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Celia White

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# Mexican Salsa and Mexican Farm Workers: How International Agricultural Development Marginalizes Farm Labour

**Celia White**

Peter A. Allard School of Law



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**PETER A. ALLARD  
SCHOOL OF LAW**

**75<sup>TH</sup>  
ANNIVERSARY**

# Mexican Salsa and Mexican Farm Workers: How International Agricultural Development Marginalizes Farm Labour

Celia White<sup>1</sup>

## Abstract

International food systems have become ever-more complex through systems of globalization, industrialization and technologization, and have been significantly influenced by, and entrenched in concepts of international development. One small meal can have countless intersections with international laws, domestic laws, environments and people. A simple salsa recipe, for example, containing merely tomatoes, lime juice, garlic, onions, and cilantro, contains in its history a complex story of power, privilege, poverty and possibility. Where did these ingredients come from? Who grew them? Where are those people from? What rights do they have? Innumerable personal stories are hidden within the seemingly innocuous act of eating salsa.

My paper will contribute to discussions on how models of international agricultural development impact human rights, through an anthropological lens that traces salsa ingredients back to their source. Although often praised as beneficial, and even necessary, my paper will argue that the current model of international agricultural development is counter-productive for concepts implicit in the ethos of development, including human rights, health, and resiliency. By tracing ingredients back to their source: limes from Mexico; tomatoes from California; Onions from Ontario; and Garlic and Cilantro from British Columbia, my paper will discuss how models of international development have worked to dispossess communities from their land, and continue to uphold structures of poverty for those who grow our food. My paper will also discuss possible alternatives to the current model of agricultural development.

## Keywords

Agricultural development, international food systems, migrant agricultural workers, international trade, big agri-business, food sovereignty, human rights.

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## 1. Introduction

Many years ago, in high school, I volunteered at a fundraiser to benefit healthcare projects in rural Mexico. The fundraiser was an example of promoting “international development” – the idea that “underdeveloped” communities could benefit from intervention, for things like improved healthcare, food security, and education. We hosted an elaborate Mexican dinner for community members in my Canadian hometown, with live music, silent auction, and raffle prizes. Much of the food for the dinner was donated by big-name grocery stores – it was cheap enough for them that they didn’t lose money on the donation, plus it made them look generous. The Mexican salsa was a hit – made fresh from donated tomatoes, limes, garlic, onions, and cilantro.

Part way through cooking, I started to wonder where these ingredients came from. Who grew them, where were these people from, and under what conditions did they work? I went home that night and did my own research. The ingredients – it turns out – were likely produced by Mexican farm workers. The limes grown in Veracruz, Mexico, the tomatoes, garlic, onions and cilantro grown by migrant agricultural workers in California, British Columbia, and Ontario. Could it be that the Mexican communities we were raising money for were the same communities growing this food? Could it be that, despite raising money for rural healthcare, we were contributing to poor health and entrenched poverty in those communities because of the cheap food we were importing?

In this paper, I will analyze how capitalist agricultural systems – as prescribed and controlled by the international development paradigm – impact the labourers who grow our food. I will argue that, despite the narrative of international agricultural development claiming to benefit rural communities, the farm workers’ labour is effectively devalued through neoliberal policies, resulting in the marginalization of their health and livelihoods.

I will use the fresh salsa from the fundraiser as a context for ethnographic case studies to look specifically at farm worker communities growing those ingredients: Mexican workers growing limes in Veracruz; tomatoes in California; cilantro and garlic in British Columbia; and onions in Ontario. Although not much space will be dedicated to analyzing each specific case study in this paper, the ethnographic analysis will offer a ground-level perspective of the impacts of international agricultural development on the lives and livelihoods of farm labourers.

To begin, the first two sections of this paper will offer a historical-cultural analysis of how the international agricultural development paradigm came to be, how labour is configured within international agricultural development, and the legal context for farm labour today. The third and fourth parts of this paper will discuss how the international agricultural development paradigm, and the embedded legal context, has impacted farm labourers. Finally, this paper will explore opportunities for change in how labour is configured, valued, and organized in international agricultural systems.

## 2. Understanding the Context of Agricultural Development

In order to understand how international agricultural development has impacted farm labourers, we must first understand the cultural context behind the agricultural systems that exist today. I will begin this exploration with an overview of the underlying

phenomenon that drives modern-day agricultural systems – the international development paradigm – and I will go on to explore how international development has shaped farming and farm labour.

## 2.1 The Ethos of International Development

The ethos of international development has shaped much of our modern world. From a purely methodological perspective, international development is

A sum of the social processes induced by voluntarist acts aimed at transforming a social milieu, instigated by institutions or actors who do not belong to the milieu in question, but who seek to mobilize the milieu, and who rely on the milieu in their attempt at grafting resources and/or techniques and/or knowledge.<sup>2</sup>

Integral to this definition is a power dynamic, situated between the subjects who “seek to mobilize” and the objects who are “mobilized;” think – farm workers in the Global South. The power dynamic of international development is entrenched in historical systems of colonization, where imperial powers sought to develop their colonies in order to transfer resource wealth back to the motherland.<sup>3</sup> In this way, international development was not originally aimed at benefiting the colonies, (or the labourers in them), but was rather intended to consolidate wealth for the imperial powers.

The transfer of wealth from colony to colonizer is based largely in a practice coined as extractivism, where the “mode of accumulation... generates benefits for distant capital without generating benefits for local people.”<sup>4</sup> Extractivist logics frame earth’s resources (including food crops) and labour (including farm work) as existing for the sole purpose of extraction and wealth accumulation.<sup>5</sup> In the colonial context, the mentality of extractivism is a global process aimed at controlling and accumulating colonized labour and resources for the benefit of the colonial powers.<sup>6</sup>

Even after widespread decolonization, the ethos of international development has remained contextualized in its historical roots of coloniality and extractivism. Once unilinear resource extraction from colonies to colonizers was no longer possible, imperial powers worked instead to consolidate wealth and power by means of free trade and economic hegemony.<sup>7</sup> This can be seen today in how the Global South exports cash crops such as limes, for little pay, to the Global North.

It was not until the mid-twentieth century when the concept of international development was tied explicitly to concepts of social progress and human rights. As if to

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<sup>2</sup> Jean-Pierre Olivier de Sardan, *Anthropology and Development: Understanding Contemporary Social Change*, London: Zed Books Ltd, 2005) at 24-25.

<sup>3</sup> Gustavo Esteva, “Development” in Wolfgang Sachs (ed), *The Development Dictionary: A Guide to Knowledge as Power*, 2<sup>nd</sup> ed, (Zed Books, 2010) at 2.

<sup>4</sup> Dayna N. Scott, “Extractivism” in Mariana Valverde, Kamari Clarke, Eve Darian-Smith and Prahba Kotiswaran (eds), *Handbook of Law and Society*, Routledge, forthcoming 2021) at 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> Roger Merino, “The cynical state: forging extractivism, neoliberalism and development in governmental spaces” (2020) 41:1 Third World Quarterly 58.

<sup>7</sup> Arturo Escobar, “Degrowth, Postdevelopment, and Transitions: A Preliminary Conversation” (2015) 10 Sustainability Science 451.

hide extractivism and economic hegemony under a veil of generosity, the logic of international development was woven with ideas of social and economic progress for the betterment of the Global South. President Truman coined the term “underdevelopment” during his inaugural address in 1949, thus articulating the idea that some places and some peoples had not reached the ideal; that international development would benefit them.<sup>8</sup> In this way, the word development, and the idea that places or people can be developed, came to assume that the state of being developed is an ideal; that development is progress.

The conflation between international development and progress continues to impact logics of international (and agricultural) development today. Rather than perceiving the resources and labour of the Global South as merely a means to an end of wealth accumulation, a narrative of necessary improvement suddenly became a self-evident, universal truth.<sup>9</sup> Populations in the Global South – including small-scale farmers and rural peasants – were seen as “diseased, underfed, uneducated, and physiologically weak,” and thus a problem requiring intervention from the imperial powers.<sup>10</sup> Intervention which just so happened to include neoliberal assimilation and widespread resource extraction.<sup>11</sup>

## 2.2 The Ethos of International Agricultural Development

Agricultural development is a facet of international development and extractivist ideologies. Just as development is “voluntarist acts aimed at transforming a social milieu,”<sup>12</sup> agricultural development is the top-down prescription and enforcement of industrialized agriculture aimed at transforming the farming communities and agricultural systems of the Global South. Neo-extractivist and neo-colonial paradigms became entangled with agricultural systems by means of top-down enforcement of mass production of cash crops, and technologization and mechanization of inputs, all for the purpose of cheaper food products for modern-day imperial powers.<sup>13</sup>

Certification from the United States Department of Agriculture (USDA) and the US Food and Drug Administration (FDA), for example, act as a neo-colonial tool for controlling agricultural systems around the world according to US standards. USDA certification throughout Latin America, for example, has worked to enact hierarchies of neo-colonial control over fruit production and exports (including limes), centred around the interests of the US economy.<sup>14</sup> The neo-colonial empire of the United States is enacted not just in global systems of agricultural development, but in the very microcosm of harvesting a piece of fruit.

Just as international development became conflated with social wellbeing and progress, so too was international agricultural development. This time, the “underdeveloped” were rural small farmer communities or landless peasants who grew

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<sup>8</sup> Esteva, *supra* note 2 at 2.

<sup>9</sup> Escobar, *supra* note 6.

<sup>10</sup> *Ibid* at 30.

<sup>11</sup> Merino, *supra* note 5.

<sup>12</sup> Sardan, *supra* note 1 at 25.

<sup>13</sup> Escobar, *supra* note 6.

<sup>14</sup> Robert R. Alvarez, “The Transnational State and Empire: U.S. Certification in the Mexican Mango and Persian Lime Industries” (2006) 65:1 *Human Organization* 35 (JSTOR Arts & Sciences).



and harvested their own food.<sup>15</sup> Surely these people required neoliberal reform to increase their amount of food production and participate in the global economy – at least according to the international development paradigm.<sup>16</sup>

Significant, too, were the global food crises of the 1970's and early 2000's, which highlighted hunger as a key facet of poverty, and placed agricultural development at the centre of the international development conversation.<sup>17</sup> The World Bank responded to both crises with a report, one in 1986 and the other in 2008, explaining how international agricultural development was a necessary solution to solving the problem of hunger.

In the 1986 report, *Poverty and Hunger: Issues and Options for Food Security in Developing Countries*, the World Bank introduced the concept of food security as analogous to other common development solutions such as education and sanitation.<sup>18</sup> The World Bank conceptualized food security as the ability to purchase food, rather than the ability to access food more generally, (such as the ability to grow one's own food), and shifted the conversation away from hunger and toward price stabilization, trade liberalization, and participation in global food markets.<sup>19</sup> Following suit, the 1996 Rome Declaration on World Food Security situated economic poverty as the root cause of hunger, thus confirming hunger to be an economic problem requiring the economic solution of trade liberalization.<sup>20</sup> In this way, international agricultural development became an economic paradigm of hegemonic neoliberal economies.

More recently, the World Bank's second report in 2008, *The World Development Report*, as well as the United Nations' Sustainable Development Goals (SDGs) further articulate the need for agricultural development as a form of economic progress to "feed the world."<sup>21</sup> In Michael Spann's article, *Politics of Poverty*, Spann criticizes the SDGs for using a "contested neoliberal approach to development" that "privileges agribusiness and global commodity chains" to naturalize "high-input agriculture as the solution to food insecurity."<sup>22</sup> The SDGs are yet another voice espousing the international agricultural agenda of mass production of export crops over local food access.<sup>23</sup>

To be clear, global food value chains mostly benefit transnational agribusinesses that largely control who is allowed to participate in the food economy, and under what conditions.<sup>24</sup> The SDGs goal number two to *End hunger, achieve food security and improved nutrition and promote sustainable agriculture* has a main concern of guaranteeing continuous and cheap supplies of food products from the Global South to the Global North.<sup>25</sup> Although

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<sup>15</sup> Michael Spann, "Politics of Poverty: The Post-2015 Sustainable Development Goals and the Business of Agriculture" (2017) *Globalizations* 369 at 364; *Escobar, supra* note 6.

<sup>16</sup> Lucy Jarosz, "Comparing Food Security with Good Sovereignty Discourses" (2014) 4:2 *Dialogues in Human Geography* 161 at 169.

<sup>17</sup> *Spann, supra* note 14 at 362; *Jarosz, supra* note 15 at 170.

<sup>18</sup> *Jarosz, supra* note 15 at 171

<sup>19</sup> *Ibid* at 171.

<sup>20</sup> *Ibid* at 172.

<sup>21</sup> World Bank, "World Development Report 2008: Agriculture for Development Washington," (2007), online: *World Bank Group* <<https://openknowledge.worldbank.org/handle/10986/5990>>.

<sup>22</sup> *Spann, supra* note 14 at 361.

<sup>23</sup> *Spann, supra* note 14 at 369.

<sup>24</sup> *ibid* at 364.

<sup>25</sup> United Nations, "Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture," (2021), online: *United Nations Department of Economic and Social Affairs: Sustainable Development* <<https://sdgs.un.org/goals/goal2>>; Humberto Gonzalez, "What socioenvironmental impacts did



participation in global food value chains does offer an opportunity for rural communities in the Global South to participate in the economy, it does not guarantee food security, nor does it prioritize those communities' wellbeing.

### 2.3 The Configuration of Labour in the International Agricultural Development Paradigm

Roger Merino, in *The cynical state*, explains how Regulation theory offers a theoretical framework to understand extractivism:

According to this theory, capitalist economies hold three conceptual components: a regime of accumulation... an accumulation system... and a mode of social regulation, consisting of the institutions and social practices that facilitate... conditions for accumulation.<sup>26</sup>

Agricultural development, then, as a form of neo-colonialism and neo-extractivism, can be understood with the three components of: “a regime of accumulation,” or farming; “an accumulation system,” or the global food market; and “a mode for social regulation... to facilitate... conditions for accumulation,” or farm labour. Using this theoretical framework, labour is an integral mechanism in the machine of international agricultural development, and as such an important piece, international and domestic legal frameworks have been constructed (from a neoliberal and colonial context) to control the human lives involved in such labour.

Although narratives around international agricultural development ostensibly espouse the promotion of food security and social progress for farming communities, the modern-day systems of agriculture configure labour as a resource to be exploited. The paradigm behind agricultural development – international development – prioritizes cheap labour for cheap exports, over the social wellbeing of labourers. The international development paradigm further reproduces a hierarchical distinction between the labourers – those who grow the food – and the consumers – those who buy it – as relatively inferior, requiring social intervention for progress, and “having a limited humanity” compared to populations of the Global North.<sup>27</sup> In this way, the configuration of labour within the agricultural development paradigm is that of subjugation, seen both as a means to the end of mass agricultural production, and as an underdeveloped population, requiring agricultural development as a solution to their inferiority. In the context of international agricultural development, entrenched in histories of colonization and extractivism, and subtly veiled behind a façade of social progress, labour has been colonized, controlled, and devalued.

## 3. The International Legal Context

### 3.1 Looking Back: From GATT to the WHO

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35 years of export agriculture have in Mexico? (1980-2014): A transnational agri-food analysis” (2020), 20:1 J agrarian change 163 (CRKN Wiley Online Library).

<sup>26</sup> Merino, *supra* note 5 at 61.

<sup>27</sup> Escobar, *supra* note 6 at 54.

An understanding of the legal context of labour in international agricultural development would not be complete without a historical analysis of the legal instruments in place. Most significant is the international agreement signed in 1947 – the General Agreement on Tariffs and Trade, or GATT – which sparked economic competitiveness through the removal of economic barriers, accelerated trade openings, foreign direct investment, and reduction in governmental intervention.<sup>28</sup> GATT led to the creation of the World Trade Organization (the WTO) in 1995, which maintained and strengthened the legacy of market growth, reduced trade barriers, and liberalization of agricultural markets.<sup>29</sup>

Notice how the timeline of GATT and the WTO parallel the progression of the international development narrative. In 1947, GATT introduces collective agreements for market liberalization. In 1949, Truman coins the term “underdevelopment,” conflating economic development with social progress. In 1986, the World Bank introduces food security as an ideal standard for which international development should aim. In 1995, the WTO deepens and widens the impact of GATT, including the liberalization of agricultural markets. These historical systems set in motion a hegemonic paradigm that prioritized market liberalization over governmental intervention; mass food production over high value of farm labour.<sup>30</sup> They set the context for the international legal paradigm that exists today.

### 3.2 Looking Back: NAFTA and the NAALC

Immediately before the WTO was founded, the North American Free Trade Agreement (NAFTA) was signed between Canada, the United States, and Mexico in 1994, continuing GATT’s legacy of removing economic barriers to trade. At this time, it was the first and only trade agreement that included policies around labour.<sup>31</sup> The Clinton administration, pressured by both pro- and anti-NAFTA forces, negotiated for the inclusion of the North American Agreement on Labor Cooperation (NAALC) as an appeasement to the actors criticizing NAFTA for its “race-to-the-bottom” standards for labour and the environment.<sup>32</sup>

NAALC set out eleven principles that Mexico, Canada, and the United States signed on to “promote,” including:

Freedom of association and protection of the right to organize; the right to bargain collectively; the right to strike; prohibition of forced labor; limits on child labor; minimum wage, hours of work and other labor standards; non-discrimination in

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<sup>28</sup> *Gonzalez, supra* note 24.

<sup>29</sup> *Ibid.*

<sup>30</sup> William Kerr, “Agriculture in the United States, Mexico, Canada Agreement: Agreeing to keep things pretty much the same” (2020) 68:1 *CND J agricultural economics* 127 (CRKN Wiley Online Library).

<sup>31</sup> Lance Compa “Trump, Trade, and Trabajo: Renegotiating NAFTA’s Labor Accord in a Fraught Political Climate” (2019) 26:1 *Indiana J global Leg studies* 263 (Expanded Academic ASAP).

<sup>32</sup> Christina Gabriel & Laura Macdonald, “New architectures for migration governance: NAFTA and transnational activism around migrants’ rights” (2021) 42:1 *Third World Quarterly* 68 (Scholars Portal Journals: Taylor and Francis Current).

employment; equal pay for equal work; occupational health and safety; workers' compensation; and migrant worker protection.<sup>33</sup>

Although the signatories agreed to “promote” these principles, NAALC specifically noted that the principles did not “establish common minimum standards for their domestic law.”<sup>34</sup> In other words, they were neither legally binding, nor a baseline. However, the three signatories also signed on to six obligations. These included:

High labor standards within a framework of national sovereignty; effective enforcement of national labor law; access to legal mechanisms providing redress for violations of national law; due process in labor law proceedings; transparency in promulgating labor legislation and regulations; and public information and awareness of labor law.<sup>35</sup>

Although the inclusion of labour standards within NAFTA was unprecedented, the only obligations that the standards required could be reduced to obliging a country to have labour laws in the first place, and to enforce those laws transparently and fairly. The definition of “high labor standards” remained subjective within NAALC, leaving room for interpretation, and much the same level of responsibility as they began with before signing on. However, NAALC was significant in that it recognized a need for labour standards. It was the inclusion of NAALC in the NAFTA agreement that contextualized the inclusion of labour standards in the United States-Mexico-Canada Agreement (USMCA) today.<sup>36</sup>

### 3.3 Present day: the USMCA

As of October 2018, the United States-Mexico-Canada Agreement (USMCA) was announced to replace NAFTA as the new trade agreement to reduce trade barriers and globalize the American-Canadian-Mexican markets. Although USMCA has a number of chapters relevant to agricultural trade, the only major differences from NAFTA are in relation to limiting quotas of dairy transported from Canadian to American markets; products like limes, tomatoes, cilantro, onions and garlic have not been impacted.<sup>37</sup> Overall, USMCA is more of the same in terms of reducing trade barriers and liberalizing agricultural markets.

In terms of the configuration of labour, the most noticeable difference since NAFTA is USMCA Chapter 23 – an entire chapter addressing labour concerns based on the International Labour Organization's (ILO's) core labour standards as well as entirely new provisions on concerns such as workplace violence, migrant workers, and forced labour.<sup>38</sup> Chapter 23 states that each party “shall adopt and maintain in its statutes and regulations, and practices thereunder” the ILO's core labour standards as defined by the ILO's 1998

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<sup>33</sup> *North American Agreement on Labor Cooperation Between the Government of Canada, the Government of Mexico and the Government of the United States*, 13 September 1993 art. 49 (entered into force 1 January 1994) [NAALC].

<sup>34</sup> *Ibid*, annex 1.

<sup>35</sup> *Compa*, *supra* note 30.

<sup>36</sup> *Gabriel*, *supra* note 31.

<sup>37</sup> *Kerr*, *supra* note 29.

<sup>38</sup> *Compa*, *supra* note 30.

Declaration on Fundamental Principles and Rights at Work.<sup>39</sup> These core labour standards include:

Freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation.<sup>40</sup>

With the mandate to “adopt and maintain” such principles, USMCA Chapter 23 uses stronger language than that of the NAALC labour principles, asking signatories to meet a minimum standard for labour rights regardless of their domestic laws.<sup>41</sup> USMCA further commits parties to:

Not waive or otherwise derogate from labor statutes or regulations to promote trade and investment; not fail to effectively enforce labor laws through a sustained or recurring course of action or inaction; and to promote compliance with labor laws through appropriate government action.<sup>42</sup>

These commitments are significant in that they demonstrate the prioritization of labour laws over standards of free trade.

Evidently, USMCA contains unprecedented labour standards that will reshape the trajectory of agricultural labour in the future. However, at the time of writing this paper, USMCA is still too young to demonstrate how its labour standards will impact workers at the ground level. Although this paper explores how international agricultural development impacts farm labour in the present day, its legal context will be based mostly on the effects of NAFTA due to the lack of statistical analysis for USMCA.

## 4. The Devaluation of Farm Labour Within International Agricultural Development

Despite labour standards in NAALC (and more currently in USMCA), the ethos of international agricultural development has worked to effectively devalue farm labour. Part three of this paper will begin by exploring general impacts of agricultural development on farm labour, and will continue by analyzing case studies of Mexican farm workers, both in Mexico and abroad, to provide an ethnographic analysis of the lives and livelihoods of farm labourers.

General impacts on farm labour, although not homogenous across time and space, and not siloed in terms of compartmentalized categories, can be understood in the broad themes and stages of depeasantization, forced migration, marginalization, and systemic

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<sup>39</sup> *Ibid.*

<sup>40</sup> International Labour Organization, “ILO Declaration on Fundamental Principles and Rights at Work” (1998), online: *International Labour Organization* <<https://www.ilo.org/declaration/lang--en/index.htm>>.

<sup>41</sup> *Compa, supra* note 30.

<sup>42</sup> M. Angeles Villareal & Cathleen D. Cimino-Isaacs, “USMCA: labor provisions” (2020) Library of Congress, Congressional Research Institute at 1.

violence. Keep in mind that each category is intertwined and influenced by the others and is not truly distinct. The categorization does, however, provide ease of interpretation and analysis.

#### 4.1 Depeasantization

Depeasantization is the process of displacing and dispossessing farmers and rural peasants from their ancestral lands and farming systems.<sup>43</sup> The ethos of international agricultural development promotes large agribusiness over small-scale farming, and when large agribusinesses enter a community, smallholder farmers lose their competitive advantage. They cannot compete with the technological inputs applied by cash-crop production, or the monoculture systems that harm the environment, albeit produce at higher volumes. The result is the “emptying of the countryside or... incorporating small producers into supply (value chains) that essentially convert them from farmers to contract labor on the land.”<sup>44</sup> Not only does depeasantization displace people, it also favours cash crops over traditional food crops, resulting in loss of biodiversity, loss of access to culturally important foods, and loss of domestic markets for unique high quality food products.<sup>45</sup>

#### 4.2 Forced Migration

As a result of depeasantization, rural communities are forced to enter the international migration stream, often as farm labourers. Export-oriented agriculture fuels mass land-grabs – the buying-up and consolidation of farmland into the hands of a few powerful agribusinesses – resulting in displacement of rural communities from their home territories.<sup>46</sup> They are forced to move, and with few other options available to them, they often choose between relocating as farm labourers elsewhere in their home country, or signing on as migrant agricultural workers abroad.<sup>47</sup> The effects of displacement and migration are vast and diverse, and have been studied and documented widely. For the purposes of this paper, I do not further discuss the specific impact of migration on farm worker communities.

#### 4.3 Marginalization

Through systems of agricultural development, not only are rural communities depeasantized and dispossessed, they are also relegated into positions of inferiority relative to those who control farm labour, those who purchase the food, and those who believe that the farmworkers are underdeveloped. International agricultural development is a top-down enforcement of how agricultural systems ought to be organized and for what purpose. In this way, the local communities lose their ability to prioritize and control how

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<sup>43</sup> *Spann, supra* note 14 at 363.

<sup>44</sup> *Ibid* at 363.

<sup>45</sup> *Escobar, supra* note 6.

<sup>46</sup> Angela Day, Claudio Rocío Magaña-González & Kathi Wilson, “Examining Indigenous perspectives on the health implications of large-scale agriculture in Jalisco, Mexico” (2021) 65:1 *Canadian geographer* 36 (CRKN Wiley Online Library).

<sup>47</sup> *Ibid.*

they want to use their land, how they want to farm, and how they want to participate in the economy.<sup>48</sup> Local populations generally, and small-scale farmers specifically, are marginalized for the success of agricultural development aimed at cash-crop exports.<sup>49</sup>

Even though farm workers are included in the economy of agricultural development, they are not included on advantageous terms. As hired labour, they are welcomed into a container of work where the conditions are set for them, and their ability to negotiate the terms of their labour are limited.<sup>50</sup> Their marginalization is evident in their rates of malnutrition. Despite growing large quantities of food, Central American farm working communities have some of the highest rates of malnutrition in the world, because they do not control their food sources, they cannot afford to purchase the food they grow, and they do not have access to land.<sup>51</sup> Despite the economic interconnectedness between Canada, the United States, and Mexico through both NAFTA and USMCA, models of international agricultural development have perpetuated vast economic disparity between the three signatories, prioritizing the economies of the United States and Canada at the expense of Mexico. Due to this economic disparity, many Mexican workers choose to migrate once again to work as migrant agricultural workers in the Global North.<sup>52</sup>

The high-intensity model of international agricultural development further marginalizes workers by treating them and their ecosystems as expendable resources. Monoculture mass-production of food crops damages the environment, so big agribusiness is set up to move from location to location as soon as the soil and water resources in one area are depleted.<sup>53</sup> The strategic mobility of agribusiness also means that they can pack up and leave if the farm labourers try to unionize or seek penalty for human rights or health and safety violations. Not only does this mean big agribusiness has a loophole out of meeting the labour standards in NAALC and USMCA, it also leaves rural communities with the devastating externalities of pollution and resource depletion.<sup>54</sup>

Within farm labourer communities, different people are affected differently based on the intersections of their identities. Intersections such as gender, ethnicity, cultural background, class, age, physical ability, marital status and citizenship all work to entrench farm labourers further into marginalization.

Indigenous communities, for example, are marginalized doubly so, relative to their non-Indigenous counterparts. With the introduction of predominantly European agricultural systems through both colonization and more recent international agricultural development schemes, Indigenous food systems have been relegated to the margins of land use.<sup>55</sup> The industrialized model of agricultural development has confined Indigenous horticulturalists, peasants, hunters, fishers, and gatherers to relatively miniscule portions

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<sup>48</sup> Scott, *supra* note 3.

<sup>49</sup> Jarosz, *supra* note 15 at 169.

<sup>50</sup> *Ibid* at 364.

<sup>51</sup> Jarosz, *supra* note 15 at 369.

<sup>52</sup> Xin Zao, Stephen Devadoss and Jeff Luckstead, "Impacts of U.S., Mexican, and Canadian Trade Agreements on Commodity and Labor Markets" (2020) 52:1 J agricultural applied economics 47 (Cambridge University Press); Gerardo Otero, "Neoliberal Globalization, NAFTA, and Migration: Mexico's Loss of Food and Labor Sovereignty" (2011) 15:4 J poverty 385 (Scholars Portal Journals: Taylor and Francis Current).

<sup>53</sup> Gonzalez, *supra* note 24.

<sup>54</sup> Gonzalez, *supra* note 24.

<sup>55</sup> A. Desmarais & H. Wittman, "Farmers, Foodies & First Nations: Getting to Food Sovereignty in Canada" (2014) 41:6 J Peasant Studies 1153.



of their traditional territories, and has undermined their ability to grow and use traditional foods and food knowledge.<sup>56</sup> Although international agricultural development displaces and marginalizes many communities, Indigenous communities are faced with ongoing processes of colonization that they have been fighting for centuries.<sup>57</sup>

Gender also plays an important role in how people are marginalized within systems of agricultural development. Women make up the predominant portion of traditional food producers in Latin America, and when families are displaced from their land and forced into globalized markets, it is also predominantly women who are forced out of the economy and into further positions of poverty and marginality.<sup>58</sup> International agricultural development, then, has worked to exacerbate existing gender inequalities in farming communities, at the expense of women.

#### 4.4 Systemic Violence

All of the above can be understood as systemic violence, in that depeasantization, forced migration, and marginalization are all harms perpetuated by the system of international agricultural development. Systemic violence can also be seen in the manifestation of environmental and social racism and extreme poverty within agricultural systems.

When big agribusiness pollutes the environment with synthetic fertilizers and pesticides, for example, soil and water sources are contaminated, exposing local communities, especially farm labourers, to highly toxic chemicals. Residents and workers suffer from acute intoxication; irritation of the respiratory tract, eyes, and skin; diseases that lead to premature death; genetic damage causing chronic degenerative diseases; and neurological and endocrinal damage in children under twelve.<sup>59</sup>

Structural violence is also found in insidious racist interactions between Indigenous and non-Indigenous communities, and migrant workers and local residents. Although less visible than the impacts of environmental racism, racist interactions, such as the use of the term “faciality” to refer to the inferior faces of migrant workers, is a common occurrence between individuals in industrialized agricultural settings.<sup>60</sup> This social racism is a by-product of the ethos of international development – that some people and places are underdeveloped and inferior – and manifests in the naturalization of hierarchical treatment between workers. Indigenous workers in some industrialized farms in Mexico, for example, are said to live in conditions “more akin to the living spaces of farm animals than those of humans... living conditions that their employers would themselves find abhorrent because they are considered racially subordinate.”<sup>61</sup>

Systemic violence is also manifest in the poverty and food insecurity that farm labourer communities face. As discussed above, malnutrition is a widespread problem among farm worker communities. Furthermore, extreme poverty from depeasantization and forced migration places individuals in an impossible dilemma of risking their health

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<sup>56</sup> Food Secure Canada 2015.

<sup>57</sup> Desmarais, *supra* note 54.

<sup>58</sup> Day, *supra* note 45.

<sup>59</sup> Gonzalez, *supra* note 24.

<sup>60</sup> Jennie Gamlin, “Huichol Migrant Laborers and Pesticides: Structural Violence and Cultural Confounders” (2016) 30:3 *Medical Anthropology* Q 303 (CRKN Wiley Online Library).

<sup>61</sup> *Ibid.*



and wellbeing to make money. Farm workers have said that “extreme poverty leads you to strive, to earn more by risking your life, risking your health.”<sup>62</sup> Although choosing a job that puts someone at risk of something like chronic degenerative disease does not sound like a wise decision, it may be the only choice left after they have been displaced and entrenched in systems of poverty.

## 5. Case Studies

Now that we have explored how international development, and international agricultural development more specifically, has impacted farm labour, we can come back to the case studies of salsa ingredients. This section will look closely at how systems of international agricultural development have worked to marginalize the Mexican farm labourers who grow the ingredients for Mexican salsa in different parts of the world – farm workers in Mexico who grow limes, migrant workers in Canada who grow garlic, onions, and cilantro, and migrant workers in the United States who grow tomatoes. Each case study will highlight the particularities of how farm labour has been devalued by both the ethos of international agricultural development as well as the systems of industrialized agriculture promoted by that ethos.

### 5.1 Mexico – Limes

Martinez de la Torre, in Vera Cruz, Mexico is known locally as the citrus capital of the world.<sup>63</sup> Around 25,000 hectares of Persian limes – the limes used in the fundraiser’s salsa dish – are dedicated to cash crop production in Martinez de la Torre, primarily for export. Between 1980 and 2014, fruit production in Mexico increased from 12.3 to 28.4 million tons<sup>64</sup> – an increase of 131% – running parallel with the increase in popularity of the idea that economic food security, by means of participation in the global food economy, is necessary to combat hunger and feed the world. This transition was sparked by the imposition of specific conditions on Mexican agriculture, mostly dictated by the United States, to meet standards for fruit production for the export market.<sup>65</sup>

Growing limes is not easy. The terrain for lime orchards is often located in high moisture areas on steep and rolling terrain that makes movement and labour difficult.<sup>66</sup> Mexican limes are also frequently sprayed with synthetic pesticides, as the US market is highly cautious about introducing fruit pests into their ecosystems through cash-crop importation. For the sake of efficiency, pesticides are usually sprayed over a wide range using crop dusters above entire regions, including above the labourer’s living quarters at the edges of fields. Farm workers report crop dusters appearing with little-to-no warning, leaving families unable to vacate the premises before the pesticides are dropped, exposing workers, their families, (and their children), to toxic chemicals. The pesticides also

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<sup>62</sup> Day, *supra* note 45.

<sup>63</sup> Alvarez, *supra* note 13.

<sup>64</sup> Gonzalez, *supra* note 24.

<sup>65</sup> Alvarez, *supra* note 13.

<sup>66</sup> *Ibid.*

infiltrate the water and soil systems, polluting not only the bodies of the communities living nearby, but also the entire environment.<sup>67</sup>

Much of the agricultural system of limes can be explained by systems of top-down control. All limes that are imported by the United States (and most limes into Canada) are USDA certified, which includes layers of complex standards, strict processes of reinforcement, and authoritative oversight, all designed around US prerogatives.<sup>68</sup> It seems that USDA certification is neo-colonialism in action. One example of the minutia of USDA expectations is in the US-designed hot water immersion system for cleaning fruit. All details are controlled, down to the temperature of the water, the length of time the fruit stays under the water, and the depth of submersion beneath the surface, in order to comply with USDA standards. Any discrepancy, and entire orchards are easily replaced by the next in line.<sup>69</sup>

This dynamic of control reaches not only into the lives of lime producers in Martinez de la Torre, but also into diverse communities across Mexico. Because the ethos of international agricultural development is primarily focused on cheap exports from the Global South to the Global North, (rather than building integrated domestic food systems), only the worst limes are left behind for Mexican consumers. The limes are categorized based on colour and quality – dark green for European and Japanese export, slightly lighter for North American export, and off-colour, (light green to yellow), saved for the national market.<sup>70</sup>

Overall, producing limes as a cash crop in Mexico has degraded the biodiversity of the Veracruz region, marginalized Indigenous subsistence foodways to make room for monoculture lime farms, and consolidated mass plots of land around Veracruz, thereby pushing smallholder Mexican farmers further into the peripheries of poverty.<sup>71</sup> The labourers who produce the limes are exposed to dangerous chemicals, systemic racism, and top-down control that dictates the minutia of their labour and movement. Clearly, the agricultural system implicit in international agriculture development does not value the Mexican labourers who supply limes.

## 5.2 Canada – Garlic, Cilantro and Onions

The Seasonal Agricultural Worker Program (SAWP), created in 1966, permits around 30,000 temporary farm workers annually – many of whom are from Mexico – to work on farms in Canada.<sup>72</sup> Migrant workers travel to British Columbia to grow products including cilantro and garlic, and to Ontario to grow products including onions. Migrant farm labour is seen as a necessary solution to widespread agricultural labour shortages in Canada, from the fact that farm work is unattractive to many residents due to undesirable working

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<sup>67</sup> Alvarez, *supra* note 13.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> Fay Faraday, “Made in Canada: How the Law Constructs Migrant Workers’ Insecurity” (2012) at 37, online (pdf): *Metcalf Foundation* < <https://metcalfoundation.com/site/uploads/2012/09/Made-in-Canada-Full-Report.pdf> > [Made in Canada].

conditions, low remuneration, low prestige, and rural isolation.<sup>73</sup> On top of the unappealing nature of the work, the ethos of international agricultural development insists on reducing labour costs while continuing to increase productivity; widespread procurement of cheap labour from the Global South is desirable.<sup>74</sup>

The United Food and Commercial Workers Union notes that 18% of all Canadian farmworkers are migrant workers, and those migrant workers supply as much as 45% of all documented farm-working hours.<sup>75</sup> Despite Canada's dependence on migrant labourers to grow crops such as garlic, onions, and cilantro, these labourers are rarely if ever represented in discussions about their rights and livelihoods.<sup>76</sup> Their lack of citizenship alienates their voices from conversations in which their access to rights is negotiated.

Although the rights of migrant workers in Canada parallel the rights of working citizens on paper, the reality is much more complex.<sup>77</sup> According to Holt-Giménez, Brent, and Shattuck, "low wages and substandard working conditions subsidize the enormous profits of the food industry and puts up the triple burden of poverty, labour abuse, and food insecurity on the most vulnerable."<sup>78</sup> Migrant workers are mostly non-unionized, and although their workplace protections are upheld in the Employment Standards Act, the Human Rights Code, the Occupational Health and Safety Act, the Pay Equity Act, and the Workplace Safety Insurance Act, the precarity of their situation makes them incredibly vulnerable to human rights and health and safety violations. Like in Mexico, if workers complain, they will simply be replaced by the next in line. In Canada, however, this means not only losing their job, but losing their right to be in Canada at all.<sup>79</sup> Their contracts are known as closed work permits, where their labour is tied specifically to one employer. If their employer decides to let them go, they are simply sent home.<sup>80</sup> Standing out by seeking legal reparations for violations of any of Canada's laws would be far too risky for anyone who wanted to remain working in Canada.

And the violations are vastly documented. Living environments on farms often violate health and safety standards, with housing reported as overcrowded, downtrodden,

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<sup>73</sup> A. Weiler, C. Levkoe and C. Young, "Cultivating equitable ground: Community based participatory research to connect food movements with migrant farmworkers" (2016) 6:2 J Agriculture, Food Systems, & Community Development 73 (DOAJ Directory of Open Access Journals).

<sup>74</sup> *Ibid.*

<sup>75</sup> United Food and Commercial Workers (UFCW) Canada and the Agricultural Workers Alliance (AWA), "The Status of Migrant Farm Workers in Canada" (2015) at 14, online (pdf): <<https://ml.globenewswire.com/Resource/Download/709696c3-7d67-4d2d-bf71-e600701a2c8c#:~:text=UFCW%20Canada%20joined%20over%20forty,employers%20while%20working%20in%20Canada>>.

<sup>76</sup> Weiler, *supra* note 73.

<sup>77</sup> Faraday "Made in Canada," *supra* note 72.

<sup>78</sup> E. Holt-Giménez, Z. Brent, & A. Shattuck, "Food Workers – Food Justice: Linking food, labour and immigrant rights" (2010) 16:2 Institute for food and development policy 1.

<sup>79</sup> Faraday "Made in Canada", *supra* note 72 at 5.

<sup>80</sup> Analyse Weiler & Gerardo Otero, "Boom in temporary migrant workers creates a vulnerable workforce, increases workplace inequality" (March 18 2013), online: *Canadian Centre for Policy Alternatives* <[https://www.policyalternatives.ca/publications/commentary/boom-temporary-migrant-workers-creates-vulnerable-workforce-increases-workpl#:~:text=Boom%20in%20temporary%20migrant%20workers%20creates%20a%20vulnerable%20workforce%2C%20increases%20workplace%20inequality,-Author\(s\)%3A&text=In%202013%2C%20for%20the%20first,young%20people%20entering%20the%20workforce](https://www.policyalternatives.ca/publications/commentary/boom-temporary-migrant-workers-creates-vulnerable-workforce-increases-workpl#:~:text=Boom%20in%20temporary%20migrant%20workers%20creates%20a%20vulnerable%20workforce%2C%20increases%20workplace%20inequality,-Author(s)%3A&text=In%202013%2C%20for%20the%20first,young%20people%20entering%20the%20workforce)>.

with poor or non-existent toilets, and poor shelter against inclement weather.<sup>81</sup> Workers are often not allowed to leave their farm, meaning that they cannot receive adequate healthcare, and experience high rates of mental illness from social isolation, and poor health from long hours and weak safety standards.<sup>82</sup> Additionally, pesticide exposure, like that in Mexico, is a serious health risk for migrant workers on non-organic farms. Farmworkers in both the United States and Canada suffer from more chemical related injuries and illnesses than any other workforce in their respective countries.<sup>83</sup>

Finally, although the right to unionize differs between Ontario and British Columbia, (the Ontario legislature does not provide the right to collective bargaining for farm workers; whereas British Columbia allows it<sup>84</sup>), SAWP has been documented to exclude individuals from entering Canada on the basis that they are union sympathizers.<sup>85</sup> Workers have also reported that before leaving Mexico, they were advised that association with any union activity would threaten their employment and risk them being sent home.<sup>86</sup>

Despite laws in place guaranteeing basic human rights, health, and safety, the ethos of international agricultural development has rendered migrant workers in Canada at the periphery of marginalization. If they stay silent, they face extreme health risks and systemic violence; if they speak up, they risk losing their right to work in Canada. When farm labourers have already made the tough decision to leave home in hopes of accessing higher pay, they are faced with yet another impossible decision of either sacrificing their health and livelihood or sacrificing their job. Yet again, the agricultural system implicit in international agriculture development clearly does not value the Mexican labourers who grow cilantro, garlic, and onions.

### 5.3 United States – Tomatoes

Mexican workers who grow tomatoes in California are a combination of both formal migrant workers, and undocumented workers.<sup>87</sup> Oftentimes, they are invited to the area by the employing farms themselves through informal agreements made in Mexico by third-

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<sup>81</sup> David Fairey et al, "Cultivating Farmworker Rights: Ending the exploitation of immigrant and migrant farmworkers in BC" (2008), online (pdf): *Canadian Centre for Policy Alternatives* <[https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC\\_Office\\_Pubs/bc\\_2008/bc\\_farmworkers\\_full.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC_Office_Pubs/bc_2008/bc_farmworkers_full.pdf)>.

<sup>82</sup> J. Hennebry, J. McLaughlin & K. Preibisch, "Out of the Loop: (In)access to Health Care for Migrant Workers in Canada" (2015) 17:2 *J Intl Migration and Integration* 521 (ABI/INFORM Global); B. Salami, S. Meharali & A. Salami, "The health of temporary foreign workers in Canada: a scoping review" (2015) 106:8 *Canadian J Public Health* (Expanded Academic ASAP).

<sup>83</sup> Farmworker Justice, "Pesticide Safety" (2017), online: *Farmworker Justice* <<https://farmworkerjustice.org/>>.

<sup>84</sup> Veena Verma, "The Mexican Caribbean Seasonal Agricultural Workers Program: Regulatory and Policy Framework, Farm Industry Level Employment Practices, and the Future of the Program under Unionization" (2011), online (pdf): *North South Institute* <<http://www.nsi-ins.ca/wp-content/uploads/2012/11/2002-The-Mexican-and-Caribbean-Seasonal-Agricultural-Workers-Program-Regulatory-and-Policy-Framework-Executive-Summary.pdf>>.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> Christian Zlozniski, "Coping with precarity: subsistence, labor, and community politics among farmworkers in northern Mexico" (2019) 43:1 *Dialectical Anthropology* 77 (Sociology Database).

party recruiters.<sup>88</sup> They gather in squatter settlements around the farms, where residences are reported to lack basic infrastructure such as running water, sewage, and paved roads.<sup>89</sup> When the labourers arrive, they already owe their employers money for transportation, and these costs build up as they become indebted to their employer for work clothing and gear, food provided within the labour camps, and transportation around the farm. The interest on the loans build over time, creating a dynamic of indentured labour.<sup>90</sup> Unless they are fired, security guards usually prevent them from leaving the squatter camps.<sup>91</sup>

The workers in California face much of the same systemic marginalization and structural violence as the migrant workers in Canada. Their worker-status is either precarious or non-existent, and seeking human rights threatens their job security, not to mention their home-security if they have settled indefinitely in the region.<sup>92</sup> Despite laws that protect these workers, the communities cannot access them for fear of being displaced. Also, many laws in the United States do not protect farm workers to begin with.<sup>93</sup> The National Labour Relations Act, for example, excludes farm labourers due to the seasonal and quota-based nature of the work. They are not allowed to organize unions or protests, and they are not guaranteed a minimum wage.<sup>94</sup> Tomato harvesters are paid by piece rate (per tomato), rather than by hour. The result is that despite minimum wage laws for other work industries, they receive substantially less than the hourly minimum.<sup>95</sup>

Tomato harvesters in California, alongside workers in Canada and Mexico, are not valued. Marginal identities of gender and Indigeneity can exacerbate the oppression they experience. With the exclusion of farm work from many US labour laws, and with their precarious status, Mexican labourers in California face entrenched poverty and human rights violations. Through loans and steep interest rates, their employment looks more like indentured servitude, with debts climbing so high that many workers are not able to pay them off within their lifetime.<sup>96</sup> Despite the narrative that international agricultural development will benefit rural farming communities, the labourers who grow tomatoes in California are clearly not valued.

## 6. Opportunities for Change

In recognizing that the agricultural systems of today, as prescribed by the ethos of international agricultural development, marginalize the workers who grow our food, what options are we left with as consumers? What happens if we want to eat Mexican salsa, but we want to prevent the deleterious impacts on Mexican workers? This section will briefly discuss various models for change, including Corporate Social Responsibility, Consumer

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<sup>88</sup> Kevin Bales & Ron Soodalter, *The Slave Next Door: Human Trafficking and Slavery in America Today* (Los Angeles: University of Los Angeles Press, 2009).

<sup>89</sup> Zolniski, *supra* note 87.

<sup>90</sup> Bales, *supra* note 88.

<sup>91</sup> *Ibid.*

<sup>92</sup> Zolniski, *supra* note 87.

<sup>93</sup> *Ibid.*

<sup>94</sup> L. Murpher, "Transition to Large-Scale Organic Vegetable Production in the Salinas Valley, California" (2008) 126(3-4) *Agriculture, Ecosystems & Environment* 168 (Elsevier ScienceDirect Journals Complete).

<sup>95</sup> Bales, *supra* note 88.

<sup>96</sup> *Ibid.*



control, Worker-Driven Social Responsibility Programs, International Legal frameworks, Domestic law reforms, and the overall food sovereignty movement.

## 6.1 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is a kind of private regulation that could raise companies' labour standards, where private actors such as agribusinesses set standards for their own practices, adjudicate their own performance, and report on the outcome.<sup>97</sup> CSR can be more effective than international legal interventions, which are often suggestive, rather than binding.<sup>98</sup> However, CSR is only as binding as the private actors choose the standards to be. The standards themselves are set by the companies, which means they are not necessarily challenged to change their policies or performance, and their compliance with those standards is only measured internally, meaning that they can choose whether or not to report, how to frame the report, and how to respond to failures.<sup>99</sup> Since brands have an incentive to hide failures from their shareholders, their internal audits may be self-serving at best.<sup>100</sup>

## 6.2 Consumer Control

Consumer control, by means of choosing certain products over others, might offer a more transparent auditing mechanism than CSR. Depending on financial and physical access, consumers might have the option to purchase directly from local farmers, where they can visit the farm to see with their own eyes what kind of labour standards are in place. They might also have the option to purchase third-party certified products. Certifications like organic, (meaning the labours are not exposed to synthetic pesticides), and Fair Trade, (meaning the labourers are guaranteed certain basic rights), can empower consumers to take control over how their money is impacting farm workers.<sup>101</sup>

The major downfall with this approach is that voting with your dollars assumes that the person has enough dollars with which to vote. Consumer control relies on a capitalist system that positions consumers as merely that – consumers who spend money – rather than people in relationship with other people. The price premium of third-party verified certifications also relies on the relative wealth and willingness of consumers to choose certified products over others. For folks who are entrenched in systems of poverty, such as farm workers themselves, this is often not an option.

## 6.3 Worker-Driven Social Responsibility Programs

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<sup>97</sup> Beryl Ter Harr & Maarten Keune, "One Step Forward or More Window Dressing? A Legal Analysis of Recent CSR Initiatives in the Garment Industry in Bangladesh" (2014) 30 Intl J Comparative Labour L & Industrial Relations 5.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ter Harr, supra* note 98.

<sup>100</sup> Richard M. Locke & Monica Romis, "The Promise and Perils of Private Voluntary Regulation: Labour Standards and Work Organization in Two Mexican Garment Factories" (2010) 17:1 Rev Intl Political Economy 45.

<sup>101</sup> Gustavo Esteva & Madhu Suri Prakash, "From Global Thinking to Local Thinking" in Majid Rahnema and Victoria Bawtree (eds), *The Post-Development Reader* (Zed Books, 1997) 277.

Worker-Driven Social Responsibility Programs (WSR) are standards that are defined, monitored, and enforced by the farm workers themselves.<sup>102</sup> A powerful example of WSR is Milk With Dignity – a project organized through the Migrant Justice network where the labour code of conduct is written by and for farmworkers, a third-party auditor is hired to measure performance, and legally binding contracts are signed between farm workers and their employers to guarantee basic labour standards.<sup>103</sup>

The Coalition of Immokalee Workers is another WSR that has seen success in raising labour standards on farms. The Coalition has leveraged large buyers like Walmart and Sodexo to sign legally binding purchase agreements that guarantee a code of worker standards determined by the farm workers in the Coalition, and higher pay per fruit piece harvested.<sup>104</sup> The power of these agreements is that the workers themselves get to control their standards. This is a significant act in the face of top-down international agricultural development schemes that marginalize farm workers from controlling their rights and livelihoods.

## 6.4 International Legal Frameworks

International Law can have the power to both suggest and enforce higher standards for agricultural labour. USMCA chapter 23, as discussed above, has great potential to demand higher minimum standards for Mexico, Canada, and the United States. Other frameworks, such as the UN Declaration on the Rights of Peasants, set out state obligations such as consulting with peasants and rural workers about decisions regarding their land<sup>105</sup> and granting peasants and farmers the right to form and join unions.<sup>106</sup>

Although international law can draw attention to human rights violations, sometimes the impact stops there. In cases where workers are afraid to speak up because of their precarious status, international law offers little protection, similar to the domestic laws that promise basic human rights but fall short for those who are tied to exploitative working contracts.<sup>107</sup> However, international solidarity can offer enormous strength for a groundswell of activism. Union leaders in Mexico, for example, have noticed that access to international allies has offered them greater leverage in demanding basic labour standards.<sup>108</sup>

## 6.5 Domestic Law Reforms

Legal scholars who study migrant agricultural workers, including Osgoode's own Fay Faraday, call for legal reforms that allow for open work permits, paths to permanent

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<sup>102</sup> Fair Food Standards Council, "About" (2016), online: *Fair Food Standards Council* <<https://www.fairfoodstandards.org/about/>>.

<sup>103</sup> Migrant Justice, "Milk with Dignity Campaign" (2018), online: *Migrant Justice Justicia Migrante* <<https://migrantjustice.net/milk-with-dignity-campaign>>.

<sup>104</sup> Fair Food Program, "Home" (2015), online: *Fair Food* <<https://www.fairfoodprogram.org/>>.

<sup>105</sup> UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: resolution / adopted by the General Assembly, 2018, A/RES/39, art 2, available at: <https://www.refworld.org/>.

<sup>106</sup> *Ibid*, art 9.

<sup>107</sup> *Gabriel, supra* note 31.

<sup>108</sup> *Compa, supra* note 30.



residency, and the right to unionize.<sup>109</sup> For migrant farmworkers in Ontario and California, the right to unionize could offer increased wages and greater job security.<sup>110</sup> Open work permits could offer workers greater freedom to move between employers, which could also mean that their ability to seek legal redress for violations is more within reach.<sup>111</sup> Finally, pathways to permanent residency, and even citizenship, would mean that workers are guaranteed the same rights as citizens. Their precarious status would be eliminated, and their ability to exercise their right to democratic action, collective action, and freedom of movement would be legally upheld.<sup>112</sup>

## 6.6 Food Sovereignty

Food sovereignty is defined as:

The right of peoples to define their own agricultural and food policies, to protect and regulate domestic agricultural production and trade in order to achieve sustainable development objectives, to determine the extent to which they want to be self-reliant, and to restrict the dumping of products in their markets. Food sovereignty does not negate trade, but rather it promotes the formulation of trade policies and practices that serve the rights of peoples to safe, healthy, and ecologically sustainable production.<sup>113</sup>

The food sovereignty discourse analyses the impact of international agricultural development schemes and calls for the right for farm workers to control their own food sources, land use, and food production.<sup>114</sup> Rather than top-down enforcement, food sovereignty imagines people making decisions about their land, food, and livelihoods on their own accord.

Although there can be no homogenous manifestation of food sovereignty, as each locale and community would decide for themselves what it looks like, things like the right to unionize, WSRs, and pathways to citizenship offer powerful examples of sovereignty and control.

## 7. Conclusion

I still think back to the Mexican dinner fundraiser to this day, and wonder whether its impact was actually pyrrhic for the rural farmers. Despite raising money for rural healthcare, the food we were serving was contributing to extreme poverty and health violations for those same communities. This paper explored how the paradigm of

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<sup>109</sup> Faraday “Made in Canada,” *supra* note 72 at 15.

<sup>110</sup> Weiler, *supra* note 80.

<sup>111</sup> *Ibid.*

<sup>112</sup> A. Smith, “Legal Consciousness and Resistance in Caribbean Seasonal Agricultural Workers” (2005) 20:2 *Can J Law and Society* 95 (Project Muse Premium Collection).

<sup>113</sup> La Via Campesina, “Peoples’ Food Sovereignty – WTO Out Of Agriculture” (2001), online: La Via Campesina <<https://viacampesina.org/en/peoples-food-sovereignty-wto-out-of-agriculture/>>.

<sup>114</sup> Jarosz, *supra* note 15.

international agricultural development impacts farm working communities, and the findings demonstrate that farm labourers are both devalued and marginalized within those agricultural structures.

Although the international development paradigm ostensibly promotes social progress and wellbeing, it exists as a mechanism for neo-colonialism and neo-extractivism that ultimately controls and marginalizes the labour and resources of the Global South. Farm workers who grow limes in Mexico, tomatoes in the United States, and cilantro, garlic and onions in Canada face threats to their health, human rights violations, systemic racism, and entrenched poverty. If we, as a society, want to protect the rights and safety of farm labourers, we must address the ongoing systems of oppression within the agricultural system, and we must support food sovereignty movements.