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*What Legal Foundations for Agroecology? Exploring Insights from the
Thai Sufficiency Economy Philosophy*



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What Legal Foundations for Agroecology? Exploring Insights from the Thai Sufficiency Economy Philosophy

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1. *Introduction*

During the last years, agroecology has gained a significant attention as a valid alternative to the predominant large-scale intensive model of agriculture, which has increasingly shown its inadequacy to cope with global challenges such as hunger again on the rise, stark poverty and inequalities, climate change, and environmental degradation.

The concept of agroecology is complex. It can be interpreted as “a scientific discipline, set of practices and social movement”,¹ whose strength – and also weakness – is to be based on an integrative, interdisciplinary and context specific approach, therefore without a predetermined well-defined content and a unique definition. The agroecological transition can start from undetermined conditions of departure, follows various pathways, and there are no *a priori* appropriate agricultural models. If, on one side, these features allow to better harmonise agriculture with the spatio-temporal specificities of nature and people, to combine different knowledges, and to serve as an umbrella for various sustainable agriculture approaches, on the other, agroecology can appear as a vague notion, and it is exposed to a high risk of co-optation from the agribusiness industry. In this regard, even if also in FAO there is an uneven understanding of agroecology, this is generally defined as:

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¹ A. WEZEL - S. BELLON - T. DORÉ - C. A. FRANCIS - D. VALLOD - C. DAVID, *Agroecology as a science, a movement and a practice. A review*, in *Agronomy for Sustainable Development*, 29, 2009, pp. 503-515.

«[...] based on applying ecological concepts and principles to optimize interactions between plants, animals, humans and the environment while talking into consideration the social aspects that need to be addressed for a sustainable and fair food system»².

Besides, ten key elements represent the common underpinning of this definition:

«diversity, co-creation and sharing of knowledge, synergies, efficiency, recycling, resilience, human and social values, culture and food traditions, responsible governance, and circular and solidarity economy»³.

Other than being increasingly used as a tool of contestation by rural communities and advocated by civil society and social movements⁴, agroecology has also rapidly been integrated into the United Nations Food and Agriculture Organisation (FAO) work stream. While the average time for any new topic to enter in the organisation's agenda is of 10-15 years, since the 2014 *Symposium on Agroecology for Food Security and Nutrition*, it has become a relevant area⁵.

Contextually to the social and institutional dimensions, agroecology has been taken into consideration in an expanding number of disciplines, particularly in agronomy, ecology, political science, economics, sociology, history, and ethics⁶. Law scholars are also considering how to develop legal infrastructures to regulate and support the agroecological transition.

The first conceptualisations of the agroecological paradigm in legal terms have advanced various approaches: among others, the creation of a second-order polyocular platform as point of observation of the sectoral disciplines⁷; the

² <http://www.fao.org/agroecology/home/en/>.

³ FAO, *The 10 elements of agroecology. Guiding the transition to sustainable food and agricultural systems*, available at: <http://www.fao.org/3/I9037EN/i9037en.pdf>. Accessed on 20/11/19.

⁴ P. M. ROSSET - M. E. MARTÍNEZ-TORRES, *Rural social movements and agroecology: context, theory, and process*, in *Ecology and Society*, 17(3): 17, 2012.

⁵ J. BRUIL - C. ANDERSON - A. BERNHART - M. PIMBERT, *Strengthening FAO's commitment to agroecology*, The Centre for Agroecology, Water and Resilience, February 2019.

⁶ G. STEIER, *Small Farmers Cool the Planet – The Case for Rights-Based International Agroecological Law*, in *Groningen Journal of International Law*, vol 4(2): International Food Regulations: Challenges and Perspectives, 2016, pp. 3-4.

⁷ E. B. NOE - H. F. ALRØE, *Regulation of Agroecosystems: A Social System Analysis of Agroecology and Law*, pp. 31-45, in M. MONTEDURO - P. BUONGIORNO - S. DI BENEDETTO - A. ISONI, *Law and Agroecology. A Transdisciplinary Dialogue*, Springer-Verlag, Berlin Heidelberg, Germany, 2015.

development of legal pluralistic perspectives to study agroecosystems⁸; the utilisation of Rural Development Programmes as strategic means to link law with agroecology⁹. Agroecological principles have been included in domestic laws regulating or promoting specific aspects - seeds, pesticides, peasant rights, women farmers empowerment -, as well as in more general frameworks. The Sufficiency Economy Philosophy (SEP) from Thailand presents several striking similarities with agroecology principles and it is an overarching concept embracing multi-level sectors of the Thai economy and everyday life of people. Accordingly, the paper investigates the features connecting the SEP to agroecology, how the Philosophy has been enshrined into law, what legal and social effects this inclusion has produced, and what are the lessons learnt that can be generalised.

In this regard, the present work is built on some of the aspects discussed at the seminar “Exploring Synergies with FAO’s new Scaling-up Agroecology Initiative and Thailand’s Sufficiency Economy Philosophy for Agri-food System Sustainability to Achieve SDGs in ASEAN” held at Chulalongkorn University in Bangkok¹⁰. Although on the occasion the legal aspects were only mentioned, the presentations on agroecology, the SEP, their correlations, and the issues affecting Thai small farmers provide a solid basis for the further elaboration contained in this paper. Moreover, the adopted perspective reflects that of the conference, thus it is in large part grounded on the work of FAO at the global and regional level. This approach has been followed also because the organisation has played a crucial role as a facilitator in the worldwide debate on agroecology, being able to converge the social, agronomic and political spheres into a unique political process.

The overall aim is to attempt to bridge the gap between the two fields of agroecology and law, by examining - inferred from the Thai case - to what extent the integration of agroecological principles into a trans-legal overarching

⁸ O. HOSPES, *Addressing Law and Agroecosystems, Sovereignty and Sustainability from a Legal Pluralistic Perspective*, in M. MONTEDURO - P. BUONGIORNO - S. DI BENEDETTO - A. ISONI, cit., pp. 47-56.

⁹ G. BUIA - M. ANTONUCCI, *The Rural Development Programme (RDP) as a Strategic Tool for Linking Legal and Agroecological Perspectives*, in M. MONTEDURO - P. BUONGIORNO - S. DI BENEDETTO - A. ISONI, cit., pp. 151-182.

¹⁰ The seminar took place on Friday 22 February 2019. Further information available at: <https://ali-sea.org/public-seminar-on-exploring-synergies-with-faos-new-scaling-up-agroecology-initiative-and-thailands-sufficiency-economy-philosophy-sep-for-agri-food-system-sustainability-to-achi/>.

framework can facilitate the transition from industrial agriculture towards a more sustainable paradigm. To this end, the paper is structured in five parts. After this introduction, the second chapter outlines agroecology and retraces the main steps of its evolution from the perspective of FAO. The third chapter focuses on the context and features of agroecology in Thailand. The fourth chapter describes the Thai Sufficiency Economy Philosophy, its agricultural application - the New Theory -, the links with agroecology, and its legal dimension. The fifth chapter provides an overview on the type of already existing legislation, looking into the section “AgroecologyLex” within the FAO website “Agroecology Knowledge Hub”, and it examines how the features of the SEP can be generalised as an example of possible comprehensive regime in the dialogue between agroecology and law. In the last chapter, conclusive remarks summarise the main findings and the argument put forward.

2. Agroecology and Its FAO-led Evolution in the International Arena

Although since the first mentions in scientific publications dating back to 1928 and 1930 agroecology has been object of several studies¹¹, in recent times it is witnessing an unprecedented attention as a possible way forward to cope with some of the greatest world challenges.

As a science, it looks at how ecosystems interact with a set of human activities. As a social movement, it fights for social justice and environmental issues, like small farmers' rights, food sovereignty, protection of natural resources, and climate change. As an umbrella for different practices, it includes several alternative agricultural approaches, that, although differing from each other, are characterised by the FAO ten components. Those generally considered as falling under agroecology are organic agriculture, biodynamic agriculture, integrated farming, regenerative farming, conservative agriculture, natural agriculture, and system of rice intensification. It should be stressed that, overall, the difficulty to identify agroecology and the recent rediscover of this concept have not facilitated the clarification of the field, which is still surrounded by confusion and overlapping among the different labels.

¹¹ A. WEZEL - V. SOLDAT, *A quantitative and qualitative historical analysis of the scientific discipline agroecology*, in *International Journal of Agricultural Sustainability*, 7(1): 3-18, 2009.

The term agroecology is frequently utilised to refer to sustainable agriculture and organic farming, and vice-versa. Sometimes, it is understood as a subset of sustainable agriculture, which in these circumstances becomes as well a broad umbrella covering all those approaches prioritising a balance among social, economic and environmental considerations. Yet, the same definition of sustainable agriculture is still controversial, including among law scholars¹².

In this regard, also conventional agriculture has started to adopt ecological elements moving towards paradigms of sustainable or ecological intensification¹³. However, this process is often only part of widespread attempts from the large agribusiness companies to co-opt the concept of agroecology to take advantage from the increased popularity and market demand of sustainable products.

Besides, organic agriculture is the most well-known agroecological approach, and it is often used to mean agroecology possibly because it is defined by a clear set of practices, procedures and certification standards. Organic agriculture has detailed regulations and strict thresholds concerning chemical fertilisers and pesticides, processing additives, and it does not allow genetically modified products. Both agroecology and organic farming have similar goals and are based on a system approach; however, they are acknowledged in a different way from stakeholders. Nowadays, in contrast to organic farming, agroecology is not market-driven, and there are no labels or certifications to identify its products, no universal definition and rigorous restrictions concerning for example the origin and amount of inputs¹⁴. To understand these differences from the perspectives of their definitory principles, cropping practices, animal production and approach to food systems, it can be helpful to bring an insight from Europe, where organic agriculture is regulated by a detailed normative framework, made

¹² There is a growing literature on the sustainable agricultural paradigm in relation to different subjects. For example, in Italy, about the debate on wine and farming without soil, see: E. CRISTIANI, *Dal vino biologico al vino sostenibile?*, in *Diritto Agroalimentare*, 3, 2019, pp. 411-433; G. STRAMBI, *L'innovazione nel settore agricolo europeo. Le colture "fuori terra" come altro modo sostenibile di fare agricoltura?*, in *Rivista di Diritto Agrario*, 3, Luglio-Settembre 2016, pp. 380-394.

¹³ A. WEZEL - G. SOBOKSA - S. MCCLELLAND - F. DELESPESE - A. BOISSAU, "The blurred boundaries of ecological, sustainable, and agroecological intensification. A review", in *Agron Sustain Dev* 35(4), 2015, pp. 1283-1295.

¹⁴ P. MIGLIORINI - A. WEZEL, *Converging and diverging principles and practices of organic agriculture regulations and agroecology. A review*, in *Agronomy for Sustainable Development*, 37, 63, 2017, pp. 2-3.

up by EU organic agriculture legislation and International Federation of Organic Agricultural Movement (IFOAM) provisions, and to compare it with the more general agroecology scientific scholarship. From this exam and looking at the underpinning principles, it emerges that the EU organic regulations concentrate on the design and management of biological processes based on ecological systems, and the limitations on external chemical inputs; IFOAM endorses broad and exhaustive principles, inclusive of a systemic and holistic conception of sustainability; agroecology, as exposed above, is understood as a set of principles for the ecological management of agri-food systems, with a particular attention towards socio-economic dimensions¹⁵. Concerning the farming practices, it can be noticed a certain degree of homogeneity between those considered by EU organic regulations, IFOAM and agroecology, revolving around: soil tillage, soil fertility and fertilisation, crop rotation, crop choice, along with disease, pest and weed management. However, it is also proven that the origin and amounts of products employed for soil fertilisation and disease, pest and weed management differ one from each other. Besides, other practices characterise only one of the three sources¹⁶. Moreover, on the level of animal production there are only few common practices, and in particular integration of cropping with animal system and breed choice¹⁷. Finally, in respect to food systems, organic farming is more focused on technical elements, like animal processing, while in agroecology a great emphasis is put on its overarching transformative potential¹⁸.

FAO has played a pivotal role in the promotion of the Green Revolution, and its dominant work is still based on an industrial paradigm¹⁹. However, following the consolidation of agroecology at a grassroots level along with a generalised call for an institutional acknowledgement of this reality, and the existence of a conspicuous number of laws, policies and programmes on the topic, in September 2014 the agency convened the *International Symposium on Agroecology for Food Security and Nutrition*²⁰. This was the first time that FAO addressed officially and directly agroecology and since then it has been added as

¹⁵ *Ibid.*, pp. 4-6.

¹⁶ *Ibid.*, pp. 6-7.

¹⁷ *Ibid.*, pp. 8-12.

¹⁸ *Ibid.*, p. 13-15.

¹⁹ J. BRUIL - C. ANDERSON - A. BERNHART - M. PIMBERT, cit., p. 3.

²⁰ FAO, *Agroecology for food security and nutrition: Proceedings of the FAO International Symposium*, 18 and 19 September 2014, Rome, Italy. Available at: <http://www.fao.org/3/a-i4327e.pdf>. Accessed on 20/11/19.

a new sector on the organisation's agenda. On this occasion, about four hundred participants from sixty-one different countries shared knowledge and collected scientific evidence, as well as identified priorities and possible strategies for fostering agroecology. The Director-General of the organisation, José Graziano da Silva, declared that the event «opened an alternative window within the FAO Headquarters, the 'Cathedral of the Green Revolution»²¹.

Successively, a four-year process of global political dialogue deepened the advantages of agroecological approaches and, during those years, the organisation coordinated seven regional multi-stakeholder meetings, which together with the First Symposium led to the identification of a number of main benefits: the strengthening of small farmers ability to cope with climate change; the enhancement of food security and nutrition, especially due to more diversified and healthy diets; the protection and implementation of biodiversity to sustain agroecosystem services; the amelioration of rural livelihoods; the realisation of a systemic transformation redirecting agriculture towards more sustainable paradigms²². In broad terms, there was a common agreement that the advantages are not limited of the farm or agricultural sector *per se*, but encompass the global food system, and have positive economic, social and environmental externalities.

In April 2018, the *Second FAO International Symposium on Agroecology: "Scaling up Agroecology to achieve the Sustainable Development Goals"* took place, gathering seven hundred sixty-eight representatives from seventy-two countries, three hundred-fifty non-state actors, and six UN agencies, and it was organised with the aim to discuss how to translate dialogue into action²³.

Among the rich contributions, there was a general emphasise, in the first place, on the agency and empowerment of food producers and, secondly, the need for a legal and policy framework enabling transformative change, in order to respect, protect and fulfil farmers rights, and guarantee their access to productive resources such as land, water and seeds.²⁴ The second aspect was highlighted by different convenors. The FAO Director-General argued that to scale up

²¹ *Ibid.*, Opening Plenary Session, p. 12.

²² FAO, *Second International Symposium on Agroecology*, 3-5 April 2018, Rome, Italy, p. xiii. Available at: <http://www.fao.org/about/meetings/second-international-agroecology-symposium/about-the-symposium/en/>. Last access: 20.11.19.

²³ *Ibid.*, p. ix.

²⁴ See also: J. BRUIL, C. ANDERSON, A. BERNHART and M. PIMBERT, cit., pp. 7-8.

agroecology one of the three fundamental aspects to address is to integrate it in domestic legal and regulatory frameworks. He explained that thirty governments have already proceeded in this way, however, to realise a global shift of conceptual thinking more work had still to be done²⁵. In the same vein, FAO was urged to implement normative activities to develop instruments for the measurement of the performance on the three dimensions of sustainability considering the five principles for sustainable agriculture and food established by FAO²⁶. Referring to her region, another participant argued that a regulatory and provisional regime was one of the main priorities to scale up agroecology and to shift to an alternative economic paradigm²⁷.

At the event, the Scaling Up Agroecology Initiative was launched with the intent of facilitate national agroecology transitions and develop cooperation between countries, and articulated around three main aspects: production and co-creation of knowledge, capacity-building and training activities; advice to countries in the formulation of regulatory frameworks and plans; and support of networks²⁸.

Along with the involvement of domestic governments and civil society, since July 2018 FAO extended the collaboration to the Initiative also to other UN departments, and in particular those working on the implementation on the Convention on Climate Change (UNCCC), biodiversity (CBD), and desertification (UNCCD)²⁹.

Above all, this process has been endorsed by a strong political mandate, because in October 2018, the Committee on Agriculture (COAG) formally welcomed the Scaling Up Initiative, acknowledged the agroecology 10 Elements, and urged FAO to predispose action plans with partners³⁰.

3. Agroecology in Thailand

²⁵ FAO, *Second Symposium*, cit., p. 3.

²⁶ François Pythoud, Ambassador, Permanent Representative of Switzerland to FAO, IFAD and WFP, *Ibid.*, p. 8.

²⁷ Isabel Andreoni, Director of Montevideo Rural, *Ibid.*, p. 28.

²⁸ Joint Presentation by FAO and UN partners of the Scaling-up Agroecology Initiative, *Ibid.*, pp. 144-184, 306-330.

²⁹ J. BRUIL - C. ANDERSON - A. BERNHART - M. PIMBERT, cit., p. 8.

³⁰ *Ibid.*, p. 12.

On the premise that the effectiveness of scaling up agroecology depends on its contextualisation in regional and local realities, one of the FAO multi-stakeholder consultations held between 2015 and 2017 was organised in Bangkok³¹.

In large part of Asia, the Green Revolution implemented by small farmers was particularly intense. Over the first period, the introduction of commercial crops, monoculture, external inputs and technologies allowed many rural communities to shift from the uncertainty of subsistence agriculture to a generalised increase of productivity and better living conditions. However, at the FAO meeting it was noted how these major transformations were accompanied also by severe challenges: in particular, pressure on natural resources and debts incurred to buy chemicals from large-scale agribusiness worsened many rural household livelihoods increasing their food insecurity and producing rural-urban migration.³² These aspects, coupled with a deterioration of farmers health due to pesticides use, environmental degradation, and the necessity to cope with climate change led to the development of alternative rural networks advocating for more sustainable practices. In this regard, even though the concept of agroecology has been rarely employed – more common has been the use of the term “ecological intensification”³³-, it is possible to track an abundance of single cases, programs, organisations and networks guided by agroecological principles, pursuing disparate goals ranging from those of reducing hunger and malnutrition to increase self-sufficiency and address adverse climatic conditions³⁴.

Thailand is an emblematic example of this pattern. The country has been known as “the golden cradle” of agriculture for its abundance of natural resources, the ongoing important contribution of the sector in the national

³¹ FAO, *Report on the Multi-Stakeholder Consultation in Agroecology in Asia and the Pacific*, 24-26 November 2015, Bangkok, Thailand.

³² *Ibid.*, p. 7. G. B. THAPA - P. K. VISWANATHAN - J. K. ROURAY - M. M. AHMAD, *Asian Agriculture in Transition: Trajectories and Challenges*, Asian Institute of Technology, Bangkok, Thailand, 2010, p. 1-3.

³³ FAO, *Report on the Multi-Stakeholder Consultation in Agroecology in Asia and the Pacific*, *Ibid.*, p. 8.

³⁴ FAO Regional Office for Asia and the Pacific, Events, Multi-Stakeholder Consultation on Agroecology for Asia and the Pacific, 24-26.11.2015, Bangkok, Thailand. Available at: <http://www.fao.org/asiapacific/events/detail-events/en/c/1262/>. Last access: 22.11.19. J. C. CASTELLA - J. F. KIBLER, *Actors and Networks of Agroecology in the Greater Mekong Subregion*, Technical Notes, AFD, Paris, 2015. Available at: <http://agritrop.cirad.fr/577743/1/06-notes-techniques.pdf>. Accessed on: 25/11/19.

economy despite the rapid industrialisation, the high rate of people employed in it, and the historical primate in rice, rubber, black tiger prawns export³⁵. Nowadays, rice fields and green hills define the northern landscape, while wealth of tropical fruits and vegetables the south region³⁶. Over the last decade, the country consolidated its position as a major exporter of rice, rubber, and also tropical fruits, corn, and cassava, for a profit corresponding to an average of 40% of the national GDP³⁷. Some of the largest regional agri-food multinational corporations have coexisted with a long-standing tradition of grassroots movements, in which alternative development models based on agroecology have been a significant component.

Thailand was the first of the Mekong countries to promote agroecological approaches with the development in the early 1970s of the Alternative Agricultural Network³⁸. Studies have proven that during the years some of the initiatives carried out from these counter-movements have achieved important results. Among them, there are, for examples, communities following Buddhist economy principles, and practicing local currencies and non-monetary exchanges³⁹. The 1997 Asian financial crisis exacerbated this polarisation, and opened a space for rethinking policy regimes also in consideration of the social and environmental functions of agriculture⁴⁰. Moreover, only after the 2000s as a consequence of the intervention of local and international non-governmental organisations, the various sustainable approaches finally fully translated into the “modern agroecology”, especially because they combined traditional wisdom with scientific knowledge, and some of them also controversial “climate smart” techniques⁴¹.

³⁵ L. FALVEY, *Thai Agriculture -Golden Cradle of Millennia*, Kasetsart University Press, Bangkok, Thailand, 2000, p. 19.

³⁶ TheThailandLife, *The Truth About Pesticides in Thailand's Food Chain*, 11 April, 2018.

³⁷ *Ibid.*

³⁸ P. FERRAND - S. LE JEUNE, *Agroecology Futures: Inspiring and innovating stories from the Agroecology Learning Alliance in South East Asia*, ALISEA & GRET, Vientiane, Lao PDR, 2018, p. 4.

³⁹ W. SCHAFFAR, *Alternative Development Concepts and Their Political Embedding: The Case of Sufficiency Economy in Thailand*, in *Forum for Development Studies*, 45:3, 387-413, p. 390. On Buddhist Economics: C. BROWN, *Buddhist Economics: An Enlightened Approach to the Dismal Science*, Bloomsbury Press, 2017.

⁴⁰ *Ibid.*, p. 34.

⁴¹ J. C. CASTELLA - J. F. KIBLER, *Towards an agroecological transition in Southeast Asia: Cultivating diversity and developing synergies*, GRET, Vientiane, Lao PDR, 2015, p. 16.

Nowadays, two of the most well-known organisations are ALISEA and Towards Organic Asia, therefore their work represents a valid indicator to draw a map and define the boundaries of existing agroecological initiatives.

ALISEA – Agro-ecological Learning alliance in South East Asia - is a platform covering Cambodia, Laos, Myanmar, Vietnam, and Thailand⁴². The initiative has three main goals: support the exchange of knowledge and experiences among civil society, governments, academia, and in particular farmers; collect evidence to persuade people about the benefits of an agroecological transition; and scale up agroecology on the field. Its website contains a large body of knowledge, including an online library and a section dedicated to news and events. From the information provided by the Alliance, it is possible to infer that the main agroecological approaches practiced in the Region are agroforestry, conservative agriculture, integrated pest management and integrated cropping management, integrated farming, organic agriculture, and system of rice intensification.

Towards Organic Asia is a network managed by the School of Wellbeing Studies and Research based in Bangkok⁴³. Its mission is to consolidate the collaboration among different stakeholders and to build a shared idea of agroecology and mindful markets. This last concept refers to a process of mutual learning between producers and consumers mediated by social enterprises with the objective to raise awareness about hidden social-environmental shortcomings of the current food system and progressively address them towards a sustainable paradigm⁴⁴. The organisation was set up following the input of the renowned environmental activist Vandana Shiva, and it is influenced by the Bhutane's "100 percent Organic Country" policy⁴⁵ and Gross National Happiness Philosophy⁴⁶.

⁴² ALISEA is coordinated and supported by the organisation GRET, *Professionnels du développement solidaire* (<https://www.gret.org>). It is a component of the broader program Towards an Agroecological Transition in the Mekong Region (ACTAE), funded by the French Agency for Development (AFD) and coordinated by CIRAD, which is also charged of the part of the program concerning the Conservation Agriculture Network in South East Asia – CANSEA (<http://cansea.org.vn>).

⁴³ Towards Organic Asia. Available at: <https://towardsorganicasia.th.wordpress.com>. Accessed on: 25/11/19.

⁴⁴ W. VAN WILLENSWAARD, *Mindful Markets: Producer-Consumer Partnerships towards a New Economy*, Garden of Fruition publishers, 2015.

⁴⁵ J. CONFINO, *Bhutan could be world's first wholly organic nation within a decade*, The Guardian, 12 May 2014.

⁴⁶ More information available at Gross National Happiness (GNH) website: <http://www.gnhcnetrebhutan.org/what-is-gnh/>. Accessed on: 25/11/19. T. DORJI, *Gross National Happiness. Bhutan's Goal of Development*, Green Verlag, 2018.

This picture shows that in the Mekong Region the agroecological transition lies on the strength of grassroot networks, which fill the gap caused by a lack of a regional normative framework. Their members contribute to give visibility and share domestic laws, soft law regulatory mechanisms, plans, programmes. For example, it can be noticed, especially in Thailand, that the most accomplished solution is organic farming, and, as exposed above, this is seemingly due to the fact that it is embedded in clear rules, which represent a guarantee for both producers and consumers. However, often this approach can be too expensive and thus increase the marginalisation of already vulnerable farmers. As a consequence, alternative options emerged, such as Good Agriculture Practices (GAP), clean vegetables, green products certification, Participatory Guarantee Systems (PSE) and Payment for Environmental Services (PES) respectively rewarding farmers for the quality of their products and the protection of ecosystems⁴⁷.

One of the arduous obstacles slowing the full achievement of these agroecological approaches, which goes along with the co-existence of agribusiness and small farming, consists in policy contradictions. This problem was also highlighted at the seminar “Exploring Synergies with FAO’s new Scaling-up Agroecology Initiative and Thailand’s Sufficiency Economy Philosophy”, in which cutting-edge rules on organic farming and applications of the Sufficiency Economy Philosophy were mentioned in opposition to policies allowing agrochemical dependency. A participant presented the booklet “Sufficiency Economy Philosophy: Thailand’s Path towards Sustainable Development Goals”⁴⁸, published in English in 2017 by the Ministry of Foreign Affairs with the intent to promote the SEP beyond national boundaries and build a foreign policy based on its principles. It was noted that in contrast to this approach, although in the collective imagination the country is associated to an abundance of healthy tropical food and while it is true that this is most of the time locally produced, recent studies revealed high levels of chemicals, also in organic products⁴⁹. For example, Ecological Alert and Recovery – Thailand (EARTH) and Thailand Pesticide Alert Network identified the presence of polybrominated

⁴⁷ J. C. CASTELLA - J. F. KIBLER, *Towards an agroecological transition in Southeast Asia: Cultivating diversity and developing synergies*, cit., p. 73.

⁴⁸ Available at: <http://www.mfa.go.th/dvifa/contents/files/articles-20170626-142701-203959.pdf>.

⁴⁹ A. TAWATSIN - U. THAVARA - P. SIRIYASATIEN, *Pesticides Used in Thailand and Toxic Effects to Human Health*, in *Medical Research Archives*, Issue 3, July 2015.

dibenzo-p-dioxins and furans (PBDD/Fs) contaminants thirty-three times higher than the European Union allowed threshold⁵⁰. BioThai along with several organisations has been actively advocating to persuade the Ministry of Public Health to adopt recommendations banning chemicals as paraquat, chlorpyrifos and glyphosate.⁵¹ One of the objectives of the paper is to examine a possible legal way to overcome these policies contradictions.

Finally, an aspect that cannot be overlooked when dealing with this topic is that often in Thailand the choice to adopt agroecological initiatives is tightly woven with Buddhist precepts. Every religion promotes sustainable paradigms because conceiving land, seed, water and food as sacred, they value agriculture as an act of care for the earth and eating food as a daily spiritual practice. Agriculture is conceived not only as a production of goods to sell in markets, but also as a sacred practice⁵². Ancient texts have much in common with agroecological principles like everything is interconnected; food is a part of the cycle of life; farmers respect the earth by caring for the soil, save and exchange seed, manage wisely water and feed neighbours suffering of hunger. However, these themes are particularly felt in Thailand, because being a Buddhist country, religion is present at every level of the society, especially in rural areas. This work is based on the idea that the deep link between Buddhism and agroecological movements confers them the legitimacy necessary to continue to thrive in parallel with large-scale agribusiness. In the next two paragraphs this relationship will be investigated from the perspective of the SEP.

4. Sufficiency Economy Philosophy, Its Links with Agroecology, and Integration into Law

In Thailand, one of the highest regarded faith-based expressions is the Sufficiency Economy Philosophy, an alternative development approach based on central principles of the Thai culture and elaborated by the late King Bhumibol Adulyadej after he extensively visited rural areas and witnessed the poor

⁵⁰ The Nation Thailand, *Study finds high pesticide levels in local food*, 2 December 2017.

⁵¹ BioThai, *Campaign to ban three hazardous chemicals in Thailand*, 9 September 2018. Available at: <https://www.biothai.org/node/1444>. Accessed on: 27/11/19.

⁵² T. LEVASSEUR, *Introduction – Religion, Agriculture and Sustainability*, in T. LEVASSEUR - P. PARAJULI - N. WIRZBA, *Religion and Sustainable Agriculture: World Spiritual Traditions and Food Ethics*, The University Press of Kentucky, 2016, p. 1.

condition of Thai farmers. Although since the 1950s the King set up several projects on sustainable agriculture and rural development already based on the principles of the philosophy, only in the 1970s he started to officially mention it in his speeches and lectures at universities⁵³, and after the late 1990s Asian economic crisis that he declared the following statement:

«Recently, so many projects have been implemented, so many factories have been built, that it was thought Thailand would become a little tiger, and then a big tiger. People were crazy about becoming a tiger... Being a tiger is not important. The important thing for us is to have a sufficient economy. A sufficient economy means to have enough to support ourselves»⁵⁴.

The theoretical framework of the philosophy is grounded on three pillars and two main conditions. The three components are:

- Moderation: sufficiency means act in adherence to a middle path, for instance, to produce or consume a moderate quantity of goods;
- Prudence: it consists in reasonably evaluate all circumstances and expected outcomes before to make a move;
- Self-immunity: it refers to being prepared to tackle with probable future consequences.

The two underlying conditions are knowledge of all the domains involved and morality, including virtues as intelligence, patience, perseverance and honesty⁵⁵.

The Chaipattana Foundation, a non-governmental organisation founded by the King to support Thai people, provides a detailed picture of the SEP⁵⁶. It illustrates that differently from the current market system driven by capital accumulation, the SEP consists in a first step establishing a solid economic base among rural communities, and only after, a second one in which the industrial sector can be expanded. Moreover, the King highlighted the importance for people to carefully consider their own limits, and thus to reduce their dependency

⁵³ The National Research Council Committee on Economic Branch, The Office of the National Research Council of Thailand, *The King's Sufficiency Economy and the Analyses of Meanings by Economists, Synthesized and compiled from discussions on "The King's Sufficiency Economy: Perspectives of Economists,"* July 2003, p. 1. Available at: http://www.thailaws.com/download/thailand/king_suff_economy.pdf. Accessed on: 27/11/19.

⁵⁴ Royal Speech at Dusit Palace, 4 December 1997, translated by UNDP, 2007.

⁵⁵ P. MONGSAWAD, *The Philosophy of The Sufficiency Economy: A Contribution to The Theory of Development*, in *Asia-Pacific Development Journal*, Vol. 17, No. 1, June 2010, pp. 127-129.

⁵⁶ <https://www.chaipat.or.th/eng/concepts-theories/sufficiency-economy-new-theory.html>.

on external factors. This does not mean that Thais cannot aim to more than a subsistent level; on the contrary, they can aspire to a comfortable life and from time to time also to indulge in some excess, but always acting with the SEP principles kept in mind⁵⁷.

The Royal Initiative has an overarching application to different spheres of Thai economics other than everyday life. Especially after the 1997 crisis, it can be found in the financial and industrial sectors, for instance concerning corporate and business sustainability, energy security, waste management, but also in education, human resource development, and health care system⁵⁸.

However, its primary application is to the agricultural sector with the approach called “The New Theory”. The King travelled all over the rural areas of the country, and to help farmers to cope with the exposed shortcomings of globalisation and Green Revolution, founded a system based on integrated agriculture, encompassing the principles of self-reliance, the restoration and conservation of soil fertility, sustainable water management, and based on three subsequent phases: farmland split into four parts, the constitution of farmers networks, and the engagement with banks or private companies to access to funds for investments and improve the standards of living⁵⁹.

The first step consists in dividing the farmland according to the logic of 30:30:30:10. This means that in the first 30% there should be a pond that during the rainy season stores water, while in the dry season supplies it to grow crops, plants and aquatic animals; the second 30% is devoted to paddy field for the family subsistence throughout the year; in the third 30% farmers cultivate fruits and vegetables, perennial trees, and the surplus can be sold; the remaining 10% is designated to the house, animal husbandry, roads and what else is needed.

Once this phase is consolidated, the second step focuses on building farmers associations, cooperatives to support farmers along all the process. Therefore, it concerns: the production, the preparation of the soil, dispose of seeds, water supply; the marketing, including space to store the product and

⁵⁷ *Ibid.*

⁵⁸ G. C. AVERY - H. BERGSTEINER, *Sufficiency Thinking: Thailand's gift to an unsustainable world*, Allen & Unwin, Crows Nest, Australia, 2016.

⁵⁹ *Applications of SEP as A Guiding Principle*, C. WIBULSWASDI - P. PIBOOLSRAVUT - K. POOTRAKOOL, *Sufficiency Economy Philosophy and Development*, Project to Support the “Sufficiency Economy” Drive in Educational Institutions and to Young People, The Crown Property Bureau, Bangkok, Thailand, 2012, pp. 22-23. Available at: <http://tica.thaigov.net/main/contents/files/business-20160904-174653-791776.pdf>. Accessed on: 27/11/19.

markets to sell it; the construction of networks and structures to guarantee the adequate quality of life, welfare and education, and spaces for individual, social, religious development. Finally, in the third phase farmers should connect with banks or private companies to invest and in general improve their conditions. This component will allow, for instance, to sell products to a better price, have the possibility to buy other goods and at a lower cost; at the same time, banks and private companies benefit because it can as well acquire rise from farmers at a good price, and also employ their employees in a large number of activities and on a broader area⁶⁰.

Based on this theoretical construct, the seminar “Exploring Synergies with FAO’s new Scaling-up Agroecology Initiative and Thailand’s Sufficiency Economy Philosophy” explored how expertise, institutions and various opportunities relating to the SEP can be transposed to the agroecology movement, also in order to achieve common objectives. In this respect, one of the opening statements of the conference was that in order to build up synergies to scale-up agroecology, the SEP, including the New Theory, is still a potential poorly explored platform.

A focal point was the extensive analysis of the strong similarities between the guiding principles underpinning the Philosophy and agroecology. To start with the comparison, it was noticed that the content of the above mentioned booklet “Sufficiency Economy Philosophy: Thailand’s Path towards Sustainable Development Goals”, published by the Thai Ministry of Foreign Affairs is aligned with the 2nd *FAO International Symposium on Agroecology: “Scaling up Agroecology to achieve the Sustainable Development Goals”*, in the sense that both the SEP and agroecology are conceived as tools, a set of principles and criteria, while sustainability as the objective.

Then, it was observed that the two are nature and people centred, they are based on a holistic approach, and there is the idea of balance between social, environmental and economic instances.

Moreover, these approaches are essentially bottom-up and centred on knowledge. The latter was particularly emphasised and its different declinations were discussed. Knowledge consists in traditional wisdom that, beside the importance to conserve and value it, must be combined it with the progress of technology. The concept is also expressed through the principle of learning by

⁶⁰ *Ibid.*

doing through experiments, and farmer-to-farmer collaborations as opposed to top-down predominant approaches from agricultural extension agents. In this regard, it was stressed the importance to bring farmers expertise within educational institutions, and the case of Maejo University in the northern city of Chiang Mai, where they came to teach, was referred as a positive example to replicate. As touched upon in the 2015 regional FAO multi-stakeholder consultations, knowledge is also considered a key aspect for the organisation, which in fact has integrated it in its work: the same conference was a manifestation of the efforts to cooperate with academia and other UN agencies such as UNESCO, and it was part of a series of meeting on the topic, including few months later the regional workshop “Scaling-up Agroecology in ASEAN Higher Education to meet SDGs and Ensure Climate Resilience”⁶¹. From the side of academia, during the seminar it was referred that Chulalongkorn University is working on three projects aiming to produce policy briefs on: agriculture and food system education, agriculture and youth, agroecology in higher education. These initiatives prove that there is a common agreement on the centrality of a knowledge-intensive led process to scale up agroecology.

The illustrated aspects are connected to other common features, such as a shared underlying not prefix but contextualised, village centred conception and a clear adherence to landscape and territorial approaches.

All these striking similarities are even more apparent concerning the exposed characteristics of the New Theory.

Overall, this comparison suggests that, undoubtedly an analysis of the operationalisation of the SDGs through the SEP can provide useful insights for possible agroecological approaches. However, for the purposes of this paper it is relevant that the SEP is not anymore solely a recommended component in strategies or planning, but since the 2006 it has been integrated in several parts of Thai Constitution. In the most recent 2017 Thai Constitution⁶², the Philosophy is expressively mentioned in Chapter VI on the “Directive Principles of State Policies”, Section 75, on the right to competitive marketplace and right to set up a business. According to this provision:

⁶¹ The regional workshop took place on 26-27 June 2019 and it was hosted by Maejo University.

⁶² 2017 *Constitution*. Available at: https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en. Accessed on: 22/11/2019.

«The State should organise an economic system which provides opportunities for the people to all together benefit from economic growth in a comprehensive, fair and sustainable manner and to be self-reliant in accordance with the philosophy of sufficiency economy, should eliminate unfair economic monopoly, and should develop economic competitiveness of the people and the country».

The last two paragraphs also stress that:

«[...] The State shall promote, support, protect and stabilise the system of various types of co-operatives, and small and medium enterprises of the people and communities».

«In developing the country, the State should have due regard to the balance between the development of material and development of mind, as well as the well-being of the people».

Besides laying the foundation for an alternative approach to economic development, this norm is important because it legally acknowledges that the SEP does not mean denying economic growth, but it may serve to address it towards more sustainable paradigms.

Furthermore, the Chapter XVI on “National Reform” opens with Section 257, which states that National reforms under this part of the Constitution should be thought considering a number of goals, and the first paragraph indicates:

«the nation enjoys peace and order, unity and solidarity, sustainable development in accordance with the philosophy of sufficiency economy, and a balance between material and spiritual development».

In addition, the guiding principles of the SEP can indirectly be found in several other norms.

Chapter III describes the “Rights and Liberties of the Thai People”, recognising rights, in Section 43, paragraph 1, related to culture and traditional knowledge, while, in the second one, to the preservation of environment and ownership of natural resources⁶³.

In a similar vein, Section 50, paragraph 8, within Chapter IV dedicated to the “Duties of the Thai People”, establishes the obligation «to cooperate and

⁶³ Section 43 establishes that «a person and community shall have the right to conserve, revive promote wisdom, arts, culture, tradition and good customs at both local and national levels», and to «manage, maintain and utilise natural resources, environment and biodiversity in a balanced and sustainable manner, in accordance with the procedures as provided by law».

support the conservation and protection of the environment, natural resources, biodiversity, and cultural heritage».

Chapter V in its Section 57 states the “Duties of the State” symmetrically to Section 43 in reference to culture, environment and natural resources⁶⁴. Also, the following Section 58 still regulating the protection of the environment is to a certain extent ascribable to the principles of the SEP, because it provides that the State shall analyse and carefully evaluate any plan that may adversely affect “the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment”⁶⁵.

Chapter VI on the “Directive Principles of State Policies” contains norms deeply entrenched with the Philosophy.

Section 65 stressed that national strategies should align to the objective of sustainable development, while Section 72 concerning natural resources states that the State should «plan the country’s land use to be appropriate to the area conditions and potential of the land in accordance with the principles of sustainable development» (paragraph 1); «to provide measures for distribution of landholding in order to thoroughly and fairly allow people to have land for making a living» (paragraph 3); «to provide quality water resources which are sufficient for consumption by the people, including for agriculture, [...]» (paragraph 4).

The subsequent Sections as well can be linked to the Philosophy. Apart from Section 75 that as above referred expressively cites it, Section 73 is dedicated to guarantee farmers fair and efficient conditions to practice agriculture.

⁶⁴ Section 57 states that the State shall «conserve, revive and promote local wisdom, arts, culture, traditions and good customs at both local and national levels, and provide a public area for the relevant activities including promoting and supporting the people, community and a local administrative organisation to exercise the rights and to participate in the undertaking»; and «conserve, protect, maintain, restore, manage and use or arrange for utilisation of natural resources, environment and biodiversity in a balanced and sustainable manner, provided that the relevant local people and local community shall be allowed to participate in and obtain the benefit from such undertaking as provided by law».

⁶⁵ Moreover, the provision continues by establishing that in the case of granting of permission, other than providing remedies, the State «shall take precautions to minimise the impact on people, community, environment, and biodiversity».

Finally, there are several mentions to the concept of “happiness”⁶⁶. Although this notion is not one of the pillars of the Philosophy, it is nonetheless a component of the mentioned alternative paradigm that sees religion intertwined with agriculture and economy, and that is expressed for example by aligned theories such as the Bhutanese Gross National Happiness Philosophy and the Buddhist Economy.

Moreover, to conclude this analysis it is worth to report that at the seminar a first court case referring to the Sufficiency Economy Philosophy was mentioned. Despite this precedent presumably concerns an industrial estate project and the author of this paper could not retrieve more specific information, nonetheless it might suggest that one of the possible consequences of including agroecology into a trans-legal overarching framework would be to open the way to the opportunity of enforce it before a court.

In the light of these considerations and in particular of the legal component of the SEP, the next paragraph will focus on agroecology and law.

5. Agroecology and Law, and Possible Ways Forwards Drawn from the Sufficiency Economy Philosophy

In the Second Symposium, the FAO Director-General spoke about the integration of agroecology in legal frameworks as one of the fundamental components in the transitions towards sustainable models, and urged governments to imitate the example of the thirty governments that at the time had already proceeded in that way⁶⁷. Taking as a point of reference the FAO “AgroecologyLex”, which offers an updated overview of national legislations and policies adopted until now all over the world, and starting from the most recent ones, there can be found: regulations of institutional bodies charged to implement national plans based on agroecology; strategies to cope with the

⁶⁶ At the beginning, in the “General Provisions” of Chapter I, Section 3 states the duty to obey the constitution and, specifically, that «the National Assembly, the Council of Ministers, Courts, Independent Organs and State agencies shall perform duties in accordance with the Constitutions, laws and the rule of law for the common good of the nation and the happiness of the public at large». In Chapter VIII on the “Council of Ministers,” Section 164 paragraph 4 provides that the Council of Ministers shall «encourage all sectors of society to co-exist with fairness, happiness, unity and solidarity». Section 257, paragraph 3 in Chapter XVI lists among the objectives of National reform that «the people are happy, have good quality of life, and participate in development of the country and democratic regime of government with the King as Head of State».

⁶⁷ FAO, *Second Symposium*, cit., p. 3.

effects of climate change; laws on production, processing, commercialisation, and certification of organic products; incentives programmes to produce and commercialise Non-Conventional Food Plants; laws establishing policies to promote urban and peri-urban agriculture; national environmental plans based on sustainable development; several laws, policies and guidelines favouring agroecology and organic production; orders concerning the valorisation and development of *Raphia* palms and bamboo; regulations on certification criteria of agrotourism activities, and so on⁶⁸.

Besides noticing that the adoption of these instruments is geographically concentrated in Latin America, some other features can be inferred. This list exposes a minimal part of the laws and policies contained in the FAO “AgroecologyLex”; however, it is sufficient to catch the extreme diversity of topics and approaches following under the umbrella of agroecological principles.

It can be observed that the large part of these samples regulates or promotes specific aspects. The reason is that there is not an agroecology product *per se*, therefore generally the focus is on narrower approaches. Like in Thailand, another consequence of the difficulty to identify the holistic concept of agroecology is that this is often associated to the better clarified organic farming, hence it is common to find agroecological approaches translated into organic agriculture-related laws.

Along with the adoption of these regulations, law scholars have produced the first conceptualisations on how to bridge the gap between agroecology and the legal system. First of all, this effort should be based on a two-way reasoning. On one side, the agri-food system has to be analysed considering normative and institutional factors and, therefore, articulated in rights, duties, entitlements, accountabilities, procedural aspects. On the other, law should overcome its internal sectoral divisions, and strategies have to be elaborated to make easier the communication among issues closely related.

According to Egon Noe and Hugo Alrøe, the autopoietic character of agroecosystems determines two main challenges to the regulation of the agro-food system. The first risk is that it is not always possible to predict the outcomes of new rules; in fact, these may produce unintended results with negative impacts on agroecosystems. Secondly, often the attempt to regulate one element can

⁶⁸ This narrow list takes into consideration legal and policy instruments adopted in 2019-2018. See: <http://www.fao.org/agroecology/policies-legislations/en/>. Accessed on: 30/11/19.

determine consequences affecting other components. These logics normally lead to a vicious circle characterised by an increasing amount of laws to address side effects, which in turn create other unwanted or unexpected results⁶⁹.

In this paper it is argued that to address these shortcomings it is essential to broaden the consideration of specific aspects to a more general base constituted by a trans-legal overarching framework. As it has been touched upon during the Second FAO Symposium, a systematic agroecological transition can take place only through a structural transformation of the global food system, and therefore a radical change of the mainstream economic and organisational paradigm. In this occasion, it was stressed that agroecology cannot be scaled up by simply “painting green” the current economic model, because this solution is inconsistent with the principles guiding agroecology⁷⁰.

From a legal perspective, this idea is in line with the theory of Egon Noe and Hugo Alrøe, according to whom agroecology should be conceived as a second-order polyocular point of observation of the sectoral disciplines such as, for example, biology, economics, sociology. The authors claim that these first-order fields are blind to the each other views, inconsistencies and possible synergies, therefore only a second-order platform can understand the agroecosystem as such in its entirety.

The case of Thailand and the SEP represents an instructive laboratory for reflections and a possible lesson to apply also in other contexts.

The SEP inclusive of its integration in the Constitution is here conceived as a trans-legal overarching regime, whose legal and social impacts are producing a slow multi-level and multi-sectoral conceptual shift towards more sustainable paradigms.

On a legal and policy level, there is evidence that during the last years a gradual shift has taken place. For example, as above explained the Thai foreign policy is now built around the SEP and the publication in English of booklets on it in relation to the SDGs is an explicit manifestation to bring the Philosophy from domestic legitimacy to international recognition. Moreover, from the Ninth National Economic and Social Development Plan to the current one (Twelfth Plan, 2017-2021), the principles of the SEP have continued to influence the

⁶⁹ E. B. NOE - H. ALRØE, cit., pp. 32-34.

⁷⁰ FAO, *Second Symposium*, cit., p. 41.

development strategy⁷¹. Legislation based on the SEP principles has increasingly been adopted in varied fields, ranging from the industrial and financial sectors to the health care system and education. Being a common platform encompassing different sectors is a fundamental advantage of the SEP because it produces a uniform transformation overcoming inconsistencies. Moreover, even it was not possible to conduct an in-depth analysis, its inclusion in the legal infrastructure might raise the possibility to invoke it before a court.

Another strength conferring to the Philosophy a social transformative potential is to descend to the King and be embedded in Thai cultural values associated to Buddhist ethical principles of moderation and non-greed. This means that people will be more willing to adhere to laws based on the SEP, because they feel them close to their values and day-to-day life.

Moreover, this model of framework would allow to adapt the general agroecological principles to context specific situations, without encountering the above-mentioned limitations of regulations harnessing in a fix predetermined manner natural unpredictable phenomenon.

The case of Thailand is also useful to show that this kind of universal regimes can meet strong limits due to the co-existence along large multi-national corporations, because they are exposed to a high risk of co-optation and lack of efficacy.

Applying these considerations to agroecology, this paper aims to suggest that other than focusing on narrow aspects and approaches, the integration of agroecological principles into a trans-legal overarching framework can represent an important facilitating component in a structural change towards more sustainable paradigms. Pursuing this route implies not only a further methodological approach to scale up agroecology; it means also to confront with the underlying economic interests and power imbalances hampering it; to ground the agroecological transition on underpinning shared cultural values felt by people, therefore associate it with more legitimacy; it would contribute to align policies inconsistencies, particularly evident in the Thai context, and to coordinate the inter-legalities among the various specialised legal fields.

⁷¹ Office of the National Economic and Social Development Board, Office of the Prime Minister, *The Twelfth National Economic and Social Development Plan (2017-2021)*, Bangkok, Thailand. Available at: <http://extwprlegs1.fao.org/docs/pdf/tha169876.pdf>. Accessed on: 01/12/2019.

6. Conclusions

In the search for possible legal foundations to institutionalise agroecology, the present paper started from an overview of the evolution of the global political debate stemming from FAO during the last years for then focus on the case of Thailand. This country was chosen due to its long-standing tradition of grassroot movements based on agroecology, the central regional role concerning recent initiatives related to it, and the deep link between Buddhism and agroecological approaches conferring them the legitimacy necessary to co-exist in parallel with large-scale agribusiness. In particular, the Sufficiency Economy Philosophy has been taken into consideration because of its striking similarities with agroecology principles, and given that the Philosophy has been enshrined in the Thai Constitution, this work has presented it as a possible way forward to translate agroecological approaches in legal terms. It has been argued that the integration of agroecology into an overarching trans-legal framework like in the example of the SEP would present several advantages. Among them, it would promote a slow underlying structural transformation of the mainstream economic and organisational system towards a more sustainable paradigm; being grounded on cultural values already interiorised by people, it would have strong legitimacy; it would contribute to align policies inconsistencies, particularly evident in the Thai context, and to coordinate the inter-legalities among the various specialised legal fields.

ABSTRACT

Erica Leni - *What Legal Foundations for Agroecology? Exploring Insights from the Thai Sufficiency Economy Philosophy*

This paper aims to answer to the following question: drawing from the case of the Thai Sufficiency Economy Philosophy (SEP), to what extent the integration of agroecological principles into a trans-legal overarching framework can facilitate the transition from industrial agriculture towards a more sustainable agricultural paradigm. In particular, after an overview on agroecology and its evolution in the international arena from the FAO perspective, it focuses on the case of Thailand, where besides the presence of the largest regional agri-food multinational corporations, agroecology has historically played a significant part in the agricultural movement. The paper then explores the Sufficiency Economy Philosophy, an alternative development concept attributed to His Majesty the late King Bhumibol Adulyadej and incorporated in the legal system, informed by Buddhist principles and deeply intertwined with the Thai culture, especially in rural areas. The analysis shows that the SEP presents several striking similarities with agroecology, and these are even more apparent in relation to the New Theory, the Philosophy's application to the agricultural sector. Moreover, it scrutinises the legal dimension of the SEP, in particular its references in the Constitution. On this evidence, it is argued that a trans-legal overarching framework can represent a remarkable facilitating component in the transition towards an agroecological paradigm, because - although requiring a long-term period to produce structural changes - it would promote an underlying conceptual shift from the mainstream economic and organisational paradigm towards a more sustainable one; whether grounded on cultural values already interiorised by people, it would have stronger legitimacy; it would contribute to align policies inconsistencies, particularly evident in the Thai context, and to coordinate the inter-legalities among the various specialised legal fields.

KEYWORDS: *agroecology; sustainable agriculture; law; Thailand; Sufficiency Economy Philosophy.*

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What Legal Foundations for Agroecology? Exploring Insights from the Thai Sufficiency Economy Philosophy

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1. *Introduction*

During the last years, agroecology has gained a significant attention as a valid alternative to the predominant large-scale intensive model of agriculture, which has increasingly shown its inadequacy to cope with global challenges such as hunger again on the rise, stark poverty and inequalities, climate change, and environmental degradation.

The concept of agroecology is complex. It can be interpreted as “a scientific discipline, set of practices and social movement”,¹ whose strength – and also weakness – is to be based on an integrative, interdisciplinary and context specific approach, therefore without a predetermined well-defined content and a unique definition. The agroecological transition can start from undetermined conditions of departure, follows various pathways, and there are no *a priori* appropriate agricultural models. If, on one side, these features allow to better harmonise agriculture with the spatio-temporal specificities of nature and people, to combine different knowledges, and to serve as an umbrella for various sustainable agriculture approaches, on the other, agroecology can appear as a vague notion, and it is exposed to a high risk of co-optation from the agribusiness industry. In this regard, even if also in FAO there is an uneven understanding of agroecology, this is generally defined as:

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¹ A. WEZEL - S. BELLON - T. DORÉ - C. A. FRANCIS - D. VALLOD - C. DAVID, *Agroecology as a science, a movement and a practice. A review*, in *Agronomy for Sustainable Development*, 29, 2009, pp. 503-515.

«[...] based on applying ecological concepts and principles to optimize interactions between plants, animals, humans and the environment while talking into consideration the social aspects that need to be addressed for a sustainable and fair food system»².

Besides, ten key elements represent the common underpinning of this definition:

«diversity, co-creation and sharing of knowledge, synergies, efficiency, recycling, resilience, human and social values, culture and food traditions, responsible governance, and circular and solidarity economy»³.

Other than being increasingly used as a tool of contestation by rural communities and advocated by civil society and social movements⁴, agroecology has also rapidly been integrated into the United Nations Food and Agriculture Organisation (FAO) work stream. While the average time for any new topic to enter in the organisation's agenda is of 10-15 years, since the 2014 *Symposium on Agroecology for Food Security and Nutrition*, it has become a relevant area⁵.

Contextually to the social and institutional dimensions, agroecology has been taken into consideration in an expanding number of disciplines, particularly in agronomy, ecology, political science, economics, sociology, history, and ethics⁶. Law scholars are also considering how to develop legal infrastructures to regulate and support the agroecological transition.

The first conceptualisations of the agroecological paradigm in legal terms have advanced various approaches: among others, the creation of a second-order polyocular platform as point of observation of the sectoral disciplines⁷; the

² <http://www.fao.org/agroecology/home/en/>.

³ FAO, *The 10 elements of agroecology. Guiding the transition to sustainable food and agricultural systems*, available at: <http://www.fao.org/3/I9037EN/i9037en.pdf>. Accessed on 20/11/19.

⁴ P. M. ROSSET - M. E. MARTÍNEZ-TORRES, *Rural social movements and agroecology: context, theory, and process*, in *Ecology and Society*, 17(3): 17, 2012.

⁵ J. BRUIL - C. ANDERSON - A. BERNHART - M. PIMBERT, *Strengthening FAO's commitment to agroecology*, The Centre for Agroecology, Water and Resilience, February 2019.

⁶ G. STEIER, *Small Farmers Cool the Planet – The Case for Rights-Based International Agroecological Law*, in *Groningen Journal of International Law*, vol 4(2): International Food Regulations: Challenges and Perspectives, 2016, pp. 3-4.

⁷ E. B. NOE - H. F. ALRØE, *Regulation of Agroecosystems: A Social System Analysis of Agroecology and Law*, pp. 31-45, in M. MONTEDURO - P. BUONGIORNO - S. DI BENEDETTO - A. ISONI, *Law and Agroecology. A Transdisciplinary Dialogue*, Springer-Verlag, Berlin Heidelberg, Germany, 2015.

development of legal pluralistic perspectives to study agroecosystems⁸; the utilisation of Rural Development Programmes as strategic means to link law with agroecology⁹. Agroecological principles have been included in domestic laws regulating or promoting specific aspects - seeds, pesticides, peasant rights, women farmers empowerment -, as well as in more general frameworks. The Sufficiency Economy Philosophy (SEP) from Thailand presents several striking similarities with agroecology principles and it is an overarching concept embracing multi-level sectors of the Thai economy and everyday life of people. Accordingly, the paper investigates the features connecting the SEP to agroecology, how the Philosophy has been enshrined into law, what legal and social effects this inclusion has produced, and what are the lessons learnt that can be generalised.

In this regard, the present work is built on some of the aspects discussed at the seminar “Exploring Synergies with FAO’s new Scaling-up Agroecology Initiative and Thailand’s Sufficiency Economy Philosophy for Agri-food System Sustainability to Achieve SDGs in ASEAN” held at Chulalongkorn University in Bangkok¹⁰. Although on the occasion the legal aspects were only mentioned, the presentations on agroecology, the SEP, their correlations, and the issues affecting Thai small farmers provide a solid basis for the further elaboration contained in this paper. Moreover, the adopted perspective reflects that of the conference, thus it is in large part grounded on the work of FAO at the global and regional level. This approach has been followed also because the organisation has played a crucial role as a facilitator in the worldwide debate on agroecology, being able to converge the social, agronomic and political spheres into a unique political process.

The overall aim is to attempt to bridge the gap between the two fields of agroecology and law, by examining - inferred from the Thai case - to what extent the integration of agroecological principles into a trans-legal overarching

⁸ O. HOSPES, *Addressing Law and Agroecosystems, Sovereignty and Sustainability from a Legal Pluralistic Perspective*, in M. MONTEDURO - P. BUONGIORNO - S. DI BENEDETTO - A. ISONI, cit., pp. 47-56.

⁹ G. BUIA - M. ANTONUCCI, *The Rural Development Programme (RDP) as a Strategic Tool for Linking Legal and Agroecological Perspectives*, in M. MONTEDURO - P. BUONGIORNO - S. DI BENEDETTO - A. ISONI, cit., pp. 151-182.

¹⁰ The seminar took place on Friday 22 February 2019. Further information available at: <https://al-sea.org/public-seminar-on-exploring-synergies-with-faos-new-scaling-up-agroecology-initiative-and-thailands-sufficiency-economy-philosophy-sep-for-agri-food-system-sustainability-to-achi/>.

framework can facilitate the transition from industrial agriculture towards a more sustainable paradigm. To this end, the paper is structured in five parts. After this introduction, the second chapter outlines agroecology and retraces the main steps of its evolution from the perspective of FAO. The third chapter focuses on the context and features of agroecology in Thailand. The fourth chapter describes the Thai Sufficiency Economy Philosophy, its agricultural application - the New Theory -, the links with agroecology, and its legal dimension. The fifth chapter provides an overview on the type of already existing legislation, looking into the section “AgroecologyLex” within the FAO website “Agroecology Knowledge Hub”, and it examines how the features of the SEP can be generalised as an example of possible comprehensive regime in the dialogue between agroecology and law. In the last chapter, conclusive remarks summarise the main findings and the argument put forward.

2. Agroecology and Its FAO-led Evolution in the International Arena

Although since the first mentions in scientific publications dating back to 1928 and 1930 agroecology has been object of several studies¹¹, in recent times it is witnessing an unprecedented attention as a possible way forward to cope with some of the greatest world challenges.

As a science, it looks at how ecosystems interact with a set of human activities. As a social movement, it fights for social justice and environmental issues, like small farmers' rights, food sovereignty, protection of natural resources, and climate change. As an umbrella for different practices, it includes several alternative agricultural approaches, that, although differing from each other, are characterised by the FAO ten components. Those generally considered as falling under agroecology are organic agriculture, biodynamic agriculture, integrated farming, regenerative farming, conservative agriculture, natural agriculture, and system of rice intensification. It should be stressed that, overall, the difficulty to identify agroecology and the recent rediscover of this concept have not facilitated the clarification of the field, which is still surrounded by confusion and overlapping among the different labels.

¹¹ A. WEZEL - V. SOLDAT, *A quantitative and qualitative historical analysis of the scientific discipline agroecology*, in *International Journal of Agricultural Sustainability*, 7(1): 3-18, 2009.

The term agroecology is frequently utilised to refer to sustainable agriculture and organic farming, and vice-versa. Sometimes, it is understood as a subset of sustainable agriculture, which in these circumstances becomes as well a broad umbrella covering all those approaches prioritising a balance among social, economic and environmental considerations. Yet, the same definition of sustainable agriculture is still controversial, including among law scholars¹².

In this regard, also conventional agriculture has started to adopt ecological elements moving towards paradigms of sustainable or ecological intensification¹³. However, this process is often only part of widespread attempts from the large agribusiness companies to co-opt the concept of agroecology to take advantage from the increased popularity and market demand of sustainable products.

Besides, organic agriculture is the most well-known agroecological approach, and it is often used to mean agroecology possibly because it is defined by a clear set of practices, procedures and certification standards. Organic agriculture has detailed regulations and strict thresholds concerning chemical fertilisers and pesticides, processing additives, and it does not allow genetically modified products. Both agroecology and organic farming have similar goals and are based on a system approach; however, they are acknowledged in a different way from stakeholders. Nowadays, in contrast to organic farming, agroecology is not market-driven, and there are no labels or certifications to identify its products, no universal definition and rigorous restrictions concerning for example the origin and amount of inputs¹⁴. To understand these differences from the perspectives of their definitory principles, cropping practices, animal production and approach to food systems, it can be helpful to bring an insight from Europe, where organic agriculture is regulated by a detailed normative framework, made

¹² There is a growing literature on the sustainable agricultural paradigm in relation to different subjects. For example, in Italy, about the debate on wine and farming without soil, see: E. CRISTIANI, *Dal vino biologico al vino sostenibile?*, in *Diritto Agroalimentare*, 3, 2019, pp. 411-433; G. STRAMBI, *L'innovazione nel settore agricolo europeo. Le colture "fuori terra" come altro modo sostenibile di fare agricoltura?*, in *Rivista di Diritto Agrario*, 3, Luglio-Settembre 2016, pp. 380-394.

¹³ A. WEZEL - G. SOBOKSA - S. MCCLELLAND - F. DELESPESE - A. BOISSAU, "The blurred boundaries of ecological, sustainable, and agroecological intensification. A review", in *Agron Sustain Dev* 35(4), 2015, pp. 1283-1295.

¹⁴ P. MIGLIORINI - A. WEZEL, *Converging and diverging principles and practices of organic agriculture regulations and agroecology. A review*, in *Agronomy for Sustainable Development*, 37, 63, 2017, pp. 2-3.

up by EU organic agriculture legislation and International Federation of Organic Agricultural Movement (IFOAM) provisions, and to compare it with the more general agroecology scientific scholarship. From this exam and looking at the underpinning principles, it emerges that the EU organic regulations concentrate on the design and management of biological processes based on ecological systems, and the limitations on external chemical inputs; IFOAM endorses broad and exhaustive principles, inclusive of a systemic and holistic conception of sustainability; agroecology, as exposed above, is understood as a set of principles for the ecological management of agri-food systems, with a particular attention towards socio-economic dimensions¹⁵. Concerning the farming practices, it can be noticed a certain degree of homogeneity between those considered by EU organic regulations, IFOAM and agroecology, revolving around: soil tillage, soil fertility and fertilisation, crop rotation, crop choice, along with disease, pest and weed management. However, it is also proven that the origin and amounts of products employed for soil fertilisation and disease, pest and weed management differ one from each other. Besides, other practices characterise only one of the three sources¹⁶. Moreover, on the level of animal production there are only few common practices, and in particular integration of cropping with animal system and breed choice¹⁷. Finally, in respect to food systems, organic farming is more focused on technical elements, like animal processing, while in agroecology a great emphasis is put on its overarching transformative potential¹⁸.

FAO has played a pivotal role in the promotion of the Green Revolution, and its dominant work is still based on an industrial paradigm¹⁹. However, following the consolidation of agroecology at a grassroots level along with a generalised call for an institutional acknowledgement of this reality, and the existence of a conspicuous number of laws, policies and programmes on the topic, in September 2014 the agency convened the *International Symposium on Agroecology for Food Security and Nutrition*²⁰. This was the first time that FAO addressed officially and directly agroecology and since then it has been added as

¹⁵ *Ibid.*, pp. 4-6.

¹⁶ *Ibid.*, pp. 6-7.

¹⁷ *Ibid.*, pp. 8-12.

¹⁸ *Ibid.*, p. 13-15.

¹⁹ J. BRUIL - C. ANDERSON - A. BERNHART - M. PIMBERT, cit., p. 3.

²⁰ FAO, *Agroecology for food security and nutrition: Proceedings of the FAO International Symposium*, 18 and 19 September 2014, Rome, Italy. Available at: <http://www.fao.org/3/a-i4327e.pdf>. Accessed on 20/11/19.

a new sector on the organisation's agenda. On this occasion, about four hundred participants from sixty-one different countries shared knowledge and collected scientific evidence, as well as identified priorities and possible strategies for fostering agroecology. The Director-General of the organisation, José Graziano da Silva, declared that the event «opened an alternative window within the FAO Headquarters, the 'Cathedral of the Green Revolution'»²¹.

Successively, a four-year process of global political dialogue deepened the advantages of agroecological approaches and, during those years, the organisation coordinated seven regional multi-stakeholder meetings, which together with the First Symposium led to the identification of a number of main benefits: the strengthening of small farmers ability to cope with climate change; the enhancement of food security and nutrition, especially due to more diversified and healthy diets; the protection and implementation of biodiversity to sustain agroecosystem services; the amelioration of rural livelihoods; the realisation of a systemic transformation redirecting agriculture towards more sustainable paradigms²². In broad terms, there was a common agreement that the advantages are not limited of the farm or agricultural sector *per se*, but encompass the global food system, and have positive economic, social and environmental externalities.

In April 2018, the *Second FAO International Symposium on Agroecology: "Scaling up Agroecology to achieve the Sustainable Development Goals"* took place, gathering seven hundred sixty-eight representatives from seventy-two countries, three hundred-fifty non-state actors, and six UN agencies, and it was organised with the aim to discuss how to translate dialogue into action²³.

Among the rich contributions, there was a general emphasise, in the first place, on the agency and empowerment of food producers and, secondly, the need for a legal and policy framework enabling transformative change, in order to respect, protect and fulfil farmers rights, and guarantee their access to productive resources such as land, water and seeds.²⁴ The second aspect was highlighted by different convenors. The FAO Director-General argued that to scale up

²¹ *Ibid.*, Opening Plenary Session, p. 12.

²² FAO, *Second International Symposium on Agroecology*, 3-5 April 2018, Rome, Italy, p. xiii. Available at: <http://www.fao.org/about/meetings/second-international-agroecology-symposium/about-the-symposium/en/>. Last access: 20.11.19.

²³ *Ibid.*, p. ix.

²⁴ See also: J. BRUIL, C. ANDERSON, A. BERNHART and M. PIMBERT, cit., pp. 7-8.

agroecology one of the three fundamental aspects to address is to integrate it in domestic legal and regulatory frameworks. He explained that thirty governments have already proceeded in this way, however, to realise a global shift of conceptual thinking more work had still to be done²⁵. In the same vein, FAO was urged to implement normative activities to develop instruments for the measurement of the performance on the three dimensions of sustainability considering the five principles for sustainable agriculture and food established by FAO²⁶. Referring to her region, another participant argued that a regulatory and provisional regime was one of the main priorities to scale up agroecology and to shift to an alternative economic paradigm²⁷.

At the event, the Scaling Up Agroecology Initiative was launched with the intent of facilitate national agroecology transitions and develop cooperation between countries, and articulated around three main aspects: production and co-creation of knowledge, capacity-building and training activities; advice to countries in the formulation of regulatory frameworks and plans; and support of networks²⁸.

Along with the involvement of domestic governments and civil society, since July 2018 FAO extended the collaboration to the Initiative also to other UN departments, and in particular those working on the implementation on the Convention on Climate Change (UNCCC), biodiversity (CBD), and desertification (UNCCD)²⁹.

Above all, this process has been endorsed by a strong political mandate, because in October 2018, the Committee on Agriculture (COAG) formally welcomed the Scaling Up Initiative, acknowledged the agroecology 10 Elements, and urged FAO to predispose action plans with partners³⁰.

3. Agroecology in Thailand

²⁵ FAO, *Second Symposium*, cit., p. 3.

²⁶ François Pythoud, Ambassador, Permanent Representative of Switzerland to FAO, IFAD and WFP, *Ibid.*, p. 8.

²⁷ Isabel Andreoni, Director of Montevideo Rural, *Ibid.*, p. 28.

²⁸ Joint Presentation by FAO and UN partners of the Scaling-up Agroecology Initiative, *Ibid.*, pp. 144-184, 306-330.

²⁹ J. BRUIL - C. ANDERSON - A. BERNHART - M. PIMBERT, cit., p. 8.

³⁰ *Ibid.*, p. 12.

On the premise that the effectiveness of scaling up agroecology depends on its contextualisation in regional and local realities, one of the FAO multi-stakeholder consultations held between 2015 and 2017 was organised in Bangkok³¹.

In large part of Asia, the Green Revolution implemented by small farmers was particularly intense. Over the first period, the introduction of commercial crops, monoculture, external inputs and technologies allowed many rural communities to shift from the uncertainty of subsistence agriculture to a generalised increase of productivity and better living conditions. However, at the FAO meeting it was noted how these major transformations were accompanied also by severe challenges: in particular, pressure on natural resources and debts incurred to buy chemicals from large-scale agribusiness worsened many rural household livelihoods increasing their food insecurity and producing rural-urban migration.³² These aspects, coupled with a deterioration of farmers health due to pesticides use, environmental degradation, and the necessity to cope with climate change led to the development of alternative rural networks advocating for more sustainable practices. In this regard, even though the concept of agroecology has been rarely employed – more common has been the use of the term “ecological intensification”³³-, it is possible to track an abundance of single cases, programs, organisations and networks guided by agroecological principles, pursuing disparate goals ranging from those of reducing hunger and malnutrition to increase self-sufficiency and address adverse climatic conditions³⁴.

Thailand is an emblematic example of this pattern. The country has been known as “the golden cradle” of agriculture for its abundance of natural resources, the ongoing important contribution of the sector in the national

³¹ FAO, *Report on the Multi-Stakeholder Consultation in Agroecology in Asia and the Pacific*, 24-26 November 2015, Bangkok, Thailand.

³² *Ibid.*, p. 7. G. B. THAPA - P. K. VISWANATHAN - J. K. ROURAY - M. M. AHMAD, *Asian Agriculture in Transition: Trajectories and Challenges*, Asian Institute of Technology, Bangkok, Thailand, 2010, p. 1-3.

³³ FAO, *Report on the Multi-Stakeholder Consultation in Agroecology in Asia and the Pacific*, *Ibid.*, p. 8.

³⁴ FAO Regional Office for Asia and the Pacific, Events, Multi-Stakeholder Consultation on Agroecology for Asia and the Pacific, 24-26.11.2015, Bangkok, Thailand. Available at: <http://www.fao.org/asiapacific/events/detail-events/en/c/1262/>. Last access: 22.11.19. J. C. CASTELLA - J. F. KIBLER, *Actors and Networks of Agroecology in the Greater Mekong Subregion*, Technical Notes, AFD, Paris, 2015. Available at: <http://agritrop.cirad.fr/577743/1/06-notes-techniques.pdf>. Accessed on: 25/11/19.

economy despite the rapid industrialisation, the high rate of people employed in it, and the historical primate in rice, rubber, black tiger prawns export³⁵. Nowadays, rice fields and green hills define the northern landscape, while wealth of tropical fruits and vegetables the south region³⁶. Over the last decade, the country consolidated its position as a major exporter of rice, rubber, and also tropical fruits, corn, and cassava, for a profit corresponding to an average of 40% of the national GDP³⁷. Some of the largest regional agri-food multinational corporations have coexisted with a long-standing tradition of grassroots movements, in which alternative development models based on agroecology have been a significant component.

Thailand was the first of the Mekong countries to promote agroecological approaches with the development in the early 1970s of the Alternative Agricultural Network³⁸. Studies have proven that during the years some of the initiatives carried out from these counter-movements have achieved important results. Among them, there are, for examples, communities following Buddhist economy principles, and practicing local currencies and non-monetary exchanges³⁹. The 1997 Asian financial crisis exacerbated this polarisation, and opened a space for rethinking policy regimes also in consideration of the social and environmental functions of agriculture⁴⁰. Moreover, only after the 2000s as a consequence of the intervention of local and international non-governmental organisations, the various sustainable approaches finally fully translated into the “modern agroecology”, especially because they combined traditional wisdom with scientific knowledge, and some of them also controversial “climate smart” techniques⁴¹.

³⁵ L. FALVEY, *Thai Agriculture -Golden Cradle of Millennia*, Kasetsart University Press, Bangkok, Thailand, 2000, p. 19.

³⁶ TheThailandLife, *The Truth About Pesticides in Thailand's Food Chain*, 11 April, 2018.

³⁷ *Ibid.*

³⁸ P. FERRAND - S. LE JEUNE, *Agroecology Futures: Inspiring and innovating stories from the Agroecology Learning Alliance in South East Asia*, ALISEA & GRET, Vientiane, Lao PDR, 2018, p. 4.

³⁹ W. SCHAFFAR, *Alternative Development Concepts and Their Political Embedding: The Case of Sufficiency Economy in Thailand*, in *Forum for Development Studies*, 45:3, 387-413, p. 390. On Buddhist Economics: C. BROWN, *Buddhist Economics: An Enlightened Approach to the Dismal Science*, Bloomsbury Press, 2017.

⁴⁰ *Ibid.*, p. 34.

⁴¹ J. C. CASTELLA - J. F. KIBLER, *Towards an agroecological transition in Southeast Asia: Cultivating diversity and developing synergies*, GRET, Vientiane, Lao PDR, 2015, p. 16.

Nowadays, two of the most well-known organisations are ALISEA and Towards Organic Asia, therefore their work represents a valid indicator to draw a map and define the boundaries of existing agroecological initiatives.

ALISEA – Agro-ecological Learning alliance in South East Asia - is a platform covering Cambodia, Laos, Myanmar, Vietnam, and Thailand⁴². The initiative has three main goals: support the exchange of knowledge and experiences among civil society, governments, academia, and in particular farmers; collect evidence to persuade people about the benefits of an agroecological transition; and scale up agroecology on the field. Its website contains a large body of knowledge, including an online library and a section dedicated to news and events. From the information provided by the Alliance, it is possible to infer that the main agroecological approaches practiced in the Region are agroforestry, conservative agriculture, integrated pest management and integrated cropping management, integrated farming, organic agriculture, and system of rice intensification.

Towards Organic Asia is a network managed by the School of Wellbeing Studies and Research based in Bangkok⁴³. Its mission is to consolidate the collaboration among different stakeholders and to build a shared idea of agroecology and mindful markets. This last concept refers to a process of mutual learning between producers and consumers mediated by social enterprises with the objective to raise awareness about hidden social-environmental shortcomings of the current food system and progressively address them towards a sustainable paradigm⁴⁴. The organisation was set up following the input of the renowned environmental activist Vandana Shiva, and it is influenced by the Bhutane's "100 percent Organic Country" policy⁴⁵ and Gross National Happiness Philosophy⁴⁶.

⁴² ALISEA is coordinated and supported by the organisation GRET, *Professionnels du développement solidaire* (<https://www.gret.org>). It is a component of the broader program Towards an Agroecological Transition in the Mekong Region (ACTAE), funded by the French Agency for Development (AFD) and coordinated by CIRAD, which is also charged of the part of the program concerning the Conservation Agriculture Network in South East Asia – CANSEA (<http://cansea.org.vn>).

⁴³ Towards Organic Asia. Available at: <https://towardsorganicasia.th.wordpress.com>. Accessed on: 25/11/19.

⁴⁴ W. VAN WILLENSWAARD, *Mindful Markets: Producer-Consumer Partnerships towards a New Economy*, Garden of Fruition publishers, 2015.

⁴⁵ J. CONFINO, *Bhutan could be world's first wholly organic nation within a decade*, The Guardian, 12 May 2014.

⁴⁶ More information available at Gross National Happiness (GNH) website: <http://www.gnhcnetrebhutan.org/what-is-gnh/>. Accessed on: 25/11/19. T. DORJI, *Gross National Happiness. Bhutan's Goal of Development*, Green Verlag, 2018.

This picture shows that in the Mekong Region the agroecological transition lies on the strength of grassroot networks, which fill the gap caused by a lack of a regional normative framework. Their members contribute to give visibility and share domestic laws, soft law regulatory mechanisms, plans, programmes. For example, it can be noticed, especially in Thailand, that the most accomplished solution is organic farming, and, as exposed above, this is seemingly due to the fact that it is embedded in clear rules, which represent a guarantee for both producers and consumers. However, often this approach can be too expensive and thus increase the marginalisation of already vulnerable farmers. As a consequence, alternative options emerged, such as Good Agriculture Practices (GAP), clean vegetables, green products certification, Participatory Guarantee Systems (PSE) and Payment for Environmental Services (PES) respectively rewarding farmers for the quality of their products and the protection of ecosystems⁴⁷.

One of the arduous obstacles slowing the full achievement of these agroecological approaches, which goes along with the co-existence of agribusiness and small farming, consists in policy contradictions. This problem was also highlighted at the seminar “Exploring Synergies with FAO’s new Scaling-up Agroecology Initiative and Thailand’s Sufficiency Economy Philosophy”, in which cutting-edge rules on organic farming and applications of the Sufficiency Economy Philosophy were mentioned in opposition to policies allowing agrochemical dependency. A participant presented the booklet “Sufficiency Economy Philosophy: Thailand’s Path towards Sustainable Development Goals”⁴⁸, published in English in 2017 by the Ministry of Foreign Affairs with the intent to promote the SEP beyond national boundaries and build a foreign policy based on its principles. It was noted that in contrast to this approach, although in the collective imagination the country is associated to an abundance of healthy tropical food and while it is true that this is most of the time locally produced, recent studies revealed high levels of chemicals, also in organic products⁴⁹. For example, Ecological Alert and Recovery – Thailand (EARTH) and Thailand Pesticide Alert Network identified the presence of polybrominated

⁴⁷ J. C. CASTELLA - J. F. KIBLER, *Towards an agroecological transition in Southeast Asia: Cultivating diversity and developing synergies*, cit., p. 73.

⁴⁸ Available at: <http://www.mfa.go.th/dvifa/contents/files/articles-20170626-142701-203959.pdf>.

⁴⁹ A. TAWATSIN - U. THAVARA - P. SIRIYASATIEN, *Pesticides Used in Thailand and Toxic Effects to Human Health*, in *Medical Research Archives*, Issue 3, July 2015.

dibenzo-p-dioxins and furans (PBDD/Fs) contaminants thirty-three times higher than the European Union allowed threshold⁵⁰. BioThai along with several organisations has been actively advocating to persuade the Ministry of Public Health to adopt recommendations banning chemicals as paraquat, chlorpyrifos and glyphosate.⁵¹ One of the objectives of the paper is to examine a possible legal way to overcome these policies contradictions.

Finally, an aspect that cannot be overlooked when dealing with this topic is that often in Thailand the choice to adopt agroecological initiatives is tightly woven with Buddhist precepts. Every religion promotes sustainable paradigms because conceiving land, seed, water and food as sacred, they value agriculture as an act of care for the earth and eating food as a daily spiritual practice. Agriculture is conceived not only as a production of goods to sell in markets, but also as a sacred practice⁵². Ancient texts have much in common with agroecological principles like everything is interconnected; food is a part of the cycle of life; farmers respect the earth by caring for the soil, save and exchange seed, manage wisely water and feed neighbours suffering of hunger. However, these themes are particularly felt in Thailand, because being a Buddhist country, religion is present at every level of the society, especially in rural areas. This work is based on the idea that the deep link between Buddhism and agroecological movements confers them the legitimacy necessary to continue to thrive in parallel with large-scale agribusiness. In the next two paragraphs this relationship will be investigated from the perspective of the SEP.

4. Sufficiency Economy Philosophy, Its Links with Agroecology, and Integration into Law

In Thailand, one of the highest regarded faith-based expressions is the Sufficiency Economy Philosophy, an alternative development approach based on central principles of the Thai culture and elaborated by the late King Bhumibol Adulyadej after he extensively visited rural areas and witnessed the poor

⁵⁰ The Nation Thailand, *Study finds high pesticide levels in local food*, 2 December 2017.

⁵¹ BioThai, *Campaign to ban three hazardous chemicals in Thailand*, 9 September 2018. Available at: <https://www.biothai.org/node/1444>. Accessed on: 27/11/19.

⁵² T. LEVASSEUR, *Introduction – Religion, Agriculture and Sustainability*, in T. LEVASSEUR - P. PARAJULI - N. WIRZBA, *Religion and Sustainable Agriculture: World Spiritual Traditions and Food Ethics*, The University Press of Kentucky, 2016, p. 1.

condition of Thai farmers. Although since the 1950s the King set up several projects on sustainable agriculture and rural development already based on the principles of the philosophy, only in the 1970s he started to officially mention it in his speeches and lectures at universities⁵³, and after the late 1990s Asian economic crisis that he declared the following statement:

«Recently, so many projects have been implemented, so many factories have been built, that it was thought Thailand would become a little tiger, and then a big tiger. People were crazy about becoming a tiger... Being a tiger is not important. The important thing for us is to have a sufficient economy. A sufficient economy means to have enough to support ourselves»⁵⁴.

The theoretical framework of the philosophy is grounded on three pillars and two main conditions. The three components are:

- Moderation: sufficiency means act in adherence to a middle path, for instance, to produce or consume a moderate quantity of goods;
- Prudence: it consists in reasonably evaluate all circumstances and expected outcomes before to make a move;
- Self-immunity: it refers to being prepared to tackle with probable future consequences.

The two underlying conditions are knowledge of all the domains involved and morality, including virtues as intelligence, patience, perseverance and honesty⁵⁵.

The Chaipattana Foundation, a non-governmental organisation founded by the King to support Thai people, provides a detailed picture of the SEP⁵⁶. It illustrates that differently from the current market system driven by capital accumulation, the SEP consists in a first step establishing a solid economic base among rural communities, and only after, a second one in which the industrial sector can be expanded. Moreover, the King highlighted the importance for people to carefully consider their own limits, and thus to reduce their dependency

⁵³ The National Research Council Committee on Economic Branch, The Office of the National Research Council of Thailand, *The King's Sufficiency Economy and the Analyses of Meanings by Economists, Synthesized and compiled from discussions on "The King's Sufficiency Economy: Perspectives of Economists,"* July 2003, p. 1. Available at: http://www.thailaws.com/download/thailand/king_suff_economy.pdf. Accessed on: 27/11/19.

⁵⁴ Royal Speech at Dusit Palace, 4 December 1997, translated by UNDP, 2007.

⁵⁵ P. MONGSAWAD, *The Philosophy of The Sufficiency Economy: A Contribution to The Theory of Development*, in *Asia-Pacific Development Journal*, Vol. 17, No. 1, June 2010, pp. 127-129.

⁵⁶ <https://www.chaipat.or.th/eng/concepts-theories/sufficiency-economy-new-theory.html>.

on external factors. This does not mean that Thais cannot aim to more than a subsistent level; on the contrary, they can aspire to a comfortable life and from time to time also to indulge in some excess, but always acting with the SEP principles kept in mind⁵⁷.

The Royal Initiative has an overarching application to different spheres of Thai economics other than everyday life. Especially after the 1997 crisis, it can be found in the financial and industrial sectors, for instance concerning corporate and business sustainability, energy security, waste management, but also in education, human resource development, and health care system⁵⁸.

However, its primary application is to the agricultural sector with the approach called “The New Theory”. The King travelled all over the rural areas of the country, and to help farmers to cope with the exposed shortcomings of globalisation and Green Revolution, founded a system based on integrated agriculture, encompassing the principles of self-reliance, the restoration and conservation of soil fertility, sustainable water management, and based on three subsequent phases: farmland split into four parts, the constitution of farmers networks, and the engagement with banks or private companies to access to funds for investments and improve the standards of living⁵⁹.

The first step consists in dividing the farmland according to the logic of 30:30:30:10. This means that in the first 30% there should be a pond that during the rainy season stores water, while in the dry season supplies it to grow crops, plants and aquatic animals; the second 30% is devoted to paddy field for the family subsistence throughout the year; in the third 30% farmers cultivate fruits and vegetables, perennial trees, and the surplus can be sold; the remaining 10% is designated to the house, animal husbandry, roads and what else is needed.

Once this phase is consolidated, the second step focuses on building farmers associations, cooperatives to support farmers along all the process. Therefore, it concerns: the production, the preparation of the soil, dispose of seeds, water supply; the marketing, including space to store the product and

⁵⁷ *Ibid.*

⁵⁸ G. C. AVERY - H. BERGSTEINER, *Sufficiency Thinking: Thailand's gift to an unsustainable world*, Allen & Unwin, Crows Nest, Australia, 2016.

⁵⁹ *Applications of SEP as A Guiding Principle*, C. WIBULSWASDI - P. PIBOOLSRAVUT - K. POOTRAKOOL, *Sufficiency Economy Philosophy and Development*, Project to Support the “Sufficiency Economy” Drive in Educational Institutions and to Young People, The Crown Property Bureau, Bangkok, Thailand, 2012, pp. 22-23. Available at: <http://tica.thaigov.net/main/contents/files/business-20160904-174653-791776.pdf>. Accessed on: 27/11/19.

markets to sell it; the construction of networks and structures to guarantee the adequate quality of life, welfare and education, and spaces for individual, social, religious development. Finally, in the third phase farmers should connect with banks or private companies to invest and in general improve their conditions. This component will allow, for instance, to sell products to a better price, have the possibility to buy other goods and at a lower cost; at the same time, banks and private companies benefit because it can as well acquire rise from farmers at a good price, and also employ their employees in a large number of activities and on a broader area⁶⁰.

Based on this theoretical construct, the seminar “Exploring Synergies with FAO’s new Scaling-up Agroecology Initiative and Thailand’s Sufficiency Economy Philosophy” explored how expertise, institutions and various opportunities relating to the SEP can be transposed to the agroecology movement, also in order to achieve common objectives. In this respect, one of the opening statements of the conference was that in order to build up synergies to scale-up agroecology, the SEP, including the New Theory, is still a potential poorly explored platform.

A focal point was the extensive analysis of the strong similarities between the guiding principles underpinning the Philosophy and agroecology. To start with the comparison, it was noticed that the content of the above mentioned booklet “Sufficiency Economy Philosophy: Thailand’s Path towards Sustainable Development Goals”, published by the Thai Ministry of Foreign Affairs is aligned with the 2nd *FAO International Symposium on Agroecology: “Scaling up Agroecology to achieve the Sustainable Development Goals”*, in the sense that both the SEP and agroecology are conceived as tools, a set of principles and criteria, while sustainability as the objective.

Then, it was observed that the two are nature and people centred, they are based on a holistic approach, and there is the idea of balance between social, environmental and economic instances.

Moreover, these approaches are essentially bottom-up and centred on knowledge. The latter was particularly emphasised and its different declinations were discussed. Knowledge consists in traditional wisdom that, beside the importance to conserve and value it, must be combined it with the progress of technology. The concept is also expressed through the principle of learning by

⁶⁰ *Ibid.*

doing through experiments, and farmer-to-farmer collaborations as opposed to top-down predominant approaches from agricultural extension agents. In this regard, it was stressed the importance to bring farmers expertise within educational institutions, and the case of Maejo University in the northern city of Chiang Mai, where they came to teach, was referred as a positive example to replicate. As touched upon in the 2015 regional FAO multi-stakeholder consultations, knowledge is also considered a key aspect for the organisation, which in fact has integrated it in its work: the same conference was a manifestation of the efforts to cooperate with academia and other UN agencies such as UNESCO, and it was part of a series of meeting on the topic, including few months later the regional workshop “Scaling-up Agroecology in ASEAN Higher Education to meet SDGs and Ensure Climate Resilience”⁶¹. From the side of academia, during the seminar it was referred that Chulalongkorn University is working on three projects aiming to produce policy briefs on: agriculture and food system education, agriculture and youth, agroecology in higher education. These initiatives prove that there is a common agreement on the centrality of a knowledge-intensive led process to scale up agroecology.

The illustrated aspects are connected to other common features, such as a shared underlying not prefix but contextualised, village centred conception and a clear adherence to landscape and territorial approaches.

All these striking similarities are even more apparent concerning the exposed characteristics of the New Theory.

Overall, this comparison suggests that, undoubtedly an analysis of the operationalisation of the SDGs through the SEP can provide useful insights for possible agroecological approaches. However, for the purposes of this paper it is relevant that the SEP is not anymore solely a recommended component in strategies or planning, but since the 2006 it has been integrated in several parts of Thai Constitution. In the most recent 2017 Thai Constitution⁶², the Philosophy is expressively mentioned in Chapter VI on the “Directive Principles of State Policies”, Section 75, on the right to competitive marketplace and right to set up a business. According to this provision:

⁶¹ The regional workshop took place on 26-27 June 2019 and it was hosted by Maejo University.

⁶² 2017 *Constitution*. Available at: https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en. Accessed on: 22/11/2019.

«The State should organise an economic system which provides opportunities for the people to all together benefit from economic growth in a comprehensive, fair and sustainable manner and to be self-reliant in accordance with the philosophy of sufficiency economy, should eliminate unfair economic monopoly, and should develop economic competitiveness of the people and the country».

The last two paragraphs also stress that:

«[...] The State shall promote, support, protect and stabilise the system of various types of co-operatives, and small and medium enterprises of the people and communities».

«In developing the country, the State should have due regard to the balance between the development of material and development of mind, as well as the well-being of the people».

Besides laying the foundation for an alternative approach to economic development, this norm is important because it legally acknowledges that the SEP does not mean denying economic growth, but it may serve to address it towards more sustainable paradigms.

Furthermore, the Chapter XVI on “National Reform” opens with Section 257, which states that National reforms under this part of the Constitution should be thought considering a number of goals, and the first paragraph indicates:

«the nation enjoys peace and order, unity and solidarity, sustainable development in accordance with the philosophy of sufficiency economy, and a balance between material and spiritual development».

In addition, the guiding principles of the SEP can indirectly be found in several other norms.

Chapter III describes the “Rights and Liberties of the Thai People”, recognising rights, in Section 43, paragraph 1, related to culture and traditional knowledge, while, in the second one, to the preservation of environment and ownership of natural resources⁶³.

In a similar vein, Section 50, paragraph 8, within Chapter IV dedicated to the “Duties of the Thai People”, establishes the obligation «to cooperate and

⁶³ Section 43 establishes that «a person and community shall have the right to conserve, revive promote wisdom, arts, culture, tradition and good customs at both local and national levels», and to «manage, maintain and utilise natural resources, environment and biodiversity in a balanced and sustainable manner, in accordance with the procedures as provided by law».

support the conservation and protection of the environment, natural resources, biodiversity, and cultural heritage».

Chapter V in its Section 57 states the “Duties of the State” symmetrically to Section 43 in reference to culture, environment and natural resources⁶⁴. Also, the following Section 58 still regulating the protection of the environment is to a certain extent ascribable to the principles of the SEP, because it provides that the State shall analyse and carefully evaluate any plan that may adversely affect “the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment”⁶⁵.

Chapter VI on the “Directive Principles of State Policies” contains norms deeply entrenched with the Philosophy.

Section 65 stressed that national strategies should align to the objective of sustainable development, while Section 72 concerning natural resources states that the State should «plan the country’s land use to be appropriate to the area conditions and potential of the land in accordance with the principles of sustainable development» (paragraph 1); «to provide measures for distribution of landholding in order to thoroughly and fairly allow people to have land for making a living» (paragraph 3); «to provide quality water resources which are sufficient for consumption by the people, including for agriculture, [...]» (paragraph 4).

The subsequent Sections as well can be linked to the Philosophy. Apart from Section 75 that as above referred expressively cites it, Section 73 is dedicated to guarantee farmers fair and efficient conditions to practice agriculture.

⁶⁴ Section 57 states that the State shall «conserve, revive and promote local wisdom, arts, culture, traditions and good customs at both local and national levels, and provide a public area for the relevant activities including promoting and supporting the people, community and a local administrative organisation to exercise the rights and to participate in the undertaking»; and «conserve, protect, maintain, restore, manage and use or arrange for utilisation of natural resources, environment and biodiversity in a balanced and sustainable manner, provided that the relevant local people and local community shall be allowed to participate in and obtain the benefit from such undertaking as provided by law».

⁶⁵ Moreover, the provision continues by establishing that in the case of granting of permission, other than providing remedies, the State «shall take precautions to minimise the impact on people, community, environment, and biodiversity».

Finally, there are several mentions to the concept of “happiness”⁶⁶. Although this notion is not one of the pillars of the Philosophy, it is nonetheless a component of the mentioned alternative paradigm that sees religion intertwined with agriculture and economy, and that is expressed for example by aligned theories such as the Bhutanese Gross National Happiness Philosophy and the Buddhist Economy.

Moreover, to conclude this analysis it is worth to report that at the seminar a first court case referring to the Sufficiency Economy Philosophy was mentioned. Despite this precedent presumably concerns an industrial estate project and the author of this paper could not retrieve more specific information, nonetheless it might suggest that one of the possible consequences of including agroecology into a trans-legal overarching framework would be to open the way to the opportunity of enforce it before a court.

In the light of these considerations and in particular of the legal component of the SEP, the next paragraph will focus on agroecology and law.

5. Agroecology and Law, and Possible Ways Forwards Drawn from the Sufficiency Economy Philosophy

In the Second Symposium, the FAO Director-General spoke about the integration of agroecology in legal frameworks as one of the fundamental components in the transitions towards sustainable models, and urged governments to imitate the example of the thirty governments that at the time had already proceeded in that way⁶⁷. Taking as a point of reference the FAO “AgroecologyLex”, which offers an updated overview of national legislations and policies adopted until now all over the world, and starting from the most recent ones, there can be found: regulations of institutional bodies charged to implement national plans based on agroecology; strategies to cope with the

⁶⁶ At the beginning, in the “General Provisions” of Chapter I, Section 3 states the duty to obey the constitution and, specifically, that «the National Assembly, the Council of Ministers, Courts, Independent Organs and State agencies shall perform duties in accordance with the Constitutions, laws and the rule of law for the common good of the nation and the happiness of the public at large». In Chapter VIII on the “Council of Ministers,” Section 164 paragraph 4 provides that the Council of Ministers shall «encourage all sectors of society to co-exist with fairness, happiness, unity and solidarity». Section 257, paragraph 3 in Chapter XVI lists among the objectives of National reform that «the people are happy, have good quality of life, and participate in development of the country and democratic regime of government with the King as Head of State».

⁶⁷ FAO, *Second Symposium*, cit., p. 3.

effects of climate change; laws on production, processing, commercialisation, and certification of organic products; incentives programmes to produce and commercialise Non-Conventional Food Plants; laws establishing policies to promote urban and peri-urban agriculture; national environmental plans based on sustainable development; several laws, policies and guidelines favouring agroecology and organic production; orders concerning the valorisation and development of *Raphia* palms and bamboo; regulations on certification criteria of agrotourism activities, and so on⁶⁸.

Besides noticing that the adoption of these instruments is geographically concentrated in Latin America, some other features can be inferred. This list exposes a minimal part of the laws and policies contained in the FAO “AgroecologyLex”; however, it is sufficient to catch the extreme diversity of topics and approaches following under the umbrella of agroecological principles.

It can be observed that the large part of these samples regulates or promotes specific aspects. The reason is that there is not an agroecology product *per se*, therefore generally the focus is on narrower approaches. Like in Thailand, another consequence of the difficulty to identify the holistic concept of agroecology is that this is often associated to the better clarified organic farming, hence it is common to find agroecological approaches translated into organic agriculture-related laws.

Along with the adoption of these regulations, law scholars have produced the first conceptualisations on how to bridge the gap between agroecology and the legal system. First of all, this effort should be based on a two-way reasoning. On one side, the agri-food system has to be analysed considering normative and institutional factors and, therefore, articulated in rights, duties, entitlements, accountabilities, procedural aspects. On the other, law should overcome its internal sectoral divisions, and strategies have to be elaborated to make easier the communication among issues closely related.

According to Egon Noe and Hugo Alrøe, the autopoietic character of agroecosystems determines two main challenges to the regulation of the agro-food system. The first risk is that it is not always possible to predict the outcomes of new rules; in fact, these may produce unintended results with negative impacts on agroecosystems. Secondly, often the attempt to regulate one element can

⁶⁸ This narrow list takes into consideration legal and policy instruments adopted in 2019-2018. See: <http://www.fao.org/agroecology/policies-legislations/en/>. Accessed on: 30/11/19.

determine consequences affecting other components. These logics normally lead to a vicious circle characterised by an increasing amount of laws to address side effects, which in turn create other unwanted or unexpected results⁶⁹.

In this paper it is argued that to address these shortcomings it is essential to broaden the consideration of specific aspects to a more general base constituted by a trans-legal overarching framework. As it has been touched upon during the Second FAO Symposium, a systematic agroecological transition can take place only through a structural transformation of the global food system, and therefore a radical change of the mainstream economic and organisational paradigm. In this occasion, it was stressed that agroecology cannot be scaled up by simply “painting green” the current economic model, because this solution is inconsistent with the principles guiding agroecology⁷⁰.

From a legal perspective, this idea is in line with the theory of Egon Noe and Hugo Alrøe, according to whom agroecology should be conceived as a second-order polyocular point of observation of the sectoral disciplines such as, for example, biology, economics, sociology. The authors claim that these first-order fields are blind to the each other views, inconsistencies and possible synergies, therefore only a second-order platform can understand the agroecosystem as such in its entirety.

The case of Thailand and the SEP represents an instructive laboratory for reflections and a possible lesson to apply also in other contexts.

The SEP inclusive of its integration in the Constitution is here conceived as a trans-legal overarching regime, whose legal and social impacts are producing a slow multi-level and multi-sectoral conceptual shift towards more sustainable paradigms.

On a legal and policy level, there is evidence that during the last years a gradual shift has taken place. For example, as above explained the Thai foreign policy is now built around the SEP and the publication in English of booklets on it in relation to the SDGs is an explicit manifestation to bring the Philosophy from domestic legitimacy to international recognition. Moreover, from the Ninth National Economic and Social Development Plan to the current one (Twelfth Plan, 2017-2021), the principles of the SEP have continued to influence the

⁶⁹ E. B. NOE - H. ALRØE, cit., pp. 32-34.

⁷⁰ FAO, *Second Symposium*, cit., p. 41.

development strategy⁷¹. Legislation based on the SEP principles has increasingly been adopted in varied fields, ranging from the industrial and financial sectors to the health care system and education. Being a common platform encompassing different sectors is a fundamental advantage of the SEP because it produces a uniform transformation overcoming inconsistencies. Moreover, even it was not possible to conduct an in-depth analysis, its inclusion in the legal infrastructure might raise the possibility to invoke it before a court.

Another strength conferring to the Philosophy a social transformative potential is to descend to the King and be embedded in Thai cultural values associated to Buddhist ethical principles of moderation and non-greed. This means that people will be more willing to adhere to laws based on the SEP, because they feel them close to their values and day-to-day life.

Moreover, this model of framework would allow to adapt the general agroecological principles to context specific situations, without encountering the above-mentioned limitations of regulations harnessing in a fix predetermined manner natural unpredictable phenomenon.

The case of Thailand is also useful to show that this kind of universal regimes can meet strong limits due to the co-existence along large multi-national corporations, because they are exposed to a high risk of co-optation and lack of efficacy.

Applying these considerations to agroecology, this paper aims to suggest that other than focusing on narrow aspects and approaches, the integration of agroecological principles into a trans-legal overarching framework can represent an important facilitating component in a structural change towards more sustainable paradigms. Pursuing this route implies not only a further methodological approach to scale up agroecology; it means also to confront with the underlying economic interests and power imbalances hampering it; to ground the agroecological transition on underpinning shared cultural values felt by people, therefore associate it with more legitimacy; it would contribute to align policies inconsistencies, particularly evident in the Thai context, and to coordinate the inter-legalities among the various specialised legal fields.

⁷¹ Office of the National Economic and Social Development Board, Office of the Prime Minister, *The Twelfth National Economic and Social Development Plan (2017-2021)*, Bangkok, Thailand. Available at: <http://extwprlegs1.fao.org/docs/pdf/tha169876.pdf>. Accessed on: 01/12/2019.

6. Conclusions

In the search for possible legal foundations to institutionalise agroecology, the present paper started from an overview of the evolution of the global political debate stemming from FAO during the last years for then focus on the case of Thailand. This country was chosen due to its long-standing tradition of grassroot movements based on agroecology, the central regional role concerning recent initiatives related to it, and the deep link between Buddhism and agroecological approaches conferring them the legitimacy necessary to co-exist in parallel with large-scale agribusiness. In particular, the Sufficiency Economy Philosophy has been taken into consideration because of its striking similarities with agroecology principles, and given that the Philosophy has been enshrined in the Thai Constitution, this work has presented it as a possible way forward to translate agroecological approaches in legal terms. It has been argued that the integration of agroecology into an overarching trans-legal framework like in the example of the SEP would present several advantages. Among them, it would promote a slow underlying structural transformation of the mainstream economic and organisational system towards a more sustainable paradigm; being grounded on cultural values already interiorised by people, it would have strong legitimacy; it would contribute to align policies inconsistencies, particularly evident in the Thai context, and to coordinate the inter-legalities among the various specialised legal fields.

ABSTRACT

Erica Leni - *What Legal Foundations for Agroecology? Exploring Insights from the Thai Sufficiency Economy Philosophy*

This paper aims to answer to the following question: drawing from the case of the Thai Sufficiency Economy Philosophy (SEP), to what extent the integration of agroecological principles into a trans-legal overarching framework can facilitate the transition from industrial agriculture towards a more sustainable agricultural paradigm. In particular, after an overview on agroecology and its evolution in the international arena from the FAO perspective, it focuses on the case of Thailand, where besides the presence of the largest regional agri-food multinational corporations, agroecology has historically played a significant part in the agricultural movement. The paper then explores the Sufficiency Economy Philosophy, an alternative development concept attributed to His Majesty the late King Bhumibol Adulyadej and incorporated in the legal system, informed by Buddhist principles and deeply intertwined with the Thai culture, especially in rural areas. The analysis shows that the SEP presents several striking similarities with agroecology, and these are even more apparent in relation to the New Theory, the Philosophy's application to the agricultural sector. Moreover, it scrutinises the legal dimension of the SEP, in particular its references in the Constitution. On this evidence, it is argued that a trans-legal overarching framework can represent a remarkable facilitating component in the transition towards an agroecological paradigm, because - although requiring a long-term period to produce structural changes - it would promote an underlying conceptual shift from the mainstream economic and organisational paradigm towards a more sustainable one; whether grounded on cultural values already interiorised by people, it would have stronger legitimacy; it would contribute to align policies inconsistencies, particularly evident in the Thai context, and to coordinate the inter-legalities among the various specialised legal fields.

KEYWORDS: *agroecology; sustainable agriculture; law; Thailand; Sufficiency Economy Philosophy.*