitutionalism has established in the continent a new constitutional perspective, based on the “*buen vivir*”, the legal pluralism and the human right to food. Therefore, this research, by adopting the inductive method and documentary research techniques, analyses the Venezuelan, Ecuadorian and Bolivian constitutions, highlighting a set of guidelines to foster and support the academic debates regarding food safety and sovereignty policies in Latin American. Those constitutions are certainly relevant to legal research, as they provide epistemological and methodological tools and insights to (re)think the role of law in the

transition towards sustainability, offering a basis for a paradigm shift in the legal world, to assist the transition from an agribusiness law to an agroecological law.

Keywords: Anthropocene; “New” Latin American Constitutionalism; Food Nutrition and Safety; Food Sovereignty; Agroecology.

A INFLUÊNCIA DO CONSTITUCIONALISMO ANDINO CONTEMPORÂNEO NA FORMAÇÃO DE UM PARADIGMA ACERCA DA AGROECOLOGIA

Resumo: *No contexto do Antropoceno, problemas cada vez mais complexos atingem a sociedade em crise. O triplo fardo da má nutrição e a insegurança alimentar são apenas alguns dos exemplos de problemáticas que demonstram a falência do modelo de produção associado à agricultura industrial. Nessa esfera, este artigo objetiva delinear a influência e contribuições do “novo” constitucionalismo latino-americano, o qual estabeleceu no continente uma nova visão constitucional pautada no bem-viver, no pluralismo jurídico e no direito à segurança alimentar e nutricional (SAN), para o estabelecimento do paradigma agroecológico. Nesse sentido, por intermédio de investigação metodológica documental e indutiva, considerando os avanços presentes nas constituições da Venezuela, Equador e Bolívia, a pesquisa busca destacar um conjunto de diretrizes para impulsionar e auxiliar os debates acadêmicos no âmbito das políticas de segurança e soberania alimentar na América Latina. Tais constituições consistem em relevantes objetos de pesquisa jurídica, visto que fornecem diretrizes epistêmicas e metodológicas para o (re)pensar do papel do direito na transição para a sustentabilidade, apresentando bases para uma verdadeira quebra de paradigmas no mundo jurídico, na transição de um direito do agronegócio para um direito da Agroecologia.*

Palavras-Chave: *Antropoceno; “Novo” Constitucionalismo Latino-Americano; Segurança Alimentar e Nutricional; Soberania Alimentar; Agroecologia.*

INTRODUCTION

The current work seeks to identify some contributions of the “new” Latin American constitutionalism, which succeeded in establishing a new constitutional vision based on *well-living*, legal pluralism and the valorization of social rights, among which the right to food security and nutrition (SAN, “Segurança Alimentar e Nutricional” in portuguese). An analysis was carried out, through inductive methodological research, which considers the progress made in the constitutions of Venezuela, Ecuador and Bolivia, highlighting a set of guidelines to assist legal debates in the area of security policies and food sovereignty. It also seeks to discuss the role and function of the law in promoting more sustainable rural development models.

Certainly, the issue of providing sufficient, nutritious, safe and culturally appropriate food to a constantly growing population emerges as one of the great challenges for a new geological age (Anthropocene). Situating the discussion in Latin America, there are several challenges to be overcome in achieving a sustainable SAN in the continent, among which we highlight the collapse of modern agriculture¹ and its ineffective response to complex socio-environmental problems.

In view of this proposal, the investigation was divided into three stages. Firstly, we seek to contextualize the problematic in the perspective of the Anthropocene, the society of risks and food insecurity, focusing on the Latin American continent. In a second moment a brief overview is made on the contemporary Andean constitutionalism and its main directives, in order to provide a prism on the constitutional texts of Venezuela, Ecuador and Bolivia. Subsequently, the most relevant constitutional provisions of these countries are scrutinized in the framework of the SAN so that, in the end, an analysis of these instruments can be carried out, with a pluralist outline of their contributions to security and food sovereignty.

¹ For the purposes of this study, it is used as synonymous expressions for the same term modern agriculture, conventional, industrial and capitalist, in order to identify the agricultural model still hegemonic in Western countries, not guided by principles of ecological base, adopted especially after the Green Revolution, and characterized by intensive practices; dependence on external inputs; by the wide use of biotechnology chemicals and products - such as transgenic seed varieties; and by the focus on export and profit.

1 THE DISCUSSION ON FOOD AND NUTRITION SOVEREIGNTY IN A NEW GEOLOGICAL AGE

It should be borne in mind that climate change, hunger and food insecurity are just some of the problems experienced at a time of the development of modern societies in which man intervened in such a way on the environment that the consequences of his actions became unpredictable, difficult to control, and shook the division between the so-called natural and the human world. As Purdy (2015) puts it, the most radical expression of this moment lies in the realization that the division between these two worlds is no longer accurate or useful, since humanity interferes with everything around it, shaping realities higher on the atmosphere to the depths of the oceans, there being no more nature that is dissociated from it, and place or thing that has not been modified by it.

The term Anthropocene, coined in 1970 by Stoermer and adopted by a growing number of scientists, is thus used to indicate a new geological age in which mankind is *the* determining *force* shaping the planet Earth. This anthropogenic interference is so shocking that, according to a study recently published in the journal *Nature*, it will be responsible for making the next ice age impossible in any of the scenarios of greenhouse gas emissions predicted by the Intergovernmental Panel on Climate Change (IPCC) (GANOPOLSKI, WINKELMANN, SCHELLNHUBER, 2016).

It is observed, therefore, that the crises of the Anthropocene have their starting point in the recognition that the system that imagined itself to be stable and self-sufficient in solving its problems is in reality unstable and prone to collapse (PURDY, 2015). Among the most varied readings about this moment, the sociologist Beck (2012, p. 8) understands it as a stage of modern society that not merely abandons traditional ways of life, but also fights against the side effects of successful modernization, with precarious biographies and incomprehensible threats, which affect everyone and against which no one can properly prevent, calling it a *society of risk*.

In this society, control mechanisms are no longer able to respond to cross-border, incalculable, unrecoverable and complex risks² which present themselves, lacking new, more adequate approaches to the nature of the problems created by the transforming force of men. In this

² Complexity is first and foremost a quantitative phenomenon, “the extreme amount of interactions and interferences between a very large number of units”, which defy human possibilities of calculation, also comprising “uncertainties, indeterminations, random phenomena” (Morin, 2011, p. 35). It coincides, therefore, with a part of uncertainty, whether from the limits of our understanding or inscribed in phenomena, from the perspective of richly organized systems (MORIN, 2011, p. 35).

context, humanity begins to live in a *global community of threats*, in which problems become commonplace and states are no longer able to manage them individually (BECK, 2012, p. 8). The inheritance of the green revolution, which brought together with mechanization and innovation pesticides, genetically modified organisms (GMOs) and the submission of small producers to large corporations, are a good example of the extent and complexity of threats that go beyond borders and affect countries indistinctly.

To recognize, then, that the human species is in the Anthropocene, is to recognize that man has responsibilities and is at the heart of the social, economic, and - especially - environmental crisis of its century as one of its causative forces. Moreover, it is also necessary to recognize the need to move towards a post-capitalist model of differentiated development that establishes plural perspectives and strategies that effectively respond to multiple crises³ that reach society, through the commitment to sustainability⁴, with a better balance between nature and the human and with the ethical well-being of future generations.

In the context of the reflection on a model of post-capitalist sustainable development, this essay turns its attention to the interconnections between the productive system and the SAN, which is defined by the United Nations Food and Agriculture Organization (FAO) as the situation where “all people at all times have physical and economic access to enough, safe and nutritious food to meet their daily food needs and food preferences for an active and healthy life”⁵ (WORLD FOOD SUMMIT, 1996). It is possible to identify at least four dimensions in this concept: (1) the *availability* of food in quantities of appropriate quality; (2) individuals’ *access* to adequate resources to purchase appropriate food for a nutritious diet; (3) the *use* of food by means of an adequate diet, drinking water, sanitary and health treatment, in order to meet all human physiological

3 Morin (2003, p. 94) calls this phenomenon *policrise*, since “no one would highlight a number one problem that subordinate all other”, but many vital problems which together outline the problems faced by the human species.

4 Sustainability is understood here in the sense of strong sustainability, whose rules dictate that (1) renewable resources should not be used beyond their reproductive rate, (2) nonrenewable resources should be managed economically and replaced by (3) the absorption capacity of pollutants must not be exceeded (WINTER, 2008, p. 31). This notion goes beyond the concept of sustainability based on the three pillars (society, economy and environment) of the Brundtland report, which understands that these three components are equivalent, whereas, in reality, humanity depends on natural resources to develop its Activities.

5 Originally a free translation of “all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life” (WORLD FOOD SUMMIT, 1996).

needs; (4) and *stability* in supply, ie access to adequate food at all times (FAO, 2014, p. 2016).

Thus, it is noted that the challenge of SAN in the Anthropocene goes beyond the mere stable supply of food, which was the main focus of the World Food Conference held in 1974 in Rome, and goes on to cover the production and supply of nutritious and quality foods that enable human beings to fully realize their essential rights while maintaining the integrative and necessary preservation of natural resources.

It is emphasized that the problem of food has become so complex that it is now argued, beyond the question of hunger, what has been termed a *triple burden of malnutrition*. These burdens refer to (1) *hunger* itself, ie the consumption of nutrients below the minimum level of daily consumption determined by FAO; (2) to *hidden hunger*, which concerns the deficiency of micronutrients such as iron, zinc and vitamin A; (3) and *obesity*, which refers to excessive energy consumption and unhealthy diets (TOWNSEND, 2016, p.5-26).

Some figures that help illustrate the extent of this triple burden are those brought by the United Nations Children's Fund (UNICEF) (2013, p.8-15) in a report mapping child nutrition worldwide, which indicates that in 2011 approximately 101 million children in the world under the age of five (16% of the total) were malnourished⁶; 165 million children in the world under five years old (26% of the total) had a deficit in height/age, compromising their long-term growth - a rate known as *stunting*⁷ in English; and 43 million children under five (7% of the total) were overweight.

A number of factors have contributed to the intensification of these problems over the last years, among which the *food system*⁸ (TOWNSEND, 2016, p.5) and the unsustainable actions practiced in it require special attention. In this sense, it is important to stress that food systems are no longer part of the problem in order to become part of the solution (TOWNSEND, 2016, p.5), which necessarily goes through the revision of the systems and techniques used in production of food.

Bringing the discussion to Latin America and the Caribbean, it is noted that, despite the significant progress made in achieving the

6 Undernourishment can be defined as “a state of at least one year’s inability to acquire sufficient food, defined as an insufficient level of food intake to meet the energy needs of dietary diets” (FAO, 2014, p. 50).

7 It was decided to use the English term *stunting* in this work, in view of the absence of an adequate correspondent in the Portuguese language in the original text.

8 It is understood as “the set of institutions, resources, *stakeholders* and behaviors involved in the production, transformation, delivery, sale and consumption of food” (TOWNSEND, 2016, p. 5).

Millennium Development Goals (ODMs)⁹, the region's environmental assets are under increasing threat (UNEP, 2016, p.13). As the United Nations Environment Programme (UNEP) (2016, p. 13) rightly points out, the failure to address key issues such as the loss of relevant ecosystems and species, the deterioration of natural resources and water and the increase in greenhouse gas emissions, will undermine the basis on which many of the region's activities depend, increasing the vulnerability not only of Latin American societies, but also of those that make up the so-called global South (Africa and Asia), which will most likely profoundly impact economic and social growth in the future.

Within the SAN, it is noted that although the region is one of the largest food producers in the world, more than 37 million people still do not have adequate access to food (UNEP, 2016, p. 127). In this sense, approximately 5.5% of Latin American and Caribbean people suffer from malnutrition (FAO, 2014, p.8). Similarly, 12 to 13% of children under five years of age have a deficit in the height/age index, compromising their long-term growth (STAHL, 2014, p.24). These data are even more alarming in remote areas with high concentrations of indigenous peoples, which register a high prevalence of *stunting* when compared to the rest of the region (STAHL, 2014, 24). This is the case in Guatemala, where the condition affects approximately half of the children under five (STAHL, 2014, pp. 24-25).

Given this scenario, it is recorded that the great demand in the region to simultaneously feed the population and meet the demands for the export of foodstuffs led to the installation of an agricultural model based on intensive systems (UNEP, 2016, p. 128), a characteristic of modern agriculture. The high productivity of these systems lies in the widespread use of land, herbicides, pesticides, chemical fertilizers, fuels, water and constant investments in varieties of seeds and machinery (UNEP, 2011, p.40). Such a model, in addition to putting pressure on the biophysical limits of ecosystems and producing food with dubious nutritional properties, undermines the social structures of family farmers and traditional peoples, contributing to the accentuation of social inequalities in the countryside and to food insecurity¹⁰. It is thus possible to state that conventional agriculture

⁹ ODS can be listed as follows: (1) eradication of extreme poverty and hunger, (2) universal primary education for all; (3) promotion of gender equality and empowerment of women; (4) reduction of infant mortality; (5) improving the health of pregnant women; (6) combating HIV/AIDS, malaria and other diseases; (7) ensure environmental sustainability; And (8) the establishment of a global partnership for development (UN, 2016).

¹⁰ Food insecurity can be defined as “a situation that exists when people lack secure access to

is truly unsustainable, since it degrades the means that would enable it to produce food in quantity to supply the demand (GLIESSMAN, 2002, p.3).

In this context, and in the perspective of a pluralist horizon, it becomes necessary to popularize, consolidate and strengthen rural development strategies and practices in Latin America that are distant from those widely used by modern agriculture, that is, that they are more sustainable and adapted to the local reality, taking into account the varied forms of sustainable agriculture¹¹ the key role of small farmers and the appreciation of traditional knowledge and creole seeds. It is necessary that the policy proposals and programs directed to the field in the region need to incorporate these aspects so that they can, in fact, alleviate the triple burden, progress towards the achievement of the SAN and guarantee *food sovereignty*.

Food sovereignty, in turn, can be defined as “the right of each nation or region to maintain and develop its ability to produce basic food crops with the corresponding crop diversity” (ALTIERI, 2010, p. 24). This concept refers fundamentally to “the right of the peoples to define their agrarian and food policy, guaranteeing the supply of their populations, the preservation of the environment and the protection of their production in the face of unfair competition from other countries” (MEIRELLES, 2004, p. 11), and it is extremely important to reinforce the autonomy of the Latin American peoples in defining their own policies. SAN and food sovereignty are, therefore, distinct concepts that communicate, the latter having a broader scope for dealing with the decision-making processes and the autonomy of the countries.

As far as the legal sphere is concerned, in order to situate this problem it is necessary that these movements of popularization, consolidation and strengthening of rural practices and strategies must pass through the discussion and opening of political and juridical paths for a revolution in the productive system, possessing the right, which seemed for a long time to perpetuate the dominant system, an important role in the breakdown of paradigms.

The statist and monocultural legal world (from the Eurocentric tradition) thus needs to go beyond its merely symbolic function of maintaining the *status quo* of agrarian policies and promoting, in a decentralized, participatory and pluralistic manner, changes that effectively

sufficient quantities of food, nutritious and safe for normal growth and development and an active and healthy life” (FAO, 2014 P. 50).

11 Which will be better debated in the last section of this paper.

allow the strengthening of small farmers and peoples in Latin America. In this sense, Andean constitutionalism in Latin America, represented more specifically by the constitutions of Venezuela (1999), Ecuador (2008) and Bolivia (2009), despite the known challenges related to the implementation of their texts¹², provide us with interesting lessons in SAN and food sovereignty, which allow us to identify innovative guidelines that can serve as a reflection of other legal systems, and a basis for an opening of the law in the complex and plural direction of models of development, conscious and responsive to the food challenges that must be overcome in the Anthropocene.

2 THE INSURGENCY OF A “NEW” CONSTITUTIONALISM IN LATIN AMERICA

Before going further into the specific analysis of the constitutional texts of the countries that are the object of this essay, it is important to *contextualize* the issue in the context of contemporary Latin American constitutionalism, especially highlighting its aspects related to the Andean cosmovision and the *environment*¹³.

It is thus recorded that the proposal of a “new” constitutionalism has been gaining strength over the last decades in Latin American countries, especially in Venezuela¹⁴, Ecuador and Bolivia, countries whose political process was deeply marked by the insurgency of new collective movements that counterbalanced the dominant neoliberalism (BAILONE, 2011, p.151) and by the historical social inequalities in the region. This proposal breaks with the hegemonic “legal and political tradition of liberal and individualistic basis”, distancing itself from the Eurocentric matrix that, for a long time, guided the theories of Law and State (Wolkman, 2014, p. 72).

It is thus consistent with the notion of an *epistemology of the*

12 As is the case with the great conservative opposition in Bolivia.

13 This is justified in view of the intrinsic relationship between the environment and SAN dimensions and the quest for sustainability, since it is only possible to re-think agricultural policy and legislation within a strong concept of sustainability that recognizes the finiteness of natural resources and the need to respect the biophysical boundaries of the planet.

14 It should be emphasized here that, in terms of the environment, its protection and maintenance are framed by the Venezuelan constitution as a right-duty of each generation, which must do so for the present and the future (VENEZUELA, 1999, art. 127). In addition, everyone has the individual and collective right to “enjoy a safe, healthy and ecologically balanced life and environment”, and it is a fundamental obligation of the State to ensure that soils, climate, water, inter alia, are especially protected (VENEZUELA, 1999, art. 127).

South, which is defined as

... the call for new processes of production and valuation of valid scientific and non-scientific knowledge and new relations between different types of knowledge, from the practices of classes and social groups that have suffered in a systematic way the unfair inequalities and the discrimination caused by capitalism and colonialism¹⁵ (SANTOS, 2010, p.43, *our translation*).

In this context, the global South consists of a metaphor of human suffering on a global scale and of the resistance to overcome or minimize it, not being a geographical concept, although most affected peoples inhabit the countries located in the Southern Hemisphere (SANTOS, 2010, p. 43). It is, therefore, an “anti-capitalist, anticolonial and anti-imperialist South”¹⁶ (SANTOS, 2010, p. 43, *our translation*), which is emancipated in a process of (re)appreciation and production of knowledge that take into account their identity and culture.

The constitutional will of the popular classes in these Latin American countries, starting from a crisis context of the neoliberal state (FERNÁNDEZ, 2010, p. 159), has established a “bottom-up” constitutionalism defined by a broad social mobilization from the excluded, aiming at the expansion of the political field beyond liberalism, through “a new institutionality (plurinationality¹⁷), [...] a new legality (legal pluralism¹⁸), a new political regime (intercultural democracy) and new individual and collective subjectivities (individuals, communities, nations, peoples, nationalities)” (SANTOS, 2010, p. 70).

In this context, constitutional texts bearing “an alternative worldview derived from the valorization of the indigenous world and

15 Free translation from: “*el reclamo de nuevos procesos de producción y de valoración de conocimientos válidos, científicos y no científicos, y de nuevas relaciones entre diferentes tipos de conocimiento, a partir de las prácticas de las clases y grupos sociales que han sufrido de manera sistemática las injustas desigualdades y las discriminaciones causadas por el capitalismo y por el colonialismo*” (SANTOS, 2010, p. 43).

16 Free-translation from: “*Sur anticapitalista, anticolonial y antiimperialista*” (SANTOS, 2010, p. 43).

17 In the language of human rights, “multi-nationality implies the recognition of collective rights of social groups in situations where the individual rights of the people who integrate them are ineffective in order to guarantee the recognition and persistence of their cultural identity or the end of discrimination of which they are victims” (SANTOS, 2010, 81). The recognition of plurinationality implies, therefore, the notion of self-determination and self-government and demands the recognition of another concept of nation, based on the common relevance to an ethnic group, culture or religion (SANTOS, 2010, 81).

18 Taking as reference the text of the Bolivian constitution, Wolkmer (2015, p. 235) points out that pluralism is established as the foundation of the State “by consecrating the ancestral recognition of communitarian and autonomous forms of justice, in which decisions are taken collectively for the resolution of conflicts, seeking to live well in balance between all with nature.”

the refoundation of political institutions, which recognize the historical needs of original cultures masked by identities radically denied of their own history” (Wolkman, 2014, p. 72). These new constitutions defined the State with the Social State formula¹⁹, establishing an economic regime that simultaneously recognized the market economy and guaranteed a broad intervention and regulation of the State in the Economy (FERNÁNDEZ, 2010, p.169). They thus manifested “a political will to achieve greater levels of social justice and redistribution of wealth, that is, greater realization of social rights”²⁰, which became fully protected and arguable in court, having the same hierarchy as political and civil rights (FERNÁNDEZ, 2010, page 174, *our translation*).

One aspect of this Andean pluralistic constitutionalism that is of great relevance to this research is the recognition, above all by the Ecuadorian and Bolivian constitutions, of the right to the development of *good living*, also known as *suma qamaña* (Bolivia) or *sumak kawsay* (Ecuador).

The *sumak kawsay*²¹ consists of a Quechua expression which means full-living or well-living, “[...] whose content is nothing other than ethics - not individual morality - which must govern the action of the state and according to which people should also relate to each other and, in particular, to nature”(ZAFFARONI, 2001, p.111).

It is noteworthy that the Ecuadorian constitution operated a true *biocentric twist*, recognizing not only *sumak kawsay* but also nature’s own rights (Wolkman, 2015, p.244). Thus, its preamble reinforces the people’s decision to build “a new form of citizen coexistence, in diversity and harmony with nature, to achieve good living; [And] a new society which respects, in all its dimensions, the dignity of persons and collectivities”²² (ECUADOR, 2008). Following the same line, art. 71 states that nature, or Mother Earth, has the right for respect to its existence and the maintenance and regeneration of its functions, structures and vital cycles (ECUADOR,

19 “*Democratic and Social State of Law and Justice*” (article 2) in Venezuela (1999), “*Constitutional state of rights and justice, social, democratic, sovereign, independent, unitary, intercultural, multinational and secular*” Article 1) in Ecuador (2008) and “*Social Unitary State of Community Plurinational Law*” (Article 1) in Bolivia (2009).

20 Free translation from: “una voluntad política de potenciar mayores niveles de justicia social y redistribución de la riqueza, esto es, mayores niveles de aseguramiento de los derechos sociales a todos los ciudadanos” (FERNÁNDEZ, 2010, p. 174)

21 Known in Bolivia as *suma qamaña*.

22 Free translation from: “Una nueva forma de convivencia ciudadana, en diversidad y armonía con la naturaleza, para alcanzar el buen vivir; Una sociedad que respeta, en todas sus dimensiones, la dignidad de las personas y las colectividades [...]” (ECUADOR, 2008).

2008).

The constitution thus declares the right of everyone to live in a healthy and ecologically balanced environment that guarantees sustainability and well-being (art.14), determining as a public interest “the preservation of the environment, the conservation of ecosystems, the biodiversity, the integrity of the genetic heritage of the country, the prevention from environmental damage and the recovery of degraded natural areas”²³ (ECUADOR, 2008, article 14, *our translation*). It should be noted that the marketing and predatory logic of modern agriculture, the maintenance of large, intensely managed latifundia, does not find much space in this new constitutional model.

As well explained by Zaffaroni (2011, p. 111), Mother Earth (*Madre Tierra*) assumes the condition of a true *subject of rights*, incorporating all living beings, not reduced or limited to humans. In this way, these rights can be claimed by any living, human and non-human in a wide range of scope. This consecration is a corollary reached by social movements and peasant struggles (BAILONE, 2011, p. 157) and their invocation implies an obligation of respect for the environment and all forms of life, which is translated into the ethical rule fundamental to well-living (ZAFFARONI, 2011, p.111).

In a similar sense, the Bolivian constitution, which represents the fundamental framework of the institutionalization of legal pluralism (WOLKMER, 2015, p. 244), refers to Mother Earth in its preamble, which includes among the ethical-moral principles of a plural society, the good life (*tekokavi*), the harmonious life (*ñandereko*) and the good-living (*qamaña sum*) (art.8) (BOLIVIA, 2009). In addition to that, the constitutional text establishes the right of everyone to “a healthy, protected and balanced environment”, and the exercise of this right “to enable individuals and collectivities of present and future generations, in addition to other living beings, to develop normally and permanently”²⁴ (art.33) (BOLIVIA, 2009, *our translation*).

Given this brief overview of Andean pluralistic constitutionalism, a prism is thus established that facilitates the understanding and

23 Free translation from: “la preservación del ambiente, la conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético del país, la prevención del daño ambiental y la recuperación de los espacios naturales degradados” (ECUADOR, 2008, art. 14).

24 Free translation from: “Las personas tienen derecho a un medio ambiente saludable, protegido y equilibrado. El ejercicio de este derecho debe permitir a los individuos y colectividades de las presentes y futuras generaciones, además de otros seres vivos, desarrollarse de manera normal y permanente” (BOLIVIA, 2009, art. 33).

contextualization of the principles, mechanisms and guidelines established by the constitutional texts of Venezuela, Ecuador and Bolivia in the area of food security and sovereignty in Latin America, which conceived a different perspective for the issue, that is in line with an openness, in the sphere of law and on the horizon of the continent, towards a more sustainable model of rural development, as will be seen in the sequel.

3 FOOD SOVEREIGNTY AND SUSTAINABLE AGRICULTURE IN LATIN AMERICAN CONTEMPORARY CONSTITUTIONALISM

In the context of the triple burden of malnutrition in Latin America, as well as of the Anthropocene crises and of legal systems that need to be rethought and offer answers to a *society of risks*, it no longer finds solutions to its problems within its traditional control mechanisms, the new Latin American constitutions stand out as an interesting object of study, precisely because it innovates in the traditional way of thinking about the functions of rural actors and productive methods.

The three constitutions are thus worked out in this section in chronological order, pointing out their most relevant devices, identified in a predominantly documentary research, in the SAN-related axes (availability, access, use and stability in food supply), which serve as the basis for the discussion in the scope of the theme held in the following section.

3.1 The Case for Venezuela

The Constitution of the Bolivarian Republic of Venezuela of 1999 listed national policies and legislation on food safety as competencies of the National Public Power²⁵ (VENEZUELA, 1999). Important measures related to food security are enshrined in Article 305, Title VI (Socioeconomic System), which establishes the production of food as a national interest, treating it as a fundamental element for the economic and social development of the Nation (VENEZUELA, 1999).

The above-mentioned provision *incorporates* the concept of food safety, which is defined as “sufficient and stable food availability at the

25 In Venezuela the Public Power is divided between Municipal Power, State Power and National Power. The latter, to which the text refers, is the one that is divided between Legislative, Executive, Citizen and Electoral (VENEZUELA, 1999).

national level and timely and permanent access to food by the consumer”²⁶ (VENEZUELA, 1999). Likewise, it defines *sustainable agriculture* as the strategic basis of rural development to achieve it, which must occur through the development and privilege of the domestic agricultural production, that is, the activities from agricultural, livestock, fishery and aquaculture (VENEZUELA, 1999).

It should be noted that Article 305 defines the powers of the State as: (1) to edit the measures (financial, commercial, technological transfer, i. A.) necessary to achieve strategic levels of self-sufficiency; (2) to promote actions in the sphere of the national and international economy to compensate the disadvantages inherent to the agricultural activity; And (3) to protect settlements and communities of artisanal fishermen, as well as their fishing sites in continental waters and in regions near the coastline (VENEZUELA, 1999).

In the same sense, Article 306 provides, with the aim of generating employment, a guarantee to an adequate level of well-being to the rural population and a promotion of its incorporation into national development, the State’s duty to promote conditions (eg credit) for the integral rural development, fomenting the agricultural activity and the optimized use of the land (VENEZUELA, 1999).

Article 307, on the other hand, establishes land ownership as being *contrary* to social interests, and it is the responsibility of the State to ensure the sustainable management of agricultural land and to ensure its agri-food potential (VEZUELA, 1999). This article also recognizes the right of peasants and other producers to land ownership, under the terms and specific law cases (VENEZUELA, 1999).

It is worth noting that another extremely relevant mechanism for debates in the area of food security is the Article 124, inserted in Chapter VIII, dealing with indigenous peoples²⁷, which guarantees the *collective intellectual property* of their knowledge, innovations and technologies (VENEZUELA, 1999). In this sense, all activities associated with indigenous people and related to genetic resources and traditional

26 Free translation from: “o la disponibilidad suficiente y estable de alimentos en el ámbito nacional y el acceso oportuno y permanente a éstos por parte del público consumidor” (VENEZUELA, 1999, art. 305).

27 Regarding indigenous peoples, it should be noted that the constitutional text recognizes the existence of indigenous peoples and communities, their culture, organization (social, political and economic), religions and original rights over the lands they occupy (VENEZUELA, 1999, Art. 119). It also enshrines the right of these peoples to their traditional productive activities, their participation in the national economy, the definition of their priorities and the maintenance and promotion of their own economic practices (VENEZUELA, 1999, art. 123).

knowledge must pursue collective benefits, thus prohibiting the registration of patents²⁸ on ancestral resources and knowledge (VENEZUELA, 1999). Such discussion is extremely pertinent when the debate takes place in the context of the patenting of these knowledges by the large corporations, especially of inputs and seeds, which dominate most of the Latin American markets.

3.2 Ecuador: its constitutional parameters

The *Constitution of the Republic of Ecuador* includes, among the primary duties of the State, the indiscriminate guarantee of the right to food, which is especially associated with the rights to health, freedom (a dignified life) and a healthy environment (Art. 3 and following) (ECUADOR, 2008). Along these lines, the Chapter II, dedicated to the rights for Well Being, states that “persons and communities have the right to a safe and permanent access to healthy, sufficient and nutritious foods; preferably produced locally and in accordance with their diverse cultural identities and traditions”²⁹ (art.13) (ECUADOR, 2008, *our translation*), in line with the various dimensions that can be attributed to the concept of SANs - discussed in the first section of this paper.

In addition, article 13 identifies the State as a competent institution for the promotion of *food sovereignty* (ECUADOR, 2008), that is, as tasked with the objective of defining its own agrarian and food policies, while at the same time seeking to meet regional needs, to preserve the environment and sustainably manage their resources. In this sphere, Article 304 includes among the objectives of trade policy the contribution to the guarantee of such sovereignty (ECUADOR, 2008).

It is important to emphasize here that the Ecuadorian constitution devotes an entire chapter, located in Title IV (Development Regime), to food sovereignty³⁰, which passes with the advent of the new legislation to 28 This is in line with Decision 391 of 1996 of the Andean Community (Commission of the Cartagena Agreement), which created the *Andean Common Regime for Access to Genetic Resources* and determined that member countries should not recognize “rights, including property rights, intellectual property, genetic resources, derived or synthesized products and associated intangible components obtained or developed from an access activity that does not comply with its provisions “ (ANDINA COMMUNITY, 1996, *our translation*). Venezuelan infraconstitutional legislation, notably the *Biological Diversity Act* of 2000, later repealed by the 2008 *Law on Biological Diversity Management*, followed the same line, guaranteeing collective intellectual property and the prohibition of patenting.

29 Free translation from: “*Las personas y colectividades tienen derecho al acceso seguro y permanente a alimentos sanos, suficientes y nutritivos; preferentemente producidos a nivel local y en correspondencia con sus diversas identidades y tradiciones culturales*”(ECUADOR, 2008, art. 13).

30 It should be noted that the matter was regulated in 2009 by the Organic Law of the Regime of

constitute “a strategic object and an obligation of the State to ensure that people, communities, peoples and nationalities achieve the self-sufficiency of healthy and culturally adequate food on a permanent basis”³¹ (art.281) (ECUADOR, 2008, *our translation*).

In this chapter, composed of two articles, the article 281 lists fourteen items containing the responsibilities of the Ecuadorian State in the area of food sovereignty, which can be enumerated as follows: (1) the stimulus to the agricultural production and fishery transformation of the average production units, communities, and the social and solidarity economy; (2) the adoption of economic (fiscal, tax and tariff) policies to protect the national food sector; (3) the consolidation of diversification and the introduction of organic and ecological technologies in agricultural production; (4) the promotion of redistributive policies in the context of productive natural resources; (5) the establishment of preferential financing mechanisms for small and medium-sized producers; (6) the promotion of agrobiodiversity and related traditional knowledge as well as the use, conservation and free exchange of seeds; (7) to ensure that animals intended for human consumption are kept in a healthy environment and are suitable for consumption; (8) ensuring the development of scientific research and technological innovation; (9) regulation of the development, experimentation, use and commercialization of biotechnologies; (10) strengthening the development of consumer and producer organizations and networks, the marketing and distribution of foodstuffs; (11) the prevention of monopolistic practices and any kind of speculation, creating fair and solid systems of distribution and commercialization of food; (12) the provision of food to populations victimized by natural and man-made disasters³²; (13) the prevention and protection of the population against the consumption of contaminated foodstuffs which pose risks to their health; and (14) the purchase of materials and food primarily from smallholder associations for social and food programs (ECUADOR, 2008). In particular, the constituent’s concern with the local economy and domestic supply, as well as the focus on small and medium-sized producers³³ as

Food Sovereignty.

31 Free translation from: “*un objetivo estratégico y una obligación del Estado para garantizar que las personas, comunidades, pueblos y nacionalidades alcancen la autosuficiencia de alimentos sanos y culturalmente apropiado de forma permanente*” (ECUADOR, 2008, art. 281).

32 Food received from international aid can not affect the health and future of local food production (ECUADOR, 2008, art. 281).

33 In this sense, the Article 373 of the Constitution provides a special compulsory universal insurance scheme, called peasant social security, to protect the rural population and people engaged in small-

essential elements of the agri-food system.

It also is emphasized that the Ecuadorian charter, concluding the third chapter, states that the land must fulfill its socio-environmental function, prohibiting the concentration of land and latifundia (art.282) (ECUADOR, 2008). In this sense, a National Earth Fund (FNT, *Fundo Nacional da Terra* in spanish)³⁴, which should regulate equitable access of peasants to land (art.282) (ECUADOR, 2008).

Moreover, the text prohibits in its article 15 the attainment of energy sovereignty³⁵ to the detriment of food (ECUADOR, 2008). It is understood that such a device helps, for example, decision-making in the production of foodstuffs for the production of first-generation biofuels, which are made from vegetable matter produced by agriculture, which is only acceptable - because of the text - in situations where the country's food sovereignty is not threatened.

Concerning the controversial topic of GMOs, the article 15 *prohibits* the development, production, possession, marketing, import, storage and use of highly toxic persistent organic contaminants, experimentally harmful biological technologies and agents, internationally prohibited agrochemicals and harmful GMOs, unsuitable for human health or that threaten ecosystems or food sovereignty (ECUADOR, 2008). In the same vein, the Article 400 declares Ecuador to be a country *free* of GM crops and seeds, which can only be introduced in the case of national interest based on the Presidency of the Republic and approved by the National Assembly (ECUADOR, 2008). Such a device includes Ecuador as one of the few countries in the world where both the cultivation and import of transgenics are banned.

Besides, regarding SAN devices, it is pointed out that it is up to the Ecuadorian State to develop policies to foster national production in promoting equitable access to production factors (Article 334) and to support rural communities and farmers in the conservation and restoration of soils and in the development of practices to protect crops (art.410). Likewise, all forms of collective knowledge (especially patenting) in the field of ancestral sciences, technologies and knowledge, as well as the appropriation of genetic resources containing biological diversity and

scale fishing (ECUADOR, 2008, art. 373).

34 The FNT was effectively created through the publication of the *Ley Orgánica de Terras Rurales y Territorios Ancestrales*, on March 14, 2016 (ECUADOR, 2016).

35 Pursuant to Article 413, the State should promote “[...] renewable, diversified, low-impact and non-food sovereignty [...]” (ECUADOR, 2008).

agrobiodiversity (art. 322) (ECUADOR, 2008).

Finally, it is worth emphasizing that the country will compromise to promote coordinated strategies of food sovereignty with the other Latin American countries, with regional integration being a strategic objective of the country (art.423) (ECUADOR, 2008).

3.3 Legislation in Bolivia

The last of the constitutions to be analyzed in this work, the *Political Constitution of the State of Bolivia* of 2009, brings the *right to food* in its role of fundamental rights, establishing the obligation of the State to guarantee *food security* through a healthy, adequate diet, sufficient for the whole population (art.15) (BOLÍVIA, 2009). In terms of SAN, Article 71 provides that consumers and users are entitled to the provision, timely and efficient, of food in *safety* conditions, in an adequate *quality* and sufficient in *quantity* (BOLIVIA, 2009).

It should be noted that the issues related to SAN³⁶ are largely elaborated in Title III, which is devoted to the regulation of *sustainable rural development*, a fundamental part of the State's economic policies (art.405) (BOLIVIA, 2009). In this sense, the Administration must achieve this through “the intermediary of policies, plans, programs and integral projects to foment agricultural production, artisanal, forestry and tourism”³⁷ (article 406), taking into account: (1) *sustained* and *sustainable* increase in agricultural and agroindustrial productivity; (2) the articulation between agricultural and agroindustrial production structures; (3) the search for better conditions of economic exchange of the rural productive sector with the rest of the country's economy; (4) valorization and respect for indigenous peasant communities; (5) strengthening the family and community economy as well as small producers (art.405) (BOLIVIA, 2009, *our translation*). Thus, priority should be given to actions that seek the development of all rural actors and community economic enterprises (art.405) (BOLÍVIA, 2009, article 405), to the detriment of actions directed at only one specific sector.

36 It is extolled that the country has a rich legislation in the scope of the subject, arisen after the Constitution of 2009, standing out the *Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien*, of October 15, 2012; A *Ley de Organizaciones Económicas Campesinas, Indígena Originarias e Organizaciones Económicas Comunitarias*, dated January 26, 2013; and the *Ley de Alimentación Escolar em el Marco de la Soberanía Alimentaria y la Economía Plural* of December 29, 2014.

37 Free translation from: “por medio de políticas, planes, programas y proyectos integrales de fomento a la producción agropecuaria, artesanal, forestal y al turismo” (BOLÍVIA, 2009, art. 406).

In addition, Title III also establishes as competence of the State the strengthening and promotion of productive rural economic organizations, such as those of artisans, cooperatives, associations and “micro, small and medium-sized agricultural and livestock enterprises, which contribute to the country’s social economic development, according to its cultural and productive identity”³⁸ (art.406) (BOLIVIA, 2009).

The objectives of the sustainable integral rural development policy are set forth in the article 407, and can be listed as follows: (1) to guarantee food security and sovereignty, prioritizing the consumption of agricultural food produced in the country; (2) the establishment of internal production protection mechanisms; (3) the promotion of the production and commercialization of *agroecological* products; (4) the protection of agricultural and agroindustrial activities against natural disasters and accidents; (5) the development and implementation of all levels and modalities of productive and ecological technical education; (6) the establishment of projects and policies in a sustainable manner; (7) the promotion of insurance for agricultural production; (8) the provision of technical assistance and the establishment of mechanisms for innovation and technological transfer along the agricultural and livestock production chain; (9) the creation of a seed bank and genetic research centers; (10) the provision of support and support to productive sectors whose structure is naturally weakened; (11) the control of the flow of biological and genetic resources; (12) the establishment of policies and programs in the field of food safety and agricultural health, and (13) the provision of infrastructure and basic services to the agricultural sector (BOLÍVIA, 2009).

Still in rural development and finalizing title III, the Article 408 establishes as the State’s duty to determine aid for the benefit of small and medium-sized producers in order to compensate for the disadvantages arising from the disproportionate exchange between agricultural products and the rest of the economy (BOLÍVIA, 2009).

It is also important for the State to “promote human settlements plans to achieve a rational demographic distribution and a better use of land and natural resources, granting the new settlers facilities for access to education, health, food security and production”³⁹ (art.402) (BOLIVIA,

38 Free translation from the original: “las micro, pequeñas y medianas empresas comunitarias agropecuarias, que contribuyan al desarrollo económico social del país, de acuerdo a su identidad cultural y productiva (BOLÍVIA, 2009, art. 406).

39 Free translation from the original: “Fomentar planes de asentamientos humanos para alcanzar una racional distribución demográfica y un mejor aprovechamiento de la tierra y los recursos naturales, otorgando a los nuevos asentados facilidades de acceso a la educación, salud, seguridad alimentaria y

2009, *our translation*).

Furthermore, in the field of intellectual property, it should be pointed out here that indigenous peoples and indigenous peoples have the right to the collective intellectual property of knowledge and sciences, as well as their valorization, use, promotion and development (art.30) (BOLIVIA, 2009).

Regarding the question of land concentration, along the lines of the Venezuelan and Ecuadorian constitutions, the Bolivian constitution prohibits large estates and double ownership of land, since it understands them as contrary to the development of the country and to the national interest (art.398) (BOLÍVIA, 2009).

With regard to the energy issue, it should be noted that, like the Ecuadorian, the Bolivian text is based on encouraging alternative and renewable sources of energy, while respecting the food security of the population, as is clear in the wording of Article 300, 16 (BOLIVIA, 2009). In this sense, the pursuit of energy security over food is unjustified.

At the international level, the Article 255 lays down guiding principles for the negotiation, signing and ratification of international treaties (1) the scope of the SAN and food sovereignty, and (2) a ban on imports, production and marketing of GMOs and toxic elements that cause damage to health and the environment (BOLÍVIA, 2009).

In this context, with regard to GMOs, there is an apparent contradiction in the constitutional text, since Article 409 predisposes that specific law will regulate the production, importation and commercialization of transgenic foods (BOLÍVIA, 2009). That being said, it is worth mentioning that the question of whether or not these genders are banned is a heated debate in Bolivia, whose future is still uncertain given the political and legislative contradictions involved in the matter⁴⁰, which are not the focus of this work.

As part of the infraconstitutional legislation, as a complement, it should be noted here that in April 2010, the Universal Declaration of the Rights of Mother Earth was proclaimed in Bolivia, which worked

producción [...]” (BOLÍVIA, 2009, art. 402).

40 By way of complementation, it is noteworthy that with the exception of transgenic soybeans (allowed by governmental decision), the introduction, production, use, release to the environment and commercialization of genetically modified seeds is currently prohibited in Bolivia, According to the *Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien* 2012 (BOLIVIA, 2012). However, the *Ley de Revolución Productiva* of 2011 gives scope for the entry of transgenic crops in which Bolivia is not a center of origin or diversity (BOLÍVIA, 2011), with the debate being pro and against liberation very much on the political scene.

with the concept of Mother Earth and recognized it as a “vital indivisible community of interdependent and interrelated beings with a common destiny” (CONFERENCE, 2010). In this sense, according to this Declaration, nature was recognized by infraconstitutional legislation as a “living subject”, normatively consolidating the ancestral worldview (WOLKMER; FERRAZZO, 2015, p.38). The laws representative of this consolidation is Law n. 71, dated December 21, 2010, known as *the Mother Earth Rights Law*, and Law no. 300, dated October 15, 2012, entitled *Land Framework Law and Integral Development for Well-being*. In particular, the latter stresses that the State will promote the right to food with food sovereignty and security, taking into account all the objectives of well-being (BOLÍVIA, 2012). They provide, therefore, an interesting infraconstitutional contribution to the issues discussed in this research.

4 THE STRENGTHENING FOOD AND NUTRITION SECURITY IN LATIN AMERICA

It is observed, in a first analysis of the devices brought by the Andean constitutions, that they inaugurate a very own and unique constitutional systems to deal with the issue of security and food sovereignty, giving them prominence. They are thus endowed with an optics that incorporates the vision of the South, especially the peasant social movements and indigenous and traditional peoples, which influenced their conformation processes. This characteristic makes them relevant legal objects of study, especially in a global context of the “*world system*” in which it awakens to the complexity of the problems caused by the productive model adopted since the green revolution and to the consequent need to (re)value the resources, peoples, networks, cultures and local traditions.

With regard to its provisions, the constitution of Venezuela determines the production of food as a national interest, constitutionalizing the concept of food security and defining sustainable agriculture as the basis of the rural development strategy.

On the other hand, the constitutions of Ecuador and Bolivia resemble each other, especially as a result of the consecration of the right to well-being, sharing similar worldviews. In this sense, the first includes feeding between the (fundamental) rights for well-being, constituting the SAN by treating safe and permanent access to healthy, sufficient and nutritious food, locally produced and adapted to its local culture. It also

devotes a whole chapter to food sovereignty, making direct reference to the promotion of the production and commercialization of agroecological products, and declares Ecuador as a country free of GMOs, even prohibiting their importation.

The second, in turn, also declares the right for food as fundamental, by constitutionalizing the State's obligation to guarantee food security (healthy, adequate and sufficient) and establishing a robust sustainable rural development policy. It should be noted here that both constitutions provide the foundation for the formation of a rich infra-constitutional legislation to combat food insecurity, as evidenced by the numerous specific laws promulgated in the field over the last years, such as the Bolivian *Law for Mother Earth and Integral Development for the Well-Living* (2012).

In general terms, it is possible to draw some *lessons from* these constitutions in terms of relevant *elements* to the operation of significant changes in food systems, with an interest to make them more sustainable and active in solving Anthropocene problems, as well as SAN, that is, the production of adequate food of adequate nutritional and health quality compatible with the culture of those who will benefit from them.

These lessons can be organized for didactic purposes in a list of twelve guidelines, which can serve as a starting point for an interesting legal discussion of the elements to be considered in the SAN area. It is possible to enumerate thus: (1) the valorization of the local production; (2) the promotion of sustainable agriculture as the basis for rural development; (3) supporting family farming⁴¹; (4) the promotion of small and medium-sized rural properties; (5) prohibition of the accumulation of land and latifundia; (6) the protection of traditional knowledge; (7) the (re)valorization of the local culture; (8) strengthening the economy and local networks; (9) the exchange of Creole seeds; (10) the banning of GMOs; (11) the banning of pesticides and chemicals presenting risks to animal and human health; and (12) encouraging research in sustainable agriculture.

41 It is worth noting that family agriculture, a complex and multidimensional phenomenon, is defined not only by the way in which family farmers cultivate and live, but also by the size of their establishments (PLOEG, 2014, p. 7). It can thus be defined as a "means of organizing agricultural, forestry, fishery, pastoral and aquaculture productions that are managed and operated by a family and predominantly dependent on family labor of both women and men" (FAO, 2014, P. 2).

Table 1 - Guidelines of the Latin American Andean constitutionalism for a new paradigm in food production

Guideline	Examples of Constitutional Correspondence
(1) Valorization of local production	Privilege of domestic agriculture (Ecuador, art. 305)
(2) Encouraging sustainable agriculture as the basis for rural development	Promotion of sustainable agriculture (Venezuela, article 305); Introduction of ecological and organic technologies in agricultural production (Ecuador, article 281); Promotion of the production of agro-ecological products (Bolivia, art.126).
(3) Support to family farming	Understood as a complex and multidimensional phenomenon, it can be deduced from the other
(4) Promotion of small and medium-sized rural properties	Expressed in all constitutions analyzed, ie incentive to small and medium production units (Bolivia, art.281)
(5) Prohibition of the accumulation of land and latifundia	Expressed in all constitutions analyzed, ie prohibition and definition of latifundia (Bolivia, 398)
(6) Protection of traditional knowledge	Collective intellectual property of the knowledge, technologies and innovations of indigenous peoples (Venezuela, art. 124; Ecuador, art.322; Bolivia, art. 30)
(7) (Re)appreciation of local culture	Inherent in the very shape of pluralistic states, eg Ecuadorian Plurinational State (Ecuador, art. 1). It is also important to highlight the recovery of ancestral knowledge linked to agrobiodiversity (Ecuador, art. 281)
(8) Strengthening the economy and local networks	Development of producer and consumer networks and food marketing and distribution (Ecuador, article 281), and pluralism, cooperativism (Bolivia, art.306)
(9) Creole seed exchanges	Free exchange of seeds (Ecuador, art. 281)
(10) Banishing of GMOs	Country free of GMOs (Ecuador, art.401)
(11) Banishing pesticides and chemicals presenting risks to animal and human health	Protection of the population against contaminated food (Ecuador, art. 281), food safety (Bolivia, art.75)
(12) Encouraging research in the field of sustainable agriculture	Research development for the agriculture field (Venezuela, art. 307), guarantee of SAN (Ecuador, art. 281), ancestral knowledge (Ecuador, art. 386 and 387), management, conservation and use of natural resources (Bolivia, art. 354)

Source: Prepared by the Author.

In view of these guidelines, it is observed that the constitutions analyzed have established legal bases for a true breakdown of paradigms in the field of law, which break with the neoliberal tradition in the direction of the consolidation of relevant instruments for changes in the profile of agrarian and environmental policies, establishing a New hermeneutical parameter for analysis of the norms and a new profile for infraconstitutional legislation in their respective countries.

In summary, it is important to note the relevance of the connection of these constitutional systems with Agroecology, which was expressly mentioned by the Bolivian constitution. This is a science that studies the application of ecological concepts to the design of sustainable agroecosystems (ALTIERI, 2012, p.104) and which in Latin America has also become known as a critical theory, a concrete practice and a social movement. Agroecology is, therefore, a concept that brings together these different meanings and goes far beyond a mere practice of sustainable agriculture. Their contributions incorporate “broader and more complex dimensions, which include both economic, social and environmental variables, as well as cultural, political and ethical variables of sustainability” (CAPORAL; COSTABEBER, 2004, p.13).

In this sense, it is understood that contemporary constitutionalism in Latin America has also opened doors, in a double-handed way, for a greater acceptance and consolidation of Agroecology as science, theory, practice and social movement, creating plural paths for a true “Agro-ecological revolution” within the productive systems and, perhaps, of the political and legal systems.

CONCLUSION

In the light of all of the above, it is significant to return to some key points that were discussed throughout this essay. First, it has been observed that man lives in the midst of global and complex problems in the Anthropocene age. This implies the recognition that the human species is also responsible for the crises of its time and needs to move towards a differentiated development model, of a post-capitalist nature, above all, in relation to common goods and, more specifically, in the Security and food sovereignty.

In this context, Latin America, despite having made significant progress in meeting the MDG targets, still suffers from the triple burden of

malnutrition, with its modern agriculture Structural problems.

In this context, constitutionalism in the Andean experience, through a South perspective, brings a diversified proposal based on pluralism, interculturality and the indigenous worldview, which ensures the right to live well. From this point of view, the constitutions of Venezuela, Ecuador and Bolivia were analyzed, seeking to identify points that communicate with the SAN issue. It is evident that such constitutional texts approach the subject in a singular way, inaugurating diverse and alternative constitutional systems that incorporated the vision of the original and traditional peoples and of the peasant social movements, being them collective subjects who participated in its conformation process.

They are therefore interesting objects of legal research, which not only provide epistemic and methodological guidelines for (re)thinking the role of law in the transition to a more sustainable future, but also present the basis for a breakdown of legal paradigms, of the transposition of an agribusiness right to a right of Agroecology.

In short, this contribution contributes to an academic debate in the context of the achievement of SAN in the Latin American continent, providing elements capable of laying the foundations for a true agroecological revolution in society and in law.

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