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The role of short supply chains and local food systems in the concept of food sovereignty and food democracy

Introduction

The concept of short supply chains (SSCs) has been defined in EU law¹ and national legislations.² “Local food systems” (LFS) is not a legal term, although it appears in EU documents³ and in literatu-

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¹ Article 2(1)(m) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005, OJ L 347, 20.12.2013.

² § 3 sec. 1 point 2) let. e) of the Ordinance of the Minister of Agriculture and Rural Development of 23 December 2016 on detailed conditions and procedures for granting and disbursing financial assistance under the ‘Cooperation’ action within the framework of the Rural Development Programme 2014–2020 (consolidated text Journal of Laws 2022, item. 1609). In Italian law see: legge 17 maggio 2022, n. 61 Norme per la valorizzazione e la promozione dei prodotti agricoli e alimentari a chilometro zero e di quelli provenienti da filiera corta (Gazzetta Ufficiale, Serie Generale No 135 of 11.06.2022).

³ Commission Staff Working Document on various aspects of short food supply chains accompanying the document Report from the Commission to the European Parliament and the Council on the case for a local farming and direct sales labelling scheme COM(2013) 866 final, p. 5; Report from the Commission to the European Parliament and the Council on the case for a local farming and direct sales labelling scheme COM (2013) 866, p. 4; European Parliament Briefing, M.-L. Augère-Granier, *Short food supply chains and local food systems in the EU*, European Parliamentary Research Service, 2016.

re,⁴ especially in the American one.⁵ EU documents refer to “local food systems” as systems in which the production, processing, marketing and consumption of food occurs within a relatively small geographical area.⁶ It is pointed out that the characteristic feature of LFS is the “distribution of products through short supply chains,”⁷ which is why both concepts – local food systems and short supply chains – are closely related and “overlap.”⁸

Food sovereignty and food democracy are concepts developed by scientists and communities seeking alternative food systems as a counterweight to the many adverse effects of the global industrial food system. The food democracy was proposed by British food policy professor Tim Lang, in response to increasing corporate control and the lack of consumer participation in shaping food systems.⁹ It is an ideological trend, continued and developed by many scientists dealing with food policy.¹⁰

Food sovereignty, proposed by the international farmers’ movement La Via Campesina,¹¹ assumes food self-sufficiency of local communities based

⁴ R. Budzinowski, *Prawo rolne między globalizacją a lokalnością (kilka refleksji)*, in: D. Łobos-Kotowska, P. Gała, M. Stańko (eds.), *Współczesne problemy prawa rolnego i cywilnego. Księga jubileuszowa Profesor Teresy Kurowskiej*, Warszawa 2018, p. 58; R. Matysik-Pejas et al., *Lokalne systemy żywnościowe i ich znaczenie dla obszarów wiejskich*, “Roczniki Naukowe Stowarzyszenia Ekonomistów Rolnictwa i Agrobiznesu” 2017, vol. 19, no. 5, pp. 143–148; F. Santini, S. Gomez y Paloma (eds.), *Short food supply chains and local food systems in the EU. A state of play of their socio-economic characteristics*, Publications Office of the European Union, Luxembourg 2013.

⁵ See. e.g. D. Braaten, M. Coit, *Legal issues in local food systems*, “Drake Journal of Agricultural Law” 2010, vol. 15, no. 1, p. 10; S. Martinez et al., *Local Food Systems: Concepts, Impacts, and Issues*, Economic Research Report 2010, no. 97, p. 1.

⁶ Report from the Commission..., p. 4; Commission Staff Working Document..., p. 5.

⁷ R. Matysik-Pejas et al., *Lokalne systemy żywnościowe...*; J. Gołębiowski, *Systemy żywnościowe w warunkach gospodarki cyrkularnej*, Warszawa 2019, p. 27.

⁸ F. Santini, S. Gomez y Paloma (eds.), *Short food supply chains...*, pp. 13 and 23.

⁹ T. Lang, *Food policy for the 21st century*, in: M. Blanket et al. (eds.), *For hunger-proof cities: Sustainable urban food systems*, Ottawa 1999, pp. 216–224; T. Lang, *Feeding Britain: Our Food Problems and How to Fix Them*, London 2020.

¹⁰ S. Booth, J. Coveney, *Food Democracy. From consumer to food citizen*, Singapore 2015; N. D. Hamilton, *Essay, food democracy and the future of American values*, “Drake Journal of Agricultural Law” 2004, no. 9, pp. 9–32; idem, *Food democracy II: Revolution or restoration*, “Journal of Food Law and Policy” 2005, no. 1, pp. 13–42; N. Hassanein, *Locating food democracy: Theoretical and practical ingredients*, “Journal of Hunger and Environmental Nutrition” 2008, no. 3, pp. 286–308.

¹¹ La Via Campesina, as it describes itself “[is] an autonomous, pluralist, multicultural, political movement in its demand for social justice, and at the same time independent of any political, economic or other party affiliation,” <https://viacampesina.org/en/international-peasants-voice/> [accessed on 22.02.2023].

on local production systems managed by native small farmers. The subject of food sovereignty has been widely researched and described in numerous scientific studies, mainly in the field of economics, sociology, and agroecology.¹² It is also discussed in the food law literature.¹³

The issue of alternatives to global food systems is embedded in a broader topic, extensively analysed in the literature, concerning the management of food systems¹⁴ and globalisation of agriculture.¹⁵ In the agricultural legal literature, it is worth pointing to considerations presenting the relationship between the processes of globalisation and the increasing reference to local aspects of agricultural development and food economy.¹⁶

The need to undertake research into these issues is justified by various practical and socio-economic reasons. The current food system, based on intensive, industrialised agriculture and long supply chains managed by global corporations, has, on the one hand, improved food security, but on the other hand it has led to many negative environmental, social, economic, food quality and safety impacts.¹⁷ Awareness of the adverse effects of the industrial model of production and consumption, as well as the increasing demand for food resulting from the growing world population, makes it

¹² See e.g. A. Desmarais, P. Claeys, A. Trauger (eds.), *Public policies for food sovereignty: Social movements and the state*, London – New York 2017; P. McMichael, *Historicizing food sovereignty*, “Journal of Peasant Studies” 2014, no. 41(6), pp. 933–957; M. Edelman, *Food sovereignty: forgotten genealogies and future regulatory challenges*, “The Journal of Peasant Studies” 2014, vol. 41, no. 6, pp. 959–978, and literature cited therein.

¹³ K. Leśkiewicz, *Prawo żywnościowe*, Warszawa 2020, p. 7; T. Srogosz, *Międzynarodowe prawo żywnościowe*, Warszawa 2020, pp. 57–70.

¹⁴ See e.g. J.D. Van der Ploeg, *The new peasantries. Struggles for autonomy and sustainability in an era of empire and globalization*, London 2008; M. Tilzey, *Political Ecology, Food Regimes, and Food Sovereignty, Crisis, Resistance, and Resilience*, Coventry 2018; E. Holt-Giménez, A. Shattuck, *Food crises, food regime, and food movements: Rumblings of reform or tides of transformation?*, “The Journal of Peasant Studies” 2011, vol. 38, no. 1.

¹⁵ See e.g. P. McMichael, *Global development and the corporate food regime*, in: F.H. Buttel, P. McMichael (eds.), *New directions in the sociology of global development*, Bingley 2005; D. Goodman, M.J. Watts, *Globalising food: Agrarian questions and global restructuring*, London – New York 1997.

¹⁶ A. Jannarelli, *Profili giuridici del sistema agro-alimentare tra ascesa e crisi della globalizzazione*, Bari 2011; R. Budzinowski, *Prawo rolne między globalizacją...*, pp. 57–66; idem, *Problemy ogólne prawa rolnego. Przemiany podstaw legislacyjnych i koncepcji doktrynalnych*, Poznań 2018, pp. 74–90.

¹⁷ H. Donkers, *Sustainable Food Security. A Paradigm for Local and Regional Food Systems*, “International Journal of Humanities and Social Science” 2014, vol. 12, no. 4, pp. 89–90; FAO Sustainable food system. Concept and framework, Rome 2018, p. 2.

necessary to look for sustainable models and alternatives to global solutions, among which SSCs and LFS are of particular importance.¹⁸

The aim of the considerations is to determine the role of short supply chains and local food systems in the realisation of the concepts of food sovereignty and food democracy. To achieve this goal, it is first necessary to consider whether it is reasonable to look for alternatives to global and industrial food systems. This issue should be looked at in the context of contemporary challenges facing food systems and the EU objectives expressed in the Farm to Fork Strategy. Consequently, certain assumptions should be made with regards to food sovereignty and food democracy, with particular emphasis on the place and functions they assign to short supply chains and local food systems.

1. Justification for the search for alternatives to global food systems

The rationale behind seeking alternative concepts to global food systems is the negative effects associated with the modern model of agriculture and the predominant industrial food system, which have been shaped by the development of capitalism characterised by a focus on generating profits, an increasing liberalization of trade within the WTO,¹⁹ the concentration of enterprises and the use of modern technologies.²⁰ These phenomena are

¹⁸ E. Sirsi, *Regole e implicazioni giuridiche della produzione e del consumo del cibo locale*, in: P. Nappi, G. Sgarbanti et al. (eds.), *Studi in onore di Luigi Costato*, vol. 3, Napoli 2014, p. 499.

¹⁹ The main driver of the economic dimension of the globalisation process is trade liberalisation, to which the free trade agreements of the 90s contributed. In particular, the inclusion of agriculture in the Uruguay Round negotiations under the General Agreement on Tariffs and Trade (GATT) meant the commitment of all countries to reform their agricultural policies (including agricultural markets). The process of trade liberalisation has opened up the rural economy to new opportunities and threats: it has limited government participation in agri-food markets, created new market opportunities, and relaxed the control of foreign investment, thereby increasing the inflow of foreign direct investment, V. Borsellino, E. Schimmenti, H. El Bilali, *Agri-Food Markets towards Sustainable Patterns*, "Sustainability" 2020, no. 12. See also M. Alabrese, *Il regime della food security nel commercio agricolo internazionale Dall'Havana Charter al processo di riforma dell'Accordo agricolo WTO*, Torino 2018; R. Budzinowski, *Prawo rolne między globalizacją...*; K. Marciniuk, *Agricultural law and the challenges of regionalisation and globalisation – selected aspects*, in: R. Budzinowski (ed.), *XV World Congress of Agricultural Law: Contemporary challenges of Agricultural Law: among Globalisation, Regionalisation and Locality*, Poznan 2018, pp. 81–90.

²⁰ M.J. Robbins, *Exploring the 'localisation' dimension of food sovereignty*, "Third World Quarterly" 2015, vol. 36, no. 3, p. 449.

a manifestation of neoliberalism, guided by the “*homo economicus* instinct,” legitimising stronger economies at the global level and supranational institutions developing global regulations for the global agri-food system.²¹ As a result, the power over agriculture is shifted from states and nations to the WTO and large multinational corporations. The latter govern the entire food chain from the production of *commodities* to the final product and set private food quality standards, certification and accreditation schemes.²²

As a consequence, agriculture has ceased to play the role of a strategic sector for the food security of individual countries, becoming an area integrated into the broadly understood world economy, losing its specific features that for decades characterised it as a *sui generis* sector, also on international markets.²³ Agriculture based on small family farms, supplying the local market through short supply chains, transformed after the Second World War both in Europe and the USA, albeit to different degrees of intensity, into industrial, specialised farms, oriented towards economies of scale, dominated by monocultures, enabling the use of mechanisation and providing uniform and durable products.

In global food systems run by transnational corporations, standardised, homogeneous food is mass-produced and sold in long supply chains all over the world. Long chains result in a growing distance between consumers and farmers, as well as between production and processing, and a loss of agricultural culture and regional characteristics of product.²⁴ Food is being transformed into a commodity that is becoming increasingly difficult to associate with a particular country.²⁵

Detachment of food from its social, cultural, geographical and ecological aspects is essential for the functioning of the industrial food system, allowing for a wide interchangeability and high processing of a product in relation to its original state. This is a feature of financialization, promoting the abstraction of agricultural commodities and the market.²⁶ Rich countries

²¹ A. Jannarelli, *Profili giuridici...*, pp. 289–290.

²² Ibidem. For more on private food standards, see P. Wojciechowski, *Prywatne prawo żywnościowe*, in: M. Korzycka, P. Wojciechowski, *System prawa żywnościowego*, Warszawa 2017.

²³ A. Jannarelli, *Profili giuridici...*, p. 290.

²⁴ H. Donkers, *Local Food for Global Future Classification, governance and knowledge for sustainable food security*, Berlin 2015, p. 19.

²⁵ J. Kraciuk, *Suwerenność żywnościowa a procesy globalizacji w rolnictwie*, “*Folia Pomeranae Universitatis Technologiae Stetinensis, Oeconomica*” 2013, no. 299(70), pp. 120–121.

²⁶ J. Clapp, *Financialization, distance and global food politics*, “*Journal of Peasant Studies*” 2014, vol. 41, no. 5, p. 800.

source cheaper products from remote, poorer parts of the world, creating a neo-colonial relationship, contributing to the growth of “food miles”²⁷ and the associated increased consumption of fossil fuels and other natural resources, as well as to the displacement of diversified local production and the reduction of biodiversity.²⁸

These phenomena have a destructive impact on small farmers, local communities and, more broadly, on rural areas. Particularly worrying is the situation of farmers and farm workers in developing countries who produce food for developed countries while themselves they suffer from hunger and extreme poverty.²⁹ They are losing out to highly subsidised agriculture in developed countries and to large corporations that take control over large pieces of agricultural land, a phenomenon known as land grabbing.³⁰

Another reason for seeking alternatives to the dominant industrial and global food systems is the severe negative environmental impact of intensive farming.³¹ Its many adverse environmental impacts include biodiversity loss, habitat destruction, pesticide and fertilizer contamination of soil and water, eutrophication, soil erosion and degradation, as well as deforestation.³²

In order to counteract the many negative effects of global, industrial food systems, agriculture should be restored as a source of work and livelihood for small, native farmers, ensuring food sovereignty and shaping spatial, cultural and social order with respect for environmental and climatic requirements.³³ The processes of globalisation are inevitable, but the danger of global systems displacing the specific features of local food systems in the name of economic benefits raises the need to appeal to locality in order to maintain a balance between both tendencies.³⁴

²⁷ Food miles is the distance a food has to travel from producer to consumer and the associated carbon footprint. See: F. Santini, S. Gomez y Paloma (eds.), *Short food supply chains...*, p. 30 and literature cited therein; Opinion of the Committee of the Regions on ‘Local food systems’ (outlook opinion), OJ C 104, 2.4.2011, point 21.

²⁸ T. Lang, *Food Policy for the 21st Century...*, p. 222.

²⁹ B. Jeżyńska, R. Pastuszko, M. E. Szymańska, E. Nawrotek, *Kształtowanie praw człowieka w prawie rolnym normami soft law*, in: A. Niewiadomski, P. Litwiniuk, K. Marciniuk (eds.), *Z zagadnień systemu prawa: Księga pamiątkowa prof. Czechowskiego*, Warszawa 2021, p. 401, and literature cited in footnote 7.

³⁰ *Ibidem*, pp. 401–402.

³¹ F. Santini, S. Gomez y Paloma (eds.), *Short food supply chains...*, p. 34.

³² *Ibidem*, p. 34.

³³ Cf. B. Jeżyńska, R. Pastuszko, M. E. Szymańska, E. Nawrotek, *Kształtowanie praw człowieka...*, p. 402.

³⁴ R. Budzinowski, *Prawo rolne między globalizacją...*, pp. 63–64; K. Leśkiewicz, *Prawo żywnościowe...*, nb 5.

EU measures to protect quality products aim to leave a link between food and its origin. However, the market for high-quality products is not sufficient to ensure an adequate income for producers and provide access to food for all consumers, which is why mass agricultural production plays a dominant role in this area.³⁵ In this context, local farming and SSC sales are becoming increasingly important, as they “serve to strengthen the position of food (not only high-quality products) produced in a given area.” Such a model of food production and distribution can ensure local specificity of agriculture, local sources of supply and greater independence of national food economies of the global market.³⁶

EU law does not use the concept of food sovereignty, although the latter falls within its competence in the field of agricultural policy and market rules. As Luigi Costato noted, until 1992 the CAP had actually implemented the principle of food sovereignty, i.e. a policy aimed at food self-sufficiency of the EC, “modestly calling it food security.”³⁷

The EU concept of food security is defined in the preamble to Regulation (EU) 2021/2115 as “access to sufficient, safe and nutritious food at all times.”³⁸ Although this legislation should implement the “Farm to Fork” Strategy, it contains a much narrower definition than the concept of food security formulated in the Strategy. It omits important criteria set out in the Strategy, such as “sustainable food” with high safety and quality standards, as well as consumers’ nutritional needs and preferences. Therefore, this is not a sufficient measure to ensure the implementation of the full concept of food security provided for in the EC Strategy.³⁹

³⁵ R. Budzinowski, *Prawo rolne między globalizacją...*, p. 63.

³⁶ Ibidem. The European quality system for agricultural and food products serves primarily to protect them on a global scale, see more in I. Canfora, *La valorizzazione dei prodotti di qualità sul mercato globale: i produttori agricoli di fronte alle sfide della politica commerciale*, in: R. Budzinowski (ed.), *XV World Congress...*, pp. 423–429.

³⁷ L. Costato, *Agricoltura e prodotti agroalimentari nel TFEU*, in: P. Borghi, I. Canfora, A. Di Lauro, L. Russo (eds.), *Trattato di diritto alimentare italiano e dell’Unione Europea*, Milano 2021, p. 7.

³⁸ See recital 35 of Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, OJ L 435/1, 6.12.2021.

³⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a Farm to Fork

With regard to the objectives of the CAP set out in Article 39(1)(b) and (e) of the TFEU, on increasing farmers' incomes while providing consumers with reasonable supply prices and adequate food quality, the challenge is the contradiction of the objectives and consequently the difficulty in achieving them simultaneously. However, it is worth paying attention to the view of I. Canfora, according to which short supply chains in agriculture contribute to their attainment. Direct sales of agricultural products guarantee an increase in productivity, an improvement in farmers' incomes, stabilisation of markets, security of supply and reasonable prices for consumers.⁴⁰

In the context of searching for alternative food systems, it is also necessary to take into account the challenges related to the transformation of food systems towards sustainable ones, which are the goals of the UN 2030 Agenda⁴¹ and the EU's Farm to Fork Strategy. Another major challenge is the implementation of the international human right to food. The right to food is one of the so-called first-generation human rights in international law,⁴² enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966.⁴³ Its source is human dignity, which makes this right natural, inalienable and inviolable.⁴⁴

Many countries in the Global South have enshrined the right of citizens to food in their constitutions, which proves that the "UN definition process" has inspired national legislative action and jurisprudence.⁴⁵ In one of its reso-

Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final, p. 6 (hereinafter referred to as the Farm to Fork Strategy).

⁴⁰ I. Canfora, *Dalla terra al territorio: il ruolo dell'agricoltore nella filiera corta*, in: F. Giarè, S. Giuca (eds.), *Agricoltori e filiera corta. Profili giuridici e dinamiche socio-economiche*, Roma 2012, pp. 37–38.

⁴¹ See in particular objectives 2 and 12 of General Assembly Resolution A/RES/70/1: "Transforming our world: the 2030 Agenda for Sustainable Development", adopted by the UN General Assembly on 25 September 2015., <https://www.un.org.pl/>.

⁴² M. Korzycka, *Koncepcje prawa do odpowiedniej żywności*, in: M. Korzycka, M. Wojciechowski, *System prawa...*, pp. 495–497; P. Popardowski, *Prawo człowieka do żywności (right to food) i jego oddziaływanie w obszarze prawa rolnego*, in: A. Niewiadomski, P. Litwiniuk, K. Marciniuk (eds.), *Z zagadnień systemu prawa...*, pp. 693–704.

⁴³ Ratified by 171 countries, including Poland (on 3 March 1977), *Journal of Laws of 1977*, No. 38, item 169.

⁴⁴ See preamble and Article 1 of the Universal Declaration of Human Rights; T. Srogosz, *International law...*, p. 3.

⁴⁵ L. Costato, *Il diritto al cibo nella prospettiva globale e nei trattati europei*, in: P. Borghi, I. Canfora, A. Di Lauro, L. Russo (eds.), *Trattato di diritto alimentare...*, p. 687, and the literature cited therein. The right of citizens to food has been enshrined in their constitutions by Bolivia, Brazil, Colombia, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Nicaragua, Paraguay, Congo, Ethiopia, Malawi, Nigeria, South Africa, Uganda, Bangladesh, India, Iran,

lutions in 2014, the UN defined the right to food as “the right of all to access safe, sufficient and nutritious food.”⁴⁶ The right to food should be understood broadly as referring not only to food security but also to food safety,⁴⁷ food variety and food quality.⁴⁸ Food systems should therefore provide everyone with food that meets the above characteristics. This is a challenge that modern food economies in many parts of the world have failed to meet.⁴⁹

EU law does not directly regulate the right to food.⁵⁰ In its 2021 opinion, the European Committee advocated making the right to food one of the pillars of the Commission’s strategy, which must facilitate access for vulnerable groups to a more sustainable and healthy food system, thus contributing to the fight against obesity and malnutrition.⁵¹ Member States are free to ensure the right to food, food sovereignty and food democracy for their citizens through national regulations in accordance with Union law.⁵²

Another challenge is the disruption of supply chains caused by unexpected shocks like the COVID-19 pandemic⁵³ and the war in Ukraine, which proves how wrong it is to “trust that globalisation will provide access to all the needed goods.”⁵⁴

The aforementioned postulates, the objectives of the CAP, the right to food, the need for sustainable development and the potential threats stemming from the disruption of long supply chains and a growing world population

Pakistan and Sri Lanka. The Supreme Court of India ruled in 2001 that the right to food is an integral part of the right to life.

⁴⁶ United Nations, The right to food: Resolution adopted by the General Assembly on 18 December 2013, 68/177, p. 3, para. 2.

⁴⁷ More on the topic of food security and food safety see K. Leśkiewicz, *Bezpieczeństwo żywnościowe i bezpieczeństwo żywności – aspekty prawne*, “Przegląd Prawa Rolnego” 2012, no. 1, pp. 179–198.

⁴⁸ L. Costato, *Il diritto al cibo nella prospettiva globale e nei trattati europei*, in: P. Borghi, I. Canfora, A. Di Lauro, L. Russo (eds.), *Trattato di diritto alimentare...*, p. 688.

⁴⁹ See on food security in the context of international trade regulation: M. Alabrese, *The shape of food security under the multilateral trading legal system*, in: R. Budzinowski (ed.), *XV World Congress of Agricultural Law...*, pp. 417–421.

⁵⁰ See more broadly L. Costato, *Il diritto al cibo nella prospettiva globale e nei trattati europei*, in: P. Borghi, I. Canfora, A. Di Lauro, L. Russo (eds.), *Trattato di diritto alimentare...*, p. 689.

⁵¹ Opinion of the European Committee of the Regions – From producer to consumer (farm to fork) – local and regional dimension (2021/C 37/04), point 21.

⁵² L. Costato, *Il diritto al cibo...*, p. 691.

⁵³ See more broadly L. Petetin, *The COVID-19 Crisis: An Opportunity to Integrate Food Democracy into Post-Pandemic Food Systems* “European Journal of Risk Regulation” 2020, vol. 11, no. 2, pp. 1–11.

⁵⁴ L. Costato, *Il diritto al cibo...*, p. 690.

are becoming an increasing challenge for the EU and individual countries.⁵⁵ Therefore, concepts related to local agriculture and SSCs, which seek solutions and answers to the challenges of modern food systems, are important and noteworthy.

2. Food sovereignty

The concept of food sovereignty was proposed by the *la Via Campesina* movement in 1996 in opposition to the new definition of “food security” formulated by the FAO, which does not take into account the question of where food comes from, and how it is produced and distributed.⁵⁶ Advocates of the movement pointed out that the FAO model of food security, which ensured the availability of products through international trade and food aid, being in fact an alternative form of export subsidisation for industrialised countries,⁵⁷ was inadequate to solve the problem of hunger in the world.⁵⁸ They further claimed that such model violated the fundamental human right to food by eliminating the ability of individuals to decide the types of food they want to produce and consume.⁵⁹ The reason was that the concept of *food security* is based on the model of globalisation, reducing man to his economic value.⁶⁰

⁵⁵ World estimates indicate that food demand will increase by 70% by 2050. FAO, *How to Feed the World in 2050*, Rome 2019, p. 8, www.fao.org/3/a-ak542e/ak542e13.pdf [accessed on 24.10.2022].

⁵⁶ FAO, *Rome Declaration on World Food Security and World Food Summit Plan of Action, World Food Summit, 13–17 November*, Rome 1996. According to the FAO definition “Food security exists when every person, at any time, has access to a sufficient amount of food, safe and nutritious in a way that satisfies nutritional needs and dietary preferences to ensure a healthy and active life.”

⁵⁷ F. Mousseau, *Food Aid or Food Sovereignty: Ending World Hunger in Our Time*, Oakland 2005, p. 28.

⁵⁸ *Via Campesina, The right to produce and access to land. Food Sovereignty: A Future without Hunger*, Rome 1996, <https://viacampesina.org/en/wp-content/uploads/sites/2/2021/06/1996-Rom-en.pdf>. Food insecurity affects people who do not have the financial means to buy the right food regardless of its availability. Famine can occur even if food supplies are sufficient and markets are functioning well, cit.: S. Devereux, *Sen's Entitlement Approach: Critiques and Counter critiques*, “Oxford Development Studies” 2001, vol. 29, no. 3, p. 246. See also P.H. Mooney, S. Hunt, *Food Security: The Elaboration of Contested Claims to a Consensus Frame*, “Rural Sociology” 2009, vol. 74, no. 4, p. 477.

⁵⁹ *Via Campesina, The right to produce...* See more on the differences between food security and food sovereignty in studies: W.D. Schanbacher, *The politics of food: The global conflict between food security and food sovereignty*, New York 2010; J. Wills, *Food Security vs. Food Sovereignty: The Right to Food and Global Hunger*, in: *Contesting World Order? Socioeconomic Rights and Global Justice Movements*, Cambridge 2017, pp. 94–150.

⁶⁰ W.D. Schanbacher, *The politics of food...*, p. IX.

According to the la Via Campesina movement, food shortages in the countries of the South of the world are rooted in the distortion of production systems, the destruction of local markets, the liquidation of food reserves, the disintegration of the organic farming model and the expropriation of resources.⁶¹ The competitively priced sale of cheap food from the North has resulted in the disappearance of local small farms in the South that could feed local communities.⁶² Local agriculture is being replaced by the agricultural model of the most developed countries, based on huge consumption of energy and chemicals, or on genetic engineering.⁶³

The definition of food sovereignty, contained in the 2007 Nyéléni Declaration, means “the right of peoples to healthy and culturally appropriate food produced organically and sustainably, and their right to define their own food and agricultural systems.”⁶⁴ In this concept small farmers should have greater social and political influence,⁶⁵ as well as better access to and control over land.⁶⁶ Family and traditional farming are preferred and food is seen as a right and a public good, not a commodity. Sustainable development, the use of agroecology, transparent trade that can guarantee a fair income for all nations and the right of consumers to control their food and diet are essential.

Food sovereignty challenges the “neoliberal paradigm,” based on the dominant agri-food, industrial, monocultural, intensive, high-tech model, including GMOs, export-oriented, integrated into long processing and marketing chains, controlled by agri-food corporations.⁶⁷ In contrast to the “food security” model, food sovereignty considers human relationships in terms of interdependence, cultural diversity and respect for the environment.⁶⁸ Traditional, small-scale, family-run food production systems are identified as alternatives to be protected and promoted, together with the protection of local markets from the dumping of imported products, ensuring stable prices

⁶¹ Via Campesina, *The right to produce...*

⁶² J. Kraciuk, *Suwerenność żywnościowa...*, p. 119.

⁶³ *Ibidem*, p. 119.

⁶⁴ Nyéléni declaration on food sovereignty. Nyéléni Village, Sélingué, Mali 2007: La Via Campesina, <https://nyeleni.org/spip.php?article290>, <https://nyeleni.org/IMG/pdf/DeclNyeleni-en.pdf> (hereinafter referred to as the Declaration Nyéléni of 2007).

⁶⁵ See more in A.A. Desmarais, *The power of peasants: reflections on the meanings of La Via Campesina*, “Journal of Rural Studies” 2008, vol. 24, no. 2, pp. 138–149.

⁶⁶ J. Leventon, J. Laudan, *Local food sovereignty for global food security? Highlighting interplay challenges*, “Geoforum” 2017, vol. 85, p. 24.

⁶⁷ P. McMichael, *Global Development...*, pp. 265–299.

⁶⁸ W.D. Schanbacher, *The politics of food...*, p. IX.

that give fair remuneration to producers.⁶⁹ Small farmers are seen to be the “backbone” of global food security, “likely to have the potential to feed the world in a socially and environmentally sustainable way.”⁷⁰

An important pillar of food sovereignty is the local food delivery systems which aim to bridge the gap between food producers and consumers, to place food producers and consumers at the centre of food decision-making, and to give local producers control over natural resources such as farmland, water, seeds, which should not be privatised through trade agreements or intellectual property rights regimes. Linked to this is the principle of relying on the skills and knowledge of local food producers and rejecting technologies, such as genetic engineering, that undermine this knowledge.⁷¹

Local markets, the local economy, local production and consumption are key aspects of food sovereignty which in this context is referred to in the literature as a “form of localism” in which the nation regains its economic sovereignty.⁷² The main role in ensuring better food distribution than before, and consequently in reducing famine and malnutrition, falls to local communities, not international organisations.⁷³

As part of the research undertaken to assess whether LFS implement the concept of sovereignty, it was concluded that not all of them are manifestations of food sovereignty and that “locality is a necessary but not sufficient condition for food sovereignty.”⁷⁴ The transfer of power over the food system to the local level, and creating and maintaining LFS is an important element of it, although in the formal documents and positions of the la Via Campesina movement there is no definition of the vision of LFS that would go beyond general declarations.⁷⁵ Basically, they are seen as embedded in peasant production, on a small scale, using agroecological methods.⁷⁶

⁶⁹ A. Corrado, *Sovranità alimentare: la proposta alternativa della Via Campesina*, “Agri-regionieuropa” 2010, a. 6, no. 22, <https://agriregionieuropa.univpm.it/it/content/article/31/22/sovranita-alimentare-la-proposta-alternativa-della-campesina> [accessed on 5.06.2022].

⁷⁰ J. Leventon, J. Laudan, *Local food sovereignty...*, p. 24. See more on the role of small farmers and agroecology: M. A. Altieri, *Agroecology, small farms, and food sovereignty*, “Monthly Review” 2009, vol. 61, no. 3, p. 102; M. J. Chappell, L. A. LaValle, *Food security and biodiversity: can we have both? An agroecological analysis*, “Agricultural Human Values” 2011, vol. 28, no. 1, pp. 3–26.

⁷¹ Declaration Nyéléni of 2007.

⁷² D. J. Hess, *Localism and the environment*, “Sociology Compass” 2008, vol. 2, no. 2, p. 625.

⁷³ T. Srogosz, *Międzynarodowe prawo...*, p. 4.

⁷⁴ M. J. Robbins, *Exploring the ‘localisation’ dimension...*, p. 449.

⁷⁵ Ibidem, p. 449; Nyéléni Declaration of 2007.

⁷⁶ M. J. Robbins, *Exploring the ‘localisation’ dimension...*, p. 449.

Agroecology is promoted as an agricultural production system that is a barrier to Green Revolution technologies. It requires no capital other than knowledge, and favours small, highly diverse farms. It is becoming indispensable in the face of the growing food, fuel and climate crisis.⁷⁷ Food sovereignty rejects intensive monocultures, industrial animal husbandry, destructive exploitation of fisheries and other industrial practices that destroy the environment and contribute to global warming.⁷⁸ Food sovereignty is a political discourse, a proposal, and in a sense an abstract description of the desired system of agricultural production, distribution, consumption and social relations.⁷⁹ However, it is not just a theory, either. The la Via Campesina movement pursues its goals around the world. The demands of this movement have found resonance in the legislation of some countries, mainly in the Global South, which have incorporated the concept of food sovereignty into their reformed constitutions or sectoral policies in the field of food security.⁸⁰

The concept of “food sovereignty” also appears in French law. Article L1 of the French Code rural states that “[t]he international, European, national and territorial policies for agriculture and food shall aim [...] to regain France’s food sovereignty and to promote France’s food sovereignty in the international arena.” Measures to ensure this objective are “preserving France’s agricultural model, the quality and safety of its food” and “protecting farmers from unfair competition from imported products from production systems that do not comply with the standards imposed by European regula-

⁷⁷ E. Holt-Giménez, M.A. Altieri, *Agroecology, Food Sovereignty, and the New Green Revolution*, “Agroecology and Sustainable Food Systems” 2013, vol. 37, no. 1, p. 92; E. Holt-Giménez, *Measuring farmers’ agroecological resistance after Hurricane Mitch in Nicaragua: a case study in participatory, sustainable land management impact monitoring*, “Agriculture, Ecosystems & Environment” 2002, vol. 93, pp. 87–105; O. De Schutter, *Report submitted by the Special Rapporteur on the right to food*, Human Rights Council 16th Session. United Nations General Assembly, United Nations, New York 2010.

⁷⁸ Nyéléni Declaration of 2007.

⁷⁹ M. J. Robbins, *Exploring the ‘localisation’ dimension...*, p. 452.

⁸⁰ See more broadly, S. Beauregard, *Food policy for people: incorporating food sovereignty principles into state governance. Case studies of Venezuela, Mali, Ecuador, and Bolivia*, Los Angeles 2009, <http://www.oxy.edu/sites/default/files/assets/UEP/Comps/2009/Beauregard%20Food%20Policy%20for%20People.pdf> [accessed on 14.02.2023]; J. P. Muñoz, *Constituyente, Gobierno de transición y Soberanía Alimentaria En Ecuador*, in: J. Gascón, X. Montagut (eds.), *Cambio de rumbo En forest políticas agrarias latinoamericanas? Estado movimientos sociales campesinos y Soberanía Alimentaria*, Barcelona 2010, pp. 151–168.

tions.”⁸¹ The French legislator also provided for a broad concept of the right to food, which should be ensured to the population, understood as “access to safe, healthy, varied food, of good quality and in sufficient quantity,” taking into account all aspects related to its production – environmental, climatic, economic, sociological.⁸²

The proof of the importance of the *la Via Campesina* movement in shaping the international legal framework is also the Declaration on the Rights of Peasants and Other People Working in Rural Areas (DRP), developed on its initiative and adopted by the UN General Assembly. Its aim is, *inter alia*, to ensure that peasants and other persons living in rural areas have the right to land, to sustainable use and management of natural resources, to an adequate standard of living, to a place to live in security, peace and dignity and to develop their cultures (Article 17(1) of the DRP).⁸³ The Declaration, despite being a *soft law* act, “can provide a global legal framework for national legislation and national policies.”⁸⁴ An example of a national initiative aimed at implementing the principles of the DRP is the Italian draft law on the principles of protection and development of peasant agriculture.⁸⁵

3. Food democracy

Tim Lang, the author of the concept of food democracy, postulates the decentralisation of power in food policy, which, as he claims, is no longer shaped by governments,⁸⁶ but by large food corporations, referred to as “Big Food.”⁸⁷ In line with this strand, citizens should be able to actively engage

⁸¹ Article L1 French Code rural (Code rural et de la pêche maritime), current version of Art. L1 is from 2021 (published in Journal Officiel de la République Française No. 0196 of 8/24/2021).

⁸² *Ibidem*.

⁸³ United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, General Assembly resolution 73/165, A/RES/73/165, adopted on 17 December 2018, cited further as Declaration or DRP. The initiative to draw up the Declaration was adopted by the national peasants’ union in Indonesia, Serikat Petani Indonesia (SPI), a member organization of the international movement *La Via Campesina*.

⁸⁴ B. Jeżyńska, R. Pastuszko, M. E. Szymańska, E. Nawrotek, *Kształtowanie praw człowieka...*, p. 409, and the literature cited therein in footnote 37.

⁸⁵ Il disegno di legge n. 2243 recante “norme per la tutela e la valorizzazione dell’agricoltura contadina,” for more see G. Strambi, *L’agricoltura contadina fra istanze locali e globali*, “Przegląd Prawa Rolnego” 2021, vol. 29, no. 2, pp. 461–476.

⁸⁶ T. Lang, *Food policy for the 21st...*, p. 217.

⁸⁷ N. D. Hamilton, *Essay, food democracy...*, p. 25 et seq. The author uses the term “Big Food” to describe companies and institutions dominant in the agri-food sector.

in determining a more local and human-oriented food system⁸⁸ “based on values other than mere economic efficiency,”⁸⁹ such as public good, ecology and public health.⁹⁰

At the core of the definition of food democracy is the assumption that citizens can govern, rebuild and improve the existing food system.⁹¹ Food democracy differs from food security because, beyond the very idea of food security, it emphasises decency and social justice in wages, working conditions and internal justice in the food system.⁹² It expresses citizens’ desire for access to information, choice, local action and personal involvement, which reflect strong democratic tendencies and a growing awareness that joint action can help shape a sustainable food future.⁹³ The active involvement of all citizens in shaping the food system through food democracy should be both a possibility and a necessity.⁹⁴

Promoting food diversity, local markets, farms and food processors is one of the conditions for food democracy.⁹⁵ Local markets and farmers’ markets, community-supported agriculture, food policy councils, cooperatives, urban farming projects and farm-to-school programmes, as well as other initiatives within LFS and SSCs are the means by which food democracy is realised.⁹⁶

Food democracy rejects processed and cheap food because the real cost of cheap food is being withdrawn from the market and passed on to society in the form of the effects of inadequate diets, obesity, environmental damage and underpaid farm workers. The cheap food that citizens supposedly should want hides the true costs of agriculture and production.⁹⁷ In this food model, citizens pay more for food, but higher prices reflect the real cost of food currently borne by society.⁹⁸

⁸⁸ N. Hassanein, *Practising food democracy...*, p. 83; S. Booth, J. Coveney, *Food Democracy...*, pp. 13–14.

⁸⁹ N.D. Hamilton, *Food democracy II...*, p. 41.

⁹⁰ T. Lang, M. Heasman, *Food wars: The global battle for mouths, minds and markets*, London – Sterling, VA 2004, p. 279.

⁹¹ S. Booth, J. Coveney, *Food Democracy...*, pp. 13–14.

⁹² T. Lang, *Food security or food democracy?*, „Pesticides News” 2005, No. 78, pp. 12–16; S. Booth, J. Coveney, *Food Democracy...*, p. 14.

⁹³ N.D. Hamilton, *Essay, food democracy...*, p. 13.

⁹⁴ N. Hassanein, *Practising food democracy...*, p. 83.

⁹⁵ N.D. Hamilton, *Food democracy II...*, p. 41.

⁹⁶ *Ibidem*, p. 27; S. Booth, J. Coveney, *Food Democracy...*, pp. 14–15.

⁹⁷ L. Petetin, *Food Democracy in Food Systems*, in: P. Thompson, D. Kaplan (eds.), *Encyclopedia of Food and Agricultural Ethics*, Dordrecht 2016, p. 1126.

⁹⁸ N.D. Hamilton, *Food democracy II...*, p. 30.

An important dimension of food democracy is that individuals have knowledge about food and the food system as well as the possibility to choose an alternative product. Thus, it is crucial to provide consumers with accurate information on the label of the product. Large food corporations oppose the idea of giving too accurate data about how a product was made or its origin, fearing that it may discourage consumers from buying certain products. For example, the information on the label of an animal product that antibiotics or growth hormones have been used in breeding is not a factor that increases the attractiveness of the product.⁹⁹

The actions of food corporations restricting consumers' access to information and choice of alternative products are anti-democratic.¹⁰⁰ The "Big Food" approach is to treat food and its ingredients as interchangeable goods, and therefore it rejects the identification of the product with the place of origin and does not promote local production.¹⁰¹ The provision of additional information about the product, including its origin, which goes beyond the mandatory minimum, is currently subject to legal rigour.¹⁰² As L. Petetin points out, it may therefore be almost impossible to support local production if the possibility of providing consumers with information about the local origin of a product is legally restricted.¹⁰³

Tim Lang emphasizes that control over the way food is produced, sold, processed and consumed should be shared among citizens, the state and economic actors.¹⁰⁴ This means that these three groups of actors are understood as equally important in the process of transforming the food system. Citizens can exercise control, for example by making individual choices about food and where to buy it.¹⁰⁵ By purchasing local produce, they can enhance and impact local food production, diversify their sources of supply and reduce food miles, thus helping to minimise the environmental footprint of current food systems.

In turn, state units at the local level and local governments are the main actors in various food policy initiatives aimed at sustainable develop-

⁹⁹ N.D. Hamilton, *Essay, food democracy...*, p. 18.

¹⁰⁰ *Ibidem*, pp. 19, 22.

¹⁰¹ N.D. Hamilton, *Food democracy II...*, p. 35.

¹⁰² See more: L. Russo, *Communication of the origin of food products: legal aspects*, "Przegląd Prawa Rolnego" 2021, no. 2, pp. 405–422.

¹⁰³ L. Petetin, *Food Democracy...*, p. 1122.

¹⁰⁴ T. Lang, D. Barling, M. Caraher, *Food policy: Integrating health, environment and society*, Oxford 2009, p. 67.

¹⁰⁵ N.D. Hamilton, *Food democracy II...*, p. 29; S. Booth, J. Convey, *Food Democracy...*, p. 39.

ment.¹⁰⁶ In proactive partnerships with economic actors and citizens, they act as mediators and educators.¹⁰⁷ Therefore, to stimulate the transformation of local food systems, food democracy must rely on a supportive state facilitating interaction between all stakeholder groups involved.¹⁰⁸

Conclusions

In food sovereignty and food democracy, the SSCs and LFS play a key role in building sustainable food systems that ensure food self-sufficiency and sovereignty over food supply for nations, social ties and strong communities, along with care for the environment. To achieve these goals, a return to local food systems based on smallholder farmers with environmentally friendly production methods, relying on local, place-specific knowledge and creating direct market links with consumers through forms of SSCs is essential.

LFS and SSCs implement food sovereignty understood in a broader sense than food security in terms of FAO or Regulation (EU) 2021/2115. The EU regulation focuses on the provision of safe and nutritious food, ignoring, like the FAO, the question of where food comes from and how it is produced. Food sovereignty precludes the concept of ensuring food availability at the expense of local farmers and communities. It assumes the protection of domestic agricultural production and small farmers along with the food self-sufficiency of nations by restoring their access to resources (land, water, seeds) and control over shaping and defining their own agri-food systems. In addition, it secures a better realisation of everyone's right to adequate food, by preserving the production of local food, typical of the area and "culturally appropriate."

SSCs and LFS play a key role in realising food democracy by ensuring the participation of consumers and farmers in creating fairer and more sustainable food systems, offering consumers a choice of products alternative to industrial ones, and information on food and its origin. Food information and alternative choice are a form of influence on the large food industry.

¹⁰⁶ J. Baldy, S. Kruse, *Food security or from the Top Down? State-Driven Participation Processes for Local Food System Transformations towards Sustainability*, "Politics and Governance" 2019, vol. 7, no. 4, pp. 68–69.

¹⁰⁷ W. Mendes, *Implementing social and environmental policies in cities: The case of food policy in Vancouver, Canada*, "International Journal of Urban and Regional Research" 2008, vol. 32, no. 4, p. 947.

¹⁰⁸ J. Baldy, S. Kruse, *Food security...*, pp. 73–75.

The concepts of alternative food chains should not be neglected, as they reflect the needs of local communities, consumers and farmers, and not international organisations or transnational food corporations determining so-called food regimes according to their interests.¹⁰⁹ They should be taken into account in the process of determining the legal model of food systems, which seems all the more justified as the right to adequate food is not effectively implemented in the global dimension, and humanity, despite the progress of civilization, is increasingly experiencing a food crisis.¹¹⁰

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¹⁰⁹ P. McMichael describes "food regimes" as "stable periodic arrangements in the production and circulation of food on a world scale, associated with various forms of hegemony in the world economy: British, American, and corporate/neoliberal." P. McMichael, *A food regime analysis of the world food crisis*, "Agriculture and Human Values" 2009, vol. 26, no. 281, p. 1.

¹¹⁰ T. Srogosz, *Międzynarodowe prawo...*, pp. 3–4. According to the data of the UN report from 2022, the world is moving away from the goal of ending hunger, food insecurity and malnutrition in all its forms by 2030, as the number of people affected by hunger worldwide increased to 828 million in 2021, which is an increase of about 46 million from 2020. UN Report: Global hunger numbers rose to as many as 828 million in 2021, 2022.

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THE ROLE OF SHORT SUPPLY CHAINS AND LOCAL FOOD SYSTEMS IN THE CONCEPT OF FOOD SOVEREIGNTY AND FOOD DEMOCRACY

Summary

The article discusses the role that short supply chains (SSCs) and local food systems (LFS) play in the implementation of food sovereignty and food democracy. The question asked is whether it is justified to seek alternatives to global and industrial food systems, bearing in mind, on the one hand, their negative effects and, on the other hand, food challenges as well as the objectives and assumptions of the EU policy expressed in the “Farm to Fork” strategy. The conducted analysis has shown that SSCs and LFS play a key role in food sovereignty and food democracy, as they contribute to building sustainable and equitable food systems that provide nations with control over the way they produce, and control of the food self-sufficiency and sovereignty over food supply, social bonds, choice of alternatives to industrial products, as well as information on food and its origin.

Keywords: food sovereignty, food democracy, local food systems, alternative food systems

IL RUOLO DELLE FILIERE CORTE E DEI SISTEMI AGROALIMENTARI LOCALI NELLA CONCEZIONE DI SOVRANITÀ ALIMENTARE E DEMOCRAZIA ALIMENTARE

Riassunto

L'articolo si propone di determinare il ruolo delle filiere corte e dei sistemi alimentari locali nel processo di realizzare la concezione di sovranità alimentare e democrazia alimentare. È stato valutato se sia giustificato cercare un'alternativa ai sistemi alimentari globali e industriali, tenendo conto, da un lato, dei loro effetti negativi e, dall'altro, delle sfide alimentari, nonché degli obiettivi e dei presupposti che sono alla base della politica dell'UE espressa nella strategia “dal produttore al consumatore”. L'analisi ha mostrato che sia le filiere corte sia i sistemi alimentari locali svolgono un ruolo chiave per la sovranità alimentare e la democrazia alimentare: essi contribuiscono a far emergere sistemi alimentari sostenibili ed equi in grado di garantire alle nazioni il controllo sul modo di produzione, l'autosufficienza alimentare e la sovranità dell'approvvigionamento alimentare, nonché i legami sociali, la possibilità di scegliere prodotti alternativi rispetto a quelli industriali e le indicazioni riguardo agli alimenti e la loro origine.

Parole chiave: sovranità alimentare, democrazia alimentare, sistemi alimentari locali, sistemi alternativi alimentari