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## Research Report

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: One step forward in the promotion of human rights for the most vulnerable

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# **The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: One Step Forward in the Promotion of Human Rights for the Most Vulnerable**

Maria Natalia Pacheco Rodriguez  
Luis Fernando Rosales Lozada





# RESEARCH PAPER

123

## THE UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS: ONE STEP FORWARD IN THE PROMOTION OF HUMAN RIGHTS FOR THE MOST VULNERABLE

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## ABSTRACT

Peasants and other people living rural areas are among the most vulnerable in the world. In 2015, an estimated of 736 million people in the world lived in extreme poverty, of which 589 million – 80 per cent – live in rural areas. Despite increasing urbanization in the last decades, almost 45 per cent of the global population still lives in areas defined as rural, and most of them are among the poorest of the world. The situation is most likely worsening because of the COVID-19 pandemic. In 2018, the United Nations (UN) General Assembly, adopted the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas by the supporting vote of a vast majority of countries. There are many reasons to consider the Declaration as one of the most relevant actions in the realm of human rights law taken by the United Nations in recent years. Some of them are the recognition of peasants as specific subjects of rights; the reaffirmation of existing standards tailored for the reality of people living in rural areas; and the development of international law to address existing gaps in the protection of their rights in complex subject matters such as the right to land, the right to seeds, and the right to means of production. In underscoring the importance of the Declaration for the world, this research paper narrates the process of construction of the Declaration, its contributions to international human rights law and stresses on its potential for poverty reduction and food security, in line with the sustainable development goals (SDGs) and the strategies of the UN Decade on Family Farming.

*Los campesinos y otras personas que viven en zonas rurales se encuentran entre los más vulnerables del mundo. Se estima que, en 2015, 736 millones de personas en el mundo vivían en la pobreza extrema, de las cuales 589 millones -el 80%- viven en zonas rurales. A pesar de la creciente urbanización de los últimos decenios, casi el 45% de la población mundial sigue viviendo en zonas definidas como rurales, y la mayoría de ellas se encuentran entre las más pobres del mundo. Lo más probable es que la situación esté empeorando a causa de la pandemia de COVID-19. En 2018, la Asamblea General de las Naciones Unidas aprobó la Declaración de las Naciones Unidas sobre los derechos de los campesinos y otras personas que trabajan en zonas rurales con el voto de apoyo de la gran mayoría de los países. Hay muchas razones para considerar la Declaración como una de las medidas más relevantes en el ámbito de la legislación sobre derechos humanos adoptadas por las Naciones Unidas en los últimos años. Algunas de ellas son el reconocimiento de los campesinos como sujetos específicos de derechos; la reafirmación de las normas existentes adaptadas a la realidad de las personas que viven en las zonas rurales; y el desarrollo del derecho internacional para abordar las lagunas existentes en la protección de sus derechos en materias complejas como el derecho a la tierra, el derecho a las semillas y el derecho a los medios de producción. Al subrayar la importancia de la Declaración para el mundo, este documento de investigación narra cómo fue el proceso de construcción de la Declaración, su contribución al derecho internacional de los derechos humanos y destaca su potencial para la reducción de la pobreza y la seguridad alimentaria, en consonancia con los objetivos de desarrollo sostenible y las estrategias del Decenio de las Naciones Unidas sobre la Agricultura Familiar.*

*Les paysans et autres personnes vivant dans les zones rurales sont parmi les plus vulnérables au monde. En 2015, environ 736 millions de personnes dans le monde vivaient dans l'extrême pauvreté, dont 589 millions – 80 % – dans les zones rurales. Malgré une urbanisation croissante au cours des dernières décennies, près de 45 % de la population mondiale vit toujours dans des zones définies comme rurales, et la plupart d'entre elles comptent parmi les plus pauvres du monde. La situation s'aggrave très probablement en raison de la pandémie de COVID-19. En 2018, l'Assemblée générale des Nations Unies*



*(ONU) a adopté la Déclaration des Nations Unies sur les droits des paysans et des autres personnes travaillant dans les zones rurales par le vote favorable d'une grande majorité de pays. Il y a de nombreuses raisons de considérer la Déclaration comme l'une des actions les plus pertinentes prises par les Nations Unies ces dernières années dans le domaine des droits de l'homme. Certaines d'entre elles sont la reconnaissance des paysans en tant que sujets de droits spécifiques ; la réaffirmation des normes existantes adaptées à la réalité des personnes vivant dans les zones rurales ; et le développement du droit international pour combler les lacunes existantes dans la protection de leurs droits dans des domaines complexes tels que le droit à la terre, le droit aux semences et le droit aux moyens de production. En soulignant l'importance de la Déclaration pour le monde, ce document de recherche raconte comment s'est déroulé le processus de construction de la Déclaration, ses contributions au droit international des droits de l'homme et met l'accent sur son potentiel pour la réduction de la pauvreté et la sécurité alimentaire, en accord avec les objectifs de développement durable (SDG) et les stratégies de la Décennie des Nations Unies pour l'agriculture familiale.*

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## LIST OF ACRONYMS

CELAC	Community of Latin American and Caribbean States
CETIM	Centre Europe – Tiers Monde
CFS	Committee on Food Security
FAO	United Nations Organization for Food and Alimentation
FIAN	Food First Information and Action Network
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFAD	International Fund for Agricultural Development
IGWG	The Intergovernmental Working Group
ILO	International Labour Organization
LVC	La Via Campesina
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organization of Islamic Cooperation
SDG	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UNDROP	United Nations Declaration on the Rights of Peasants and other People working in rural areas
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Emergency Fund
WIPO	World Intellectual Property Organization
WTO	World Trade Organization



# 1. INTRODUCTION

In 2015, an estimated of 736 million people in the world lived in extreme poverty, of which 589 million – 80 per cent – live in rural areas.<sup>3</sup> Despite increasing urbanization in the latest decades, near 45 per cent of the global population still lives in areas defined as rural, and most of them are among the poorest of the world.<sup>4</sup>

The 2030 Agenda on Sustainable Development shed light on the crucial need to fight against poverty. The Sustainable Development Goals (SDGs) 1 and 2 committed the United Nations (UN) Member States to poverty alleviation and zero hunger. However, today's world is experiencing a rollback in the struggle to achieve these goals. Recent data shows that the number of hungry people in the world is growing, reaching 821 million in 2018, 37 million people more than in 2015.<sup>5</sup> That means that one in every nine people suffers from hunger.<sup>6</sup> This figure represents a worrying rise in famine for a third consecutive year after a prolonged decline.

This disappointing scenario disproportionately affects the poorest and most vulnerable people around the world, mainly peasants and other people living in rural areas. Several studies recognize that peasants, smallholder farmers, landless people, agricultural workers and people living from traditional fishing, hunting and herding activities are among the most vulnerable people.<sup>7</sup> While this population is not homogeneous, almost all of them depend on natural resources and agriculture for their livelihood and experience very diverse situations of social and economic exclusion, discrimination, isolation and political disempowerment.

Analyzing the causes of the historical problems that peasants and other people living in rural areas have faced for centuries is a task that goes beyond the objective of this paper. Nonetheless, it is important to underline the impact of neoliberal policies in exacerbating the problems that peasants face by depriving States of their capacity to adopt active measures to promote and protect vulnerable groups. Against the neglect of their fundamental human rights, including the social, economic, and civil and political rights, peasants used mechanisms to defend themselves, including social mobilizations and protests, many of which were discredited and criminalized in different parts of the world.

In this context, the adoption of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (henceforth the Declaration and sometimes referred to as UNDROP) seized a small opportunity that the system permitted to go beyond the status quo and to build an instrument that may serve to fight against injustice and the abuse of power.

In this research paper, we explain the fascinating but challenging process of construction of the Declaration as a new instrument of international law for the promotion and protection of human rights. We discuss how the Declaration achieved new developments for human rights law. We also elaborate on the Declaration's potential not only for peasants but also for societies as a whole. To this end, we divided this research paper into three main parts: First, we discuss the origins of the Declaration. Second, we analyze the process of negotiation of

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<sup>3</sup> Food and Agriculture Organization of the United Nations, *The State of Food Security and Nutrition in the World 2018. Ending Extreme Poverty in Rural Areas*, (Rome, 2018), p. 1.

<sup>4</sup> Ibid., p. 5

<sup>5</sup> UN Sustainable Development Goals. Knowledge Platform. <https://sustainabledevelopment.un.org/sdg2>. Last accessed on 7/01/2020.

<sup>6</sup> FAO, *The State of Food Security and Nutrition in the World 2018*, p. 9.

<sup>7</sup> Human Rights Council, *Preliminary Study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas*. Doc. A/HRC/16/63. 2011.

the instrument at the United Nations. Finally, we explain the main achievements of the Declaration and discuss future possibilities to promote it further.

## **2. THE ROLE OF STAKEHOLDERS AND INTERNATIONAL ORGANIZATIONS**

This section briefly examines the role of different stakeholders and international organizations in the process leading to the adoption of the Declaration.

### **States**

States, as the main actors in multilateral organizations, had a crucial role in the establishment, negotiation, and adoption of the Declaration. We can distinguish States' involvement in the process by their positions as well as their membership in the relevant UN bodies. Regarding States' positions, we can observe the following:

- i. The Core Group: Constituted by the delegation of the Plurinational State of Bolivia in Geneva, as the main proponent of the Declaration. Cuba, Ecuador, and South Africa were also part of this group, and they all played a key role in promoting the Declaration during the negotiations. The Core Group jointly presented the resolutions to the Human Rights Council.
- ii. The co-sponsors and other supporting countries: This is a group of countries who added their names to show their strong support to the different resolutions concerning the rights of peasants. The list of co-sponsors to the resolutions concerning the rights of peasants grew with time.

The process had the important support of the Non-Aligned Movement, the African Group, and the Organization of Islamic Cooperation (OIC), who had a fundamental role in the process. The Latin-American and Caribbean Group did not have a common position, but the vast majority of its Member States agreed with the importance of the process.

Switzerland also contributed constructively to the Declaration, particularly at the fourth and fifth sessions of the IGWG where it played an important role in proposing bridging alternatives.

- iii. States opposing the Declaration: There were some countries against the process from the beginning, such as the United States and the United Kingdom, among others. The European Union (EU) members had different views, but in general, EU expressed its disagreement from the beginning of the process. Portugal was in favor of the Declaration and co-sponsored the resolution to adopt it, contributing to finding the appropriate balance in many articles. In that context, EU participated more constructively in the 4th and 5th sessions of the working group.
- iv. Other States: Some States did not express strong views on the Declaration during the negotiations of the Declaration, but in the General Assembly, most of them voted in favor.

States' participation in the process at UN varied according to their membership in the following bodies:

- i. The Human Rights Council (HRC): It is composed of 47 Member States who have the possibility of voting the resolutions that will be later sent to the General Assembly. The other States can participate as observers in the formal discussions. However, all



States, members and non-members can equally participate in the informal negotiations of the resolutions before their formal consideration by the HRC. In that context, the negotiations of the resolutions concerning the Declaration were open to all States.

- ii. The Intergovernmental Working Group (IGWG): In this mechanism established by HRC resolution 21/19 in 2012, all States could participate in the debates. The representative of the Bolivian Mission was elected as Chair of the Working Group, with the role of conducting the negotiations, organizing the meetings, and proposing a way forward, taking into account all views expressed. In that regard, the delegation of Bolivia in Geneva had a central role in the negotiations of the Declaration.
- iii. The General Assembly (GA): Once the Human Rights Council adopted the Declaration, it went to the GA for consideration. This body, where all States can participate, discussed and voted to adopt the Declaration. Subsequently, the Plenary of the GA voted again on the resolutions put forward by the Third Committee.

### **The Human Rights Council Secretariat**

The support of the HRC Secretariat was critical during the meetings of the working group, granting all the facilities and providing records of the sessions.

### **International and Intergovernmental Organizations**

Representatives of International Organizations accredited as observers to the HRC participated with interventions supporting the Declaration. That was the case of the United Nations Organization for Food and Agriculture (FAO), the International Labour Organization (ILO) and the South Centre.

### **Civil Society**

Several nongovernmental organizations that have the status of observers in the HRC participated actively during the negotiations, at the Human Rights Council, at the Working Group and in the General Assembly. Some of the most vocal organizations that participated in the process include the Centre Europe-Tiers Monde (CETIM), the Food First Information and Action Network (FIAN), Tobacco Allied Workers Association (IUF), International Indian Treaty Council (IITC), Alliance for Food Security in Africa (AFSA), Centro de Estudios Legales y Sociales (CELS), among others.

### **Peasants Organizations**

In the process of UNDROP, there were several institutions and representatives of organizations of peasants, pastoralists, fishermen, rural migrant workers, rural women, among others. Notably, La Via Campesina, a global movement that gathers 182 organizations from 81 countries, promoted the Declaration many years before the Human Rights Council considered it and actively participated in the negotiations in UN. La Via Campesina had a crucial role in interacting with States during the negotiations of the resolutions at the Human Rights Council. During the sessions of IGWG, the Bolivian Chairmanship agreed to give peasant organizations an equal treatment to that of States in terms of speaking time and possibility to propose amendments. This inclusive approach allowed them to fully express their views during the sessions and interact in the discussions.

## **Academia and Experts**

Many experts from different academic institutions from different parts of the world participated in the process. Notably, the Geneva Academy of International Humanitarian Law and Human Rights (Geneva Academy) was deeply involved from the early stages, including supporting the Advisory Committee of HRC.

Various experts were invited to the sessions of the Working Group by the Chairmanship, to provide their views and help clarify and find solutions to the questions raised. The experts came from different regions and backgrounds, and some had worked in international organizations, others in academic institutions, others were peasants themselves sharing their expertise in the field.

### 3. BACKGROUND: AN INITIATIVE OF LA VIA CAMPESINA

On 17 December 2018, the United Nations General Assembly (UNGA), adopted the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas by the supporting vote of a vast majority of countries.<sup>8</sup> There are many reasons to consider the Declaration as one of the most relevant actions in the realm of human rights law taken by the United Nations in recent years, since the adoption of the UN Declaration on the Indigenous Peoples Rights, in 2007. Achieving such a result in the current international context was not an easy task given the rising retrogressive trends around the world.

The process to adopt the Declaration took almost 20 years since it was first conceived by La Via Campesina,<sup>9</sup> when peasant organizations called the attention to the need of an international instrument to recognize and promote small farmers' human rights similarly to what was done for other groups in situation of vulnerability.<sup>10</sup> The initial steps within the UN system were taken in 2001 when La Via Campesina first called for peasants' rights on debates on the "right to development" in the UN Human Rights Commission.<sup>11</sup>

The 2008 financial and food crisis put on the spot the grave situation of food security around the world and motivated the Human Rights Council to organize a meeting to discuss "the negative impact on the realization of the right to food of the worsening of the world food crisis"<sup>12</sup>. This event was an opportunity for LVC representatives to have their voice heard at HRC and submit their draft declaration. This scenario encouraged LVC to start a process at the United Nations.

#### Box 1

##### **From one peasant's idea to the Palais des Nations\***

It was the Federation of Indonesian Peasant Unions (FSPI) that launched the discussion on peasants' rights in the 1990s. Mr Henry Saraghyh from FSPI was the main promoter of this initiative.<sup>13</sup>

The fragile and marginalized situation of peasants, and the continuous violation of their human rights around the world, motivated FSPI to take this issue to LVC. The purpose was to align the efforts of the peasants to assert their rights and get them recognized. In 1996, the second international conference of La Via Campesina was held in Tlaxcala, Mexico. At

<sup>8</sup> The results of the vote were: 122 in favour, 8 votes against, and 54 abstentions. See United Nations Meetings Coverage. Seventy-Third Session, 55th & 56th meetings (am & pm). Available from <https://www.un.org/press/en/2018/ga12107.doc.htm> Last accessed on 22/01/2020.

<sup>9</sup> La Via Campesina (LVC) is an international movement bringing together millions of peasants, small and medium size farmers, landless people, rural women and youth, indigenous people, migrants, and agricultural workers from around the world. LVC was founded in 1993 in Mons, Belgium, to give a voice to a large number of voiceless people around the world. It promotes peasant agriculture for food sovereignty as a way to promote social justice and dignity. LVC represents peasants around the world and it comprises 182 local and national organisations in 81 countries from Africa, Asia, Europe, and the Americas. Altogether it represents about 200 million farmers. Information retrieved from <https://viacampesina.org/fr/>, Last accessed on 23/03/2020.

<sup>10</sup> Coline, Hubert, *The UN Declaration on the Rights of Peasants. A Tool in the Struggle for our Common Future* (Geneva, CETIM, 2019), p. 20.

<sup>11</sup> Priscilla Claeys & Marc Edelman, The United Nations Declaration on the rights of peasants and other people working in rural areas, *The Journal of Peasant Studies*, 47:1, 1-68 (2020), p. 1. DOI: 10.1080/03066150.2019.1672665. Available from <https://doi.org/10.1080/03066150.2019.1672665>.

<sup>12</sup> Available from:

<https://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session7/Pages/7thSpecialSession.aspx>. Last accessed 23/03/2020.

<sup>13</sup> Ibid.

the meeting, convened to enable members to define the LVC goals, FSPI shared its thinking, and the question of human rights from the peasantry's perspective was put to delegates. The FSPI thus added human rights to the LVC agenda.

Internal discussions on peasants' rights went on for several years, and in 2000, at the third international LVC conference in Bangalore, India, a commission on human rights was conformed concluding that LVC should move into the sphere of international law and take its place in international negotiating forums, and they also concluded that peasants movement needed was international legislation on peasants' rights, drafted by peasants.

Once LVC was ready to embark on the process of acquiring these rights, two things were needed: to put peasants' rights down in writing and find a way into the United Nations. La Vía Campesina tackled both challenges at once, realizing that there was no time to lose.

There were several meetings in the LVC southeast and east Asia regions, and in a conference in 2002, the first draft of an LVC Declaration was produced. It had ten articles and already contained the major rights that the peasants defended and demanded throughout the process. This draft was then socialized towards collective drafting of peasants' rights. The aim was to have the instrument reworked by the peasants of all the LVC regions. That meant everyone had to be aware of the initiative. Accordingly, workshops were organized around the world to train peasants in human rights, but also to help them understand their situation and to find out what they thought of, and required from, the process. To do this, they received the support of the civil society, in particular, the Europe-Third World Centre (CETIM) and FIAN International. It also counted with the help of recognized academic experts such as Christophe Golay and Jean Zeigler.

In June 2008, LVC organized an international conference in Jakarta where more than 100 delegates from 60 countries attended. In October that year, the LVC annual conference was held in Maputo, and it was almost the final push before the adoption of the La Via Campesina Declaration. In January 2009, the LVC International Coordinating Committee finally adopted the text that now expanded to 13 articles. It was ready to be introduced to the UN system.

*\*Source: Hubert Coline, "The UN Declaration on the Rights of Peasants – A tool in the struggle for our Common Future". CETIM, Publicetim Nro 42, Geneva, 2019*

Within the UN system, the initiative was welcomed by the Special Rapporteurs on the Right to Food. First, Jean Ziegler, who was elected as Special Rapporteur from 2000 to 2008, and afterwards Olivier De Schutter, who held the position from 2008 to 2016; both supported the initiative. The legal background and findings of their reports<sup>14</sup> were crucial in raising awareness in the human rights forum about the worrying situation of the peasants at a global level.

At the 13th session of HRC in 2010, during the debates on the right of food, the situation of the peasants was raised, motivating this UN body to ask the Advisory Committee<sup>15</sup> to

<sup>14</sup> Jean Ziegler, "The right to food" Report submitted by the Special Rapporteur on the right to food, in accordance with Commission on Human Rights resolution 2003/25\*. E/CN.4/2004/10, 9 February 2004. Jean Ziegler *L'empire de la faim [The Empire of Hunger]*, 2005. Olivier de Schutter, "Analysis of the world food crisis by the U.N. special rapporteur on the right to food" Background Note, 2 May 2008 11:00 New York, Geneva. Available from <https://www2.ohchr.org/english/issues/food/docs/SRRTFnotefoodcrisis.pdf>; Interim Report on Land grabbing and land tenure presented to the UN General Council in August 2010 (Doc. A/65/281) available <https://undocs.org/A/65/281>.

<sup>15</sup> The Advisory Committee replaces the former Sub-Commission on the Promotion and Protection of Human Rights. It accomplishes the function of a think-tank of support the work of the HRC and it acts under its direction.

conduct “a preliminary study on ways and means to advance further the rights of people working in rural areas”.<sup>16</sup>

The Advisory Committee presented a final version of its study to the Human Rights Council in 2012.<sup>17</sup> The study identified that peasant farmers, small landholders, landless workers, fisher-folk, hunters, and gatherers are among the most discriminated and vulnerable groups in the world. The study also identified the principal causes leading to the discrimination and vulnerability of peasants. Among the causes were land expropriation, forced evictions and displacement, gender discrimination, absence of agrarian reform and rural development policies, lack of minimum wages and social protection; and criminalization of movements defending the rights of people working in rural areas. Most of them constituted violations of human rights.

The Advisory Committee examined each of the international instruments in light of the rights of peasants. The study recognized that existing international instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) offer broad protection to the rights of peasants and other people working in rural areas. Similarly, the Convention on the Elimination of All Forms of Discrimination against Women and the Indigenous Peoples Declaration protect women and indigenous peoples living in rural areas.

However, the experts also found a gap in international human rights law for the protection of small-scale farmers. The report underscores: “existing international human rights instruments, even if they were better implemented, remain insufficient to protect fully the rights of peasants and other people working in rural areas. These groups have suffered historical and persistent discrimination in many countries around the globe, and the existing protection of their rights is insufficient to overcome this situation. It is, therefore, necessary to go beyond existing norms and address the normative gaps under international human rights law.”<sup>18</sup>

The study concluded that, despite the existing human rights framework, to address the problems facing peasants, it was necessary to:

1. Better implement existing international norms
2. Address the normative gaps under international human rights law and
3. Elaborate a new legal instrument on the rights of people working in rural areas.

The final study contained a draft declaration on the Rights of Peasants, based in the LVC text, and it is suggested as a model for the new international instrument to be developed by the Human Rights Council. The proposed draft included the following articles: a) a definition of peasants; b) the right to life and an adequate standard of living; c) the right to land and territory; d) the right to seeds and traditional agricultural knowledge and practice; e) the rights to means of agricultural production; f) the right to information; g) the freedom to determine price and market for agricultural production; h) the right to the production of agricultural values; i) the right to preserve the environment; j) the freedom of association, opinion and expression; and k) the right to have access to justice.<sup>19</sup>

<sup>16</sup> Human Rights Council, Resolution 13/4, The Right to food. Doc: A/HRC/RES/13/4, 2010.

<sup>17</sup> Human Rights Council Advisory Committee, *Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas*, 2012. Doc A/HRC/19/75.

<sup>18</sup> Human Rights Council Advisory Committee. *Final study of the Human Rights Council Advisory Committee*, p.18.

<sup>19</sup> This draft declaration on the rights of peasants and other people working in rural areas was originally published as an annex to the Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, Doc. A/HRC/WG.15/1/2.



#### 4. NEGOTIATING THE UN DECLARATION ON PEASANTS AT THE HUMAN RIGHTS COUNCIL

Once the Advisory Committee issued its final report, the process to initiate the negotiations in HRC started. The peasant movements needed a country to take the lead in the establishment of a working group.<sup>20</sup> After some consultations, the LVC members, and the NGOs supporting them<sup>21</sup> approached the Ambassador of the Plurinational State of Bolivia, Angelica Navarro. They requested the possibility of the Plurinational State of Bolivia taking the lead in conducting the process in UN to adopt a declaration, even though it was not a member of the HRC in 2012. However, the position of the Plurinational State of Bolivia was well-known in various international forums for its support to vulnerable groups, human rights principles, and international law. Bolivia accepted the task.<sup>22</sup>

The Bolivian Mission organized a strategy to achieve the adoption of a resolution creating an Intergovernmental Working Group (IGWG). One crucial element to consider was the composition of HRC at that time, which was favorable to such a progressist initiative. A core group of countries supporting the process was formed to manage the process towards the adoption of the resolution, composed by Bolivia, Cuba, Ecuador, and South Africa. Then, with the support of LVC, CETIM, and FIAN, Bolivia started lobbying countries which would support and likely co-sponsor the draft resolution.

Consequently, the formal process at HRC started on 27 September 2012, with the adoption of the HRC resolution 21/19.<sup>23</sup> The main operative paragraph of the resolution read:

*“...to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals.”<sup>24</sup>*

#### The Intergovernmental Process

The IGWG held five formal meetings from 2013 to 2018. The delegation of Bolivia in Geneva<sup>25</sup> led the process of negotiations of the Declaration chairing the Working Group, proposing the resolutions and the different versions of the negotiating document.<sup>26</sup> During the second session, a representative of the Mission of Ecuador acted as vice-chair of the

<sup>20</sup> Hubert, The UN Declaration on the Rights of Peasants, pp. 25-26.

<sup>21</sup> The support of certain NGOs such as CETIM and FIAN international was highly relevant during the process.

<sup>22</sup> Claeys & Edelman, The United Nations Declaration on the rights of peasants, p. 21.

<sup>23</sup> The resolution had 23 votes in favor, 9 against and 15 abstentions. In favor: Angola, Bangladesh, Benin, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Kyrgyzstan, Malaysia, Peru, Philippines, Russian Federation, Thailand, Uganda, Uruguay Against: Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Romania, Spain, United States of America Abstained: Botswana, Jordan, Kuwait, Libya, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Switzerland.

<sup>24</sup> Human Rights Council. Resolution on the Promotion and protection of the human rights of peasants and other people working in rural areas. Doc. A/HRC/RES/21/19. OP Para No.1.

<sup>25</sup> Daniela Llanos, Laurent Gaberell and Freddy Mamami were members of the first team of the Mission of the Plurinational State of Bolivia.

<sup>26</sup> The following Ambassadors and Chargé d’Affaires of the Mission of Bolivia in Geneva were elected by the Intergovernmental Working Group to chair the meetings: Angelica Navarro Llanos (1st and 2nd Session), Nardi Suño Iturry (3rd and 4th session), and Luis Fernando Rosales Lozada (5th session).

meeting.<sup>27</sup> Bolivia's delegation had to prepare each session carefully, to maintain a fluent debate and avoid an impasse given the opposition that some industrialized countries had shown from the beginning. Bolivia and the core group conducted several informal consultations during the whole process in bilateral and regional formats to get a deeper understanding of the concepts and expectations of the Members States and other stakeholders and explore solutions with them.

Overall, the Bolivian chairmanship favored the broadest possible participation, considering the need to warrant the involvement of the representatives of the peasants and other groups working in rural areas. No one else could better explain their situation. The basis for the discussions was the draft declaration of the Advisory Committee.<sup>28</sup>

### **First Meeting of the IGWG: The Work Starts on the Basis of the Draft Declaration from the Advisory Committee (15-19 July 2013)**

The IGWG elected the Bolivian Representative as a Chair-Rapporteur before the first meeting. The working group agreed on the procedure of the negotiations based on a proposal introduced by Bolivia's Chairperson. The session had the participation of representatives from 63 countries,<sup>29</sup> including delegates from the European Union, the Holy See and Palestine. Delegates from many intergovernmental organizations, civil society, and representatives of peasants and other people working in rural areas also participated in the session.

The Deputy High Commissioner for Human Rights opened the session on behalf of the United Nations High Commissioner for Human Rights. This first meeting included three thematic panel discussions and had the support of 17 experts from different parts of the world.<sup>30</sup> The topics of the panels were: the importance of peasants, including their positive contribution to food security, the fight against climate change and the conservation of biodiversity; the situation of human rights in rural areas, in particular in terms of discrimination and the need for a United Nations Declaration on the rights of peasants and other people working in rural areas. Each of these topics was chosen to raise awareness of the human rights community about the role of peasants and other people working in rural areas. The issues discussed and the experts invited had been previously agreed upon in consultations with the HRC Member States.

Peasants' delegations were allowed to speak during the meeting, at the same level as Member States.<sup>31</sup> This practice was unusual, considering that in other HRC meetings, Member States take the floor first, and only after would there be a shorter segment for

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<sup>27</sup> Counsellor Luis Espinoza chaired a session in 2014.

<sup>28</sup> HRC, *Report of the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas*, 2014. Doc. A/HRC/26/48, p. 3

<sup>29</sup> Algeria, Argentina, Austria, Bahrain, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, the Czech Republic, Ecuador, Egypt (on behalf of the Like-Minded Group), Ethiopia, France, Gabon (on behalf of the African Group), Germany, Greece, Guatemala, Honduras, India, Indonesia, Ireland, Italy, Japan, the Lao People's Democratic Republic, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Morocco, Myanmar, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, South Africa, Spain, Sri Lanka, Switzerland, Thailand, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

<sup>30</sup> The experts who participated in the session were: Jan Douwe Van der Ploeg, Marcel Mazoyer, Jose Esquinas, Eva Torremocha Bouchet, Devinder Sharma, Jean Ziegler, Miloon Khotari, Genevieve Savigny, Claire Ameyo Quenum, Maria Silvia Emmanuelli, Sandra Ratjen, Olivier de Schutter, Christophe Golay, Henry Saragih, Michael Windfuhr, Marc Edelman, Margaret Nakato.

<sup>31</sup> Priscilla Claeys & Marc Edelman *The United Nations Declaration on the rights of peasants and other people working in rural areas*, *The Journal of Peasant Studies*, 47:1, 1-68 (2020). DOI: 10.1080/03066150.2019.1672665. <https://doi.org/10.1080/03066150.2019.1672665>.



stakeholders' interventions. This change helped to hear the voice of the peasants' representatives in a timely manner and contributed in clarifying the problems faced by peasants and other people working in rural areas, mainly because many times some delegations against the proposal could be very vocal, so the delegations of peasants could take the floor almost at the same time to balance the outcome. This change in the format of the HRC meetings was challenging to achieve, but it showed the flexibility of the Member States.

After the experts' presentations, the first meeting continued in two segments. The first segment was dedicated to general statements.<sup>32</sup> Delegations opposed to the draft declaration stated that the Advisory Committee had produced a draft declaration that the Human Rights Council had not requested. These countries claimed that the draft declaration defined new rights on which there was no consensus and that it was premised on differential treatment of peasants as a special category. According to them, there was no basis in international human rights law to confer collective rights to peasants and that the existing human rights provided adequate protection.

Some delegations said that the Human Rights Council and its subsidiary bodies were not the appropriate fora for discussion of many issues included in the draft declaration. According to them, items such as land tenure and the rights to seeds were discussed in other international organizations such as the Committee on World Food Security, FAO and WIPO. These delegations considered that the draft declaration was too focused on the rights of peasants which may lead to the exclusion of other people working in rural areas. Many countries also expressed the need to take into account the national priorities of individual countries.<sup>33</sup>

On the other hand, in this initial segment, many countries supported the draft declaration put forward by the Advisory Committee of HRC. It was clear for them that a UN declaration was paramount to food security and the realization of the right to food, sustainable development, and biodiversity, countering climate change, protecting the environment, combating discrimination, and the prevention and response to crises such as the financial and food crises. Many delegations also emphasized that a new instrument would enhance the protection of the rights of peasants by addressing the gaps in the current legal framework, including by clarifying the obligations of States and the specific rights that peasants could claim. Representatives also pointed out that the new instrument would give communities the possibility to claim individual and collective rights and that the declaration could contribute to better protecting the livelihoods of people living in rural areas and their families. Some delegations recalled that at some point in history, all rights were new and that the "new rights" contained in the draft declaration were essential to further promote and protect peasants. Other delegations also added that many provisions in the draft declaration were not new, but instead reflected the application of existing rights to the specific needs and vulnerabilities of peasants. In other words, the draft reflected provisions existing in other international instruments that it was essential to recognize and reaffirm in the human rights framework.<sup>34</sup>

During the debates, many delegations and other participants stressed that peasants experienced discrimination in many forms and on many grounds. This includes discrimination

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<sup>32</sup> It is a practice in multilateral international negotiations that at the beginning of the meeting members deliver their general statements where they introduce their national positions towards the negotiation with short and long-term considerations. This initial statement is a message to other members to have a common understanding of each other positions. Many times, this helps to facilitate members to get closer to other members with similar positions in the next negotiating steps.

<sup>33</sup> Human Rights Council, *Report of the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas*, First session, 2014. Doc. A/HRC/26/48.

<sup>34</sup> *Ibid.*, pp. 8-9.

based on age and gender as well as the denial of their means of livelihood and the creation of large buffer zones in occupied areas, separating farmers from their land and rendering it difficult for them to access it. Peasants were also denied other human rights, such as the right to food, health, water, and education. A delegation expressed the need to include legislation and programs to ensure the recognition of collective and individual land right. Some delegations noted the absence in the draft declaration of the right to social security.

Overall, in this first meeting, a vast majority of participants expressed support to the process and their commitment to improving the situation of peasants.

The general statement segment was followed by the first reading of the draft declaration, article by article. In this section, members and other participants expressed their initial views on each of the 13 articles that were proposed by the Chairperson for discussion.

### **First reading**

The basis for this first exercise was the draft declaration on the Rights of Peasants prepared by the Advisory Committee. The Chairperson organized the first reading clustering the following articles, 1 to 4, then 5 to 8 and finally articles 9 to 13. This approach allowed members and other participants to express their views on any the articles clustered.

#### **Box 2**

#### **Clusters for the first comprehensive reading of the Advisory Committee's draft declaration**

##### **Cluster 1**

- Art. 1. Definition of Peasants
- Art. 2. Rights of Peasants
- Art. 3. Right to life and to an adequate standard of living
- Art. 4. Right to land and territory

##### **Cluster 2**

- Art. 5. Right to seeds and traditional agricultural knowledge and practice
- Art. 6. Right to means of agricultural production
- Art. 7. Right to Information
- Art. 8. Freedom to determine price and market for agricultural production

##### **Cluster 3**

- Art. 9. Right to the protection of agricultural values
- Art.10. Right to biological diversity
- Art.11. Right to preserve the environment
- Art.12. Freedom of association, opinion, and expression

In this first reading, discussions gave an initial picture of how the process could unfold. Some members questioned the definition of “peasant” and the inclusion of some rights that had already been established in other international treaties. According to them, the word “peasants” had a pejorative implication. On the other hand, other delegations noted that a new UN declaration would contribute to changing the pejorative meaning of the concept of peasants. As a result of this debate it was understood that the definition of peasants may have been too narrow to capture the real nature of the problems that people living in rural areas had suffered: therefore many participants pushed to expand the scope of the definition

to cover a wide variety of people who work in these areas.<sup>35</sup> Delegations also said that the reaffirmation of existing rights and the recognition of new ones was a common practice in the elaboration of any international instrument. There were, in particular, different views on the right to water. Some delegations argued that the right to water could not be separated from the proposed right to land, as they were both essential to life in rural areas. However, other delegations felt that the proposed right to “access” to water would be a better substitute.

Many participants stressed that the proposed right to seeds and traditional agricultural knowledge were crucial for peasants and humankind. They voiced that peasants should have the right to choose the seeds they wished to grow and have the right to high-quality seeds given challenges such as climate change and biodiversity loss. But other participants said that this was a sensitive issue for industrialized countries because of its implications with access to protected seeds through the patent system or the protection system established under the International Union for the Protection of New Varieties of Plants (UPOV).<sup>36</sup>

Some members raised questions related to the term “food sovereignty” and its use. These delegations suggested seeking alternative language to replace this term, such as the right to adequate food or food security. But other members responded saying the term food sovereignty was already in use in the national laws of some States. Many delegations also voiced concerns on the increasing trend of attacks against peasant communities as well as the problems peasants face when living far from administrative centres, without access to legal systems and information. Many delegations mentioned that the right to social security was absent in the draft declaration, and they requested to integrate it into the text. A proposal was also made to have a section on State obligations.

The Chair-Rapporteur with the support of the OHCHR Secretariat took note of the comments, contributions and concerns raised by participants during the sessions. Suggestions from the floor to make amendments to the text as appropriate were also duly noted. Member States and other participants were encouraged to make submissions to contribute to clarify or improve the document. The meeting concluded with the recommendation of the IGWG to the Chairperson to prepare a new text, based in the debate held in this first meeting.

## **Second Meeting of the Working Group: A New, More Comprehensive Draft (2-6 February 2015)**

To continue the process, the HRC adopted a new resolution with the mandate of *“...negotiating, finalizing and submitting to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas shall hold its second session for five working days before the twenty-ninth session of the Council”*.<sup>37</sup>

Before the 2nd meeting of the IGWG, the chairmanship held two informal open-ended consultations with the Member States as well as bilateral consultations with States and other stakeholders. These consultations and the first meeting allowed the chairmanship and the proponents to have a clearer picture of the status of the process.

<sup>35</sup> The contributions of Marc Edelman to the first meeting helped to clarify the definition of “peasants” and guided the change in the scope of the Declaration to extent it towards “other people working in rural areas”. See also: Marc Edelman, “What is a peasant? What are peasantries? A briefing paper on issues of definition”. Paper prepared for the first session of the Intergovernmental Working Group on a United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, Geneva, 15-19 July 2013. Available from <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPeasants/Edelman.pdf>. Last accessed on 8 April 2020.

<sup>36</sup> Ibid., pp. 11-12.

<sup>37</sup> Human Rights Council, Resolution Doc. A/HRC/26/L.13, 2014. Adopted as orally revised by 29 votes in favor, 5 against and 13 abstentions.

The second meeting counted with the participation of more than 74 States, some observers, international organizations, experts, and civil society organizations.<sup>38</sup> The meeting started with a message from a representative of the Human Rights Council. There were two thematic panels of experts.<sup>39</sup> The panels discussed the civil, political, economic, social, and cultural rights; and the rights of peasants and other people working in rural areas in other international instruments and the existing gaps.

The chairmanship presented a new text of the draft declaration with more articles and new substantive content. The new draft added 17 more articles to the ones proposed by the Advisory Committee in 2012 and was 30 articles long. Some of the initial articles were split or modified, and new topics were included.

The previous version of the draft declaration adopted by the Advisory Committee only considered peasants as the main subjects of the instrument. In contrast, the new draft text included not only peasants but also other people working in rural areas. The new articles included: States' obligations, gender equality, rural women's rights, freedom of movement, right to safety and health at work, right to food, right to water and sanitation, right to social security, right to housing, right to education and training.<sup>40</sup>

In their general statements, all participants expressed their willingness to work constructively. However, most of them reserved their right to come back with further comments owing to the short time they got to study the new version.

The new draft received ample support from peasant's delegations and civil society organizations, as well as from many Member States. Many participants welcomed the inclusion of civil and political rights and their application to the specific needs and realities of peasants and the new approach related to States' obligations. These participants also highlighted the inclusion of the new issues like food security and food sovereignty, the right to water, women, and migrants, among other new topics. Other delegations, mainly from industrialized countries, expressed concerns regarding some rights that were new and not well established as international human rights and questioned the re-elaboration of some existing human rights reaching beyond the agreed language.

## **Second reading**

Both reports from the first and the second meeting have a subtitle called "first reading" of the draft declaration; however, factually this reading was the second reading. The chairmanship, to facilitate the discussions, organized the articles in clusters as follows: articles 1 to 6; articles 7 to 14; articles 15 to 18; articles 19 to 23; and articles 24 to 30.

Member State comments and queries were around the definition of "peasants", the concepts of "food sovereignty", and "gender". Participants also raised concerns about the continuing violations of political and civil rights of the peasants and other people working in rural areas.

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<sup>38</sup> Human Rights Council, *Report of the open-ended intergovernmental working group on the draft United Nations declaration on the rights of peasants and other people working in rural areas*, 2015. Doc A/HRC/30/55, p. 4.

<sup>39</sup> Christophe Golay, Geneva Academy of International Humanitarian Law and Human Rights; Jose Francisco Cali Tzay, Chair of the Committee on the Elimination of Racial Discrimination; Joanna Bourke-Martignoni, University of Fribourg; Genevieve Savigny, La Via Campesina; Sofia Monsalve, Food First Information and Action Network International; Sue Longley, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations; Adriana Bessa, Geneva Academy of International Humanitarian Law and Human Rights; Henry Saragih, La Via Campesina.

<sup>40</sup> Human Rights Council. *Draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas*, Advanced Version, 27/01/2014. Available at <https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/3rdSession.aspx> Last accessed on 14/02/2020.

Delegations of some industrialized countries questioned the inclusion of the “right to work” or “right to health” in the context of the human rights council, arguing that these rights pertain to other international organizations. This same group of countries questioned the inclusion in the text of what they considered to be “new” rights. These included “the right to land and other natural resources”, “the right to decent income”, “the right to seeds”, “biodiversity”, the concept of “mother earth” and the “right to water”, arguing mostly that these should not be discussed in this forum.

On the other hand, many other participants argued about the need to deal with these elements from a human rights perspective. Thus, the inclusion of these issues received broad support particularly from civil society organizations.

The meeting was not devoid of difficult moments. Delegations which did not support a UN declaration from the beginning, criticized the elaboration, contents and pertinence of some articles.

The meeting ended with the recommendation of the Chairperson to continue the negotiating process based on the text discussed in the Second Meeting of the Working Group.

### Box 3

#### **Negotiations on the right to seeds**

One of the essential elements in the declaration, which was subject to intense negotiations, was the right to seeds. Peasants and other people working in rural areas have and continue to play a vital role in the development of seeds and the promotion of food diversity.<sup>41</sup> Nevertheless, today peasants’ rights to seeds and livelihoods are threatened by several factors, including an increasing concentration of seeds in a few hands, the high prices of private seeds, the lack of research and support for farmer’s seeds, as well as registration, certification and marketing systems.<sup>42</sup> The Advisory Committee drew attention to the fact that a third of the entire global seed market was in the hands of just ten corporations, including Aventis, Pioneer and Syngenta Monsanto, and that the latter alone controlled 90 per cent of the global market in genetically modified seeds.<sup>43</sup>

Despite the crucial importance of this right, during the negotiations some delegations, mainly from industrialized countries, questioned the compatibility of peasants’ right to seeds with intellectual property rights. These countries argued that the recognition of the right to seeds could undermine international agreements on intellectual property.

Initially, countries opposing the right to seeds rejected engaging in textual negotiations and even suggested that the issue be discussed in other forum outside the HRC.<sup>44</sup> However, as the discussions progressed, a group of industrialized countries suggested replacing the reference to “the right to seeds” for “access to seeds”. They also recommended to include language aiming to promote commercial seeds, which showed that their concern was mainly motivated by the protection of commercial interests.<sup>45</sup>

Against those arguments, several developing countries and peasant representatives

<sup>41</sup> FAO, “Farmer seed systems and sustaining peace”. (Rome, 2018)

<sup>42</sup> Human Rights Council Advisory Committee, Final study of the Human Rights Council Advisory Committee, p. 11. Golay, C. and Bessa, A. The right to seeds in Europe. *Academy Briefing No. 15. Geneva Academy*.

<sup>43</sup> Ibid.

<sup>44</sup> HRC, “Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas”. Third session, 2015. Doc. A/HRC/30/55.

<sup>45</sup> HRC, “Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas”. Fifth session, 2018. Doc. A/HRC/39/67.

questioned the attempt to place private rights on plant varieties above human rights. One developing country delegation cautioned against the concept of access which is contingent upon the possibility of paying the associated costs. Human rights are not linked to the spending capacity. Indeed, the alarming case of farmers' suicides registered in some countries in the early 2000s illustrates the challenges of according only "access" to seeds, which in some cases led to unpayable debts contracted to purchase IP protected seeds.<sup>46</sup>

The participation of experts in the negotiations of this article<sup>47</sup> and the publications by recognized scholars in the field<sup>48</sup> proved to be crucial for underscoring with examples the different systems and in many cases, the different worldviews that exist concerning seeds. Experts' analyses were also fundamental in showing the need for this right in light of the growing constraints of intellectual property rights.

During the sessions of IGWG, experts stressed the pivotal role of peasants' seeds systems for biodiversity, which is not only necessary for crop resistance to new climatic conditions but also a pre-condition to commercial IP protected seeds.<sup>49</sup> Nowadays, thousands of plant varieties produced by peasants are not being utilized, while the global food system relies only upon a few crops.<sup>50</sup> Further strengthening the production and dissemination of peasant's seeds could unleash the potential of those neglected varieties to support food security and climate change resilience.

Furthermore, several participants emphasized that farmers' right to seeds were well-established under international law, particularly in the context of the International Treaty on Plant Genetic Resources for Food and Agriculture and the UN Declaration on the Rights of Indigenous Peoples.<sup>51</sup> In that regard, peasants' right to seeds are complementary to existing standards.

At the same time, experts also stressed the need for more robust protection of peasants' rights to seeds to face the existing threats.<sup>52</sup> Various examples were provided showing how international Plant Variety Protection Agreements, particularly UPOV 1991, challenged national laws that allowed farmers to exchange propagating materials or sell seeds among them.<sup>53</sup> While such IP Agreements bind only countries who ratify them, there is growing international pressure to join those standards. Moreover, pointing out cases of misappropriation of peasants' seeds by transnational companies, experts underscored the

<sup>46</sup> Vandana Shiva, "From seeds of suicide to seeds of hope: Why are Indian farmers committing suicide and how can we stop this tragedy?", *The Huffington Post*, 28 April 2009. Available from <https://www.huffpost.com/entry/from-seeds-of-suicide-to-b-192419?guccounter=1>. Last accessed on 03/04/2020.

<sup>47</sup> Some of the experts that contributed to this discussion included: José Esquinas, Sangeeta Shashikant, Christophe Golay and Ramona Dominicioiu.

<sup>48</sup> Carlos Correa, *Implementing Farmers' Rights Relating to Seeds*, Research Paper No. 75 (Geneva, South Centre, March 2017). Available from <https://www.southcentre.int/research-paper-75-march-2017/>. Vitor Ido. and Viviana Muñoz Tellez, "Towards the adoption of a UN Declaration on the rights of peasants and other people working in rural areas". South Centre Analytical Note (September 2018). Christophe Golay "Legal analysis on the rights of peasants and other people working in rural areas. The right to seeds and intellectual property rights", (Geneva Academy, 2016).

<sup>49</sup> J. Esquinas, Presentation during Fourth session of IGWG, 17 May 2017. UNOG Audio recordings, available from <https://conf.unog.ch/digitalrecordings/>.

<sup>50</sup> J.E. Bermejo J.E. and J. Leon J. eds., *Neglected Crops. 1492 from a different perspective. FAO Plant Production and Protection Series No. 26*, 1994. Available from <http://www.fao.org/3/t0646e/t0646e.pdf>.

<sup>51</sup> See the contributions of Golay, C. Negotiation of a United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas. *Academy In-Brief. No. 5*. (Geneva Academy, 2015). Available from <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPleasants/Session2/ChristopheGolay.pdf>. Last accessed on 3/04/2020.

<sup>52</sup> Sangeeta Shashikant, Third World Network. Intervention made at the 3rd session of the IGWG on 12 May 2016. Available from [https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPleasants/Session3/StatementsPresentations/Sangeeta\\_Shashikant\\_TWN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPleasants/Session3/StatementsPresentations/Sangeeta_Shashikant_TWN.pdf). Last accessed on 3/04/2020.

<sup>53</sup> Ibid.

importance of peasants' participation in decision-making processes in the formulation of seeds policies and laws.<sup>54</sup>

Taking into account the different positions expressed by countries during the negotiations, and the need to recognize farmers' right to seeds as a human right, the Bolivian Chairmanship of the IGWG undertook consultations with different parties and experts to propose the language used in the final version of the declaration.

As a result, article 19 recognizes the right to seeds, including the right to save, use, exchange and sell their farm-saved seeds or propagating material. The reference to "farm-saved" seeds helped to clarify that IP protected seeds would not fall into this category as far as they are not farm-saved.

Following the approach used in other parts of the declaration, the right to seeds in article 19 makes a direct reference to article 28 of the declaration to stress that national legislation may put some restrictions on this right to protect other human rights. Also, a new preambular paragraph was added, which stipulates that the declaration and relevant international agreements should be mutually supportive for enhancing the protection of human rights.

At the same time, paragraph 8 of article 19 calls States to ensure respect of the rights of peasants in relevant laws, including IP laws. This obligation is of crucial importance, considering the narrowing down of farmers' rights under the International Union for the Protection of New Varieties of Plants (UPOV), particularly under the 1991 Convention where the protection of farmers' rights – through what is known as the "farmers privilege" to save and reuse seeds – becomes an exception.<sup>55</sup>

### **Third Meeting of the Working Group: The Substantive Debate Comes Up (17- 20 May 2016)**

The Third Meeting of the Working Group was convened by Resolution A/HRC/RES/30/13. This resolution, unlike the previous ones, mandated two meetings of IGWG instead of just one. As was the case for the earlier resolutions, it was also adopted by vote with only one vote against by the United States.<sup>56</sup>

More than 70 Member States participated in IGWG. This meeting was chaired by Ambassador Nardi Suño Iturray from the Plurinational State of Bolivia. The meeting opened with the intervention of a representative of the Human Rights Council,<sup>57</sup> who highlighted the opportunity of the Working Group to contribute to the development of rules to protect vulnerable populations. Also, Mr. Graziano Da Silva, Director-General of FAO delivered a statement stressing the importance to ensure coherence with existing normative instruments and to avoid renegotiating issues on which agreement had been reached over many years.<sup>58</sup>

The meeting followed the same format of previous meetings. There were three segments. First, a panel of experts,<sup>59</sup> followed by general statements and the second reading article by

<sup>54</sup> Ibid.

<sup>55</sup> Correa, "Implementing Farmers' Rights Relating to Seeds".

<sup>56</sup> The Resolution A/HRC/RES/30/13 was adopted with 31 votes in favor, 15 abstentions and 1 vote against.

<sup>57</sup> Ms. Jyoti Sanghera.

<sup>58</sup> Human Rights Council, *Report of the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas*, 2016 Doc. A/HRC/33/59.

<sup>59</sup> The experts who contributed to this meeting were: Ms. Sue Longley, The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF); Ms. Sofia Monsalve,

article of the draft declaration. The panel of experts was a valuable opportunity to clarify concepts or to raise awareness about the draft declaration and the implications of its contents.

The section dedicated to general statements was useful to frame the context. The draft declaration received broad support from the vast majority of the delegations as well as civil society representatives. Several developing country groups of coordination and political concertation, and almost all regional groups (i.e. the African Group, the Community of Latin American and the Caribbean States, the Non-Aligned Movement among others) expressed support for the declaration. The statement of the European Union expressed concerns, as in previous meetings, that “the working group provided an opportunity to discuss how the existing international human rights framework could be used more effectively to improve the promotion and implementation of the rights of those living and working in rural areas.”<sup>60</sup> However, they reserved their position on the entire text, “as no new standards were needed” and committed themselves to continue their constructive engagement.<sup>61</sup>

### **Third reading**

Unlike the previous readings of the text, the Member States and other participants came with more detailed comments on almost all articles. The reading was clustered in five groups. The cluster of articles 1-5 received several comments and requests for clarifications. Some articles, such as gender equality and non-discrimination, received broad support. At the same time, issues like extra-territorial measures, the concept of peasants, sovereignty over natural resources and prior and informed consent had more divergent comments. Some members suggested that these types of problems should be resolved under domestic law instead of international law and proposed some language in that sense.

In the cluster of Articles 6 to 12, the most supported topic was the rights of rural women. Delegations made comments in favor and against collective rights. Some countries indicated that human rights were individual while some others argued that there are precedents in international human rights law protecting collective rights. In respect of Articles 13 to 18 the debate focused on the rights to a decent income, the right to access market information and the right to produce food in a sustainable way as well as access to justice. Articles 19 to 24 received various contributions by Member States and other participants. The right to seeds and to land reform were very welcomed by many countries and civil society, but other countries expressed concerns about them. The last cluster dealt with articles 25 to 30 and the preamble. Various Member States and other participants supported the inclusion of social security rights and cultural rights.

In her concluding remarks, the Chairperson stated that she would prepare a revised version based on the discussion held during the third meeting of the IGWG, and expressed her willingness to conduct informal consultations with all stakeholders before the next meeting of the IGWG as mandated in the Resolution 30/13.

It is important to stress that all these contributions, as well as the concrete textual proposals submitted, were instrumental in guiding the Bolivian delegation to find common grounds among members on several controversial issues.

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Food First Information and Action Network (FIAN) International; Ms. Elizabeth Mpofu, La Via Campesina; Ms. Sangeeta Shashikant, Third World Network; Ms. Naela Gabr, Vice-Chair of the Committee on the Elimination of Discrimination Against Women; Mr. Christophe Golay, Geneva Academy of International Humanitarian Law and Human Rights.

<sup>60</sup> Human Rights Council, Report of the open-ended intergovernmental working group, Doc. A/HRC/33/59.

<sup>61</sup> Ibid., pp. 6-7.



#### **Fourth Meeting of the Working Group: The UN Declaration Takes its Final Shape (15-19 May 2017)**

A reviewed version of the draft declaration was circulated before the meeting to allow Members and other participants to engage in the discussions.<sup>62</sup> The new version took into account comments made by members in previous meetings, but also the contributions made in informal consultations held with interested parties. This session counted with a useful paper from the secretariat containing the background of each article to facilitate their understanding.<sup>63</sup>

As it was done in previous IGWG meetings, the 4th meeting also had a panel section where experts shared their views about the process and the issues at stake.<sup>64</sup> During the panels, explained how the declaration would help to address challenges such as poverty, climate change and privatization and how it would fill the existing gaps in international law. Experts' inputs contributed to a better understanding of the concept of food sovereignty vs food security. Expert contributions also addressed issues such as land grabbing, forced evictions and displacement, and described how current policies have a detrimental urban policy bias at the expense of rural areas.<sup>65</sup>

Subsequently, the general statements and the third reading of the draft declaration article by article took place. Almost all participants expressed support to the new draft in their general comments. Some delegations continued expressing concerns about the creation of new rights, and the need for the draft declaration to be coherent with other international human rights instruments. Also, some delegations reserved their positions regarding the whole text. participants expected to address some pending issues during the reading of the text article by article.

Notably, civil society organizations and peasants and other people living in rural areas expressed their satisfaction with the new version of the text. They highlighted that such an international instrument might change the growing trend of young people leaving rural areas. According to them, many young people no longer wanted to work in rural areas. Furthermore, some of the peasants' representatives also said that the human rights framework had an urban bias that needs to be corrected to ensure its universality.

#### **Fourth reading**

The new version of the draft declaration included a new article 2 fully dedicated to "obligations of States". This new addition was of course welcomed by peasants and many members, but not by other participants who expressed concerns about its implications. The chairperson also included specific state obligations in many other sections throughout the text.

During the fourth reading of the draft, discussions deepened into details. Concerns were raised again on the definition of "peasants", the reference to "collective rights", "extra-territorial" notion in article 2, and the right to "prior informed consent".<sup>66</sup>

<sup>62</sup> Human Rights Council, *Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas*, 2016. A/HRC/36/58.

<sup>63</sup> OHCHR, *Normative sources and rationale underlying the draft declaration on the rights of peasants and other people working in rural areas. Advance unedited version*, 2017. Doc. A/HRC/WG.15/4/3.

<sup>64</sup> Ms. Shivani Chaudhry, Ms. Priscilla Claeys, Professor José Esquinas, Mr. Mamadou Goïta, Mr. Christophe Golay, Ms. Anuradha Mittal, and Ms. Ana Maria Suarez Franco.

<sup>65</sup> For more information of the experts contributions see: <https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/4thSession.aspx>. Last accessed on 08/04/2020

<sup>66</sup> The prior informed consent principle was taken from international instruments such as the UN Declaration on the Rights of Indigenous Peoples and the International Labour Office Convention on the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Some of the most contentious issues were the right to land, land tenure and the agrarian reform. Some members expressed reservation with the “right to a healthy environment” and “the right [...] to conserve, maintain and sustainably use and develop biological diversity” because those were considered new rights in the realm of the human rights law. Noticeably, only one country expressed reservation with the right to water because to protect the rights of the peasant might lead to the violation of the rights of other groups.<sup>67</sup> Participants recognized the need to provide peasants and other people working in rural areas with social security but that the grant of this protection should consider specific national circumstances.

Many members requested the inclusion of references to “national law” in different articles to resolve some disagreements. In that regard a constructive suggestion was made by the expert Christophe Golay from the Geneva Academy, to use the approach of Article 46.2 of the UN Indigenous Peoples Declaration which determines that the exercise of the rights set forth in the declaration is subject to limitations that are determined by the law in accordance with other international human rights obligations.<sup>68</sup>

There was a final debate on the Preamble with meaningful contributions by participants. Members raised again concerns on some issues already discussed during the substantive reading of the text, i.e., right to land and food sovereignty.

The meeting concluded with the recommendation of the Chairperson to prepare a new draft and hold subsequent consultations in different formats as well as with various stakeholders.

#### **Box 4: Negotiations on the right to land**

The negotiations on the right to land were difficult during the whole process. Some delegations, mainly from industrialized economies, opposed the inclusion of the right to land in the declaration from the first session of the IGWG.<sup>69</sup> These delegations argued that the right to land had not been recognized so far under international law. They also stressed that its application for a particular category such as peasants could be contrary to the universality of human rights and that this right was not required because current standards were sufficient to address the concerns of peasants.

On the other hand, many developing country delegations supported by experts, NGOs, and peasants, stressed the centrality of the right to land for peasants. They highlighted the inextricable relation of people living in rural areas with land, in ways that transcend market functions, and the substantive role of land for the enjoyment of their human rights.

Experts, including peasants’ representatives participating in the IGWG, stressed the importance of the right to land, particularly in a context of increasing land grabbing and unequal distribution, which had led to extreme poverty and malnutrition in many rural areas.<sup>70</sup> They also recalled the existing precedents in international human rights law regarding the interconnection of land and human rights. In particular, they stressed that right to land had been recognized in the UN Declaration on the Rights of Indigenous

<sup>67</sup> Guatemala. See, Human Rights Council, *Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas*, 2016. Doc. A/HRC/36/58, p. 19.

<sup>68</sup> “Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society” UN Declaration of the Indigenous Peoples. Art. 46.2.

<sup>69</sup> Human Rights Council, Doc. A/HRC/26/48.

<sup>70</sup> Shivani Chaudhry, Executive Director, Housing and Land Rights Network, India, Statement made at the 4<sup>th</sup> session of the IGWG, 15-19 May 2017. Available from <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPLeasants/Session4/ShivanyCHAUDHRY.pdf>. Last accessed on 3/04/2020.

Peoples as well as the FAO Voluntary Guidelines on Tenure. Furthermore, experts underscored that it was not the first time that human rights were tailored for particular groups to fill the gap in existing standards.<sup>71</sup>

During the fourth and fifth sessions of the IGWG, at the request of the Bolivian chairmanship, many countries submitted more detailed comments to the text. At that point in the negotiations, there was more awareness about peasants' needs. The presence of experts and peasants' representatives from different regions in the sessions of the IGWG, and the fact that the fifth session was webcast, gave more visibility and increased the pressure to reach an agreement. In that context, one regional group of industrialized countries engaged more constructively in the negotiations and proposed some textual changes. However, the changes they offered did not get much support, particularly from the proponents of the declaration and the experts, because these changes aimed at replacing the references to "right to land" by "access to land" which seemed to dilute the degree of recognition from a human right to business as usual.<sup>72</sup>

Other requests, mainly from industrialized economies, sought to delete the reference to the collective nature of the right to land, arguing that human rights are only individual. The concept of "territory" was also opposed by some parties who considered that it entailed a delimitation more appropriate for indigenous peoples' lands than for broader and dispersed groups of people working in rural areas. However, experts stressed the significant number of people in the world who depend on communal lands.<sup>73</sup> Furthermore, they recalled that the collective dimension of the right to land had been acknowledged by several special procedures and human rights bodies, denoting a growing consensus around this matter.<sup>74</sup>

Some delegations questioned the obligations of States to provide tenure rights and to guarantee peasants' rights against evictions contained in the draft declaration. They argued that national legislation could foresee, in some instances, the need for evacuations, and therefore only arbitrary or unlawful displacements should be condemned. Similarly, some States suggested clarifying the references to land reform, claiming that such a measure may not be necessary for all States. They also suggested texts concerning the sustainable use of land by peasants.

The Bolivian chairmanship of the IGWG, with the support of the core group of countries, undertook several consultations with all relevant stakeholders to find proper drafting of this article. Peasants' movements would not agree to anything less than the clear reference to the right to land. That reference, therefore, remained in the declaration. At the same time, to further delimit the scope, paragraph 1 of article 17 also establishes that this right includes "the right to have access to, sustainably use and manage land". The final text of the declaration does not use the word "territory". However, this absence does not limit countries to go beyond in the protection this right, following article 28 of the declaration.

Also, as a result of the negotiations, the language used to describe States' obligations,

<sup>71</sup> "The Human Right to Land". Position Paper, FIAN International Secretariat. Heidelberg, Germany (November 2017). Available from [https://www.fian.org/fileadmin/media/publications\\_2017/Reports\\_and\\_Guidelines/FIAN\\_Position\\_paper\\_on\\_the\\_Human\\_Right\\_to\\_Land\\_en\\_061117web.pdf](https://www.fian.org/fileadmin/media/publications_2017/Reports_and_Guidelines/FIAN_Position_paper_on_the_Human_Right_to_Land_en_061117web.pdf).

<sup>72</sup> Human Rights Council, *Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas*. Fifth session, 2018. Doc. A/HRC/39/67.

<sup>73</sup> The full explanation of the expert invited to the 5th session of the IGWG, Mrs. Smita Narula, on 10 April 2018, can be found on <https://conf.unog.ch/digitalrecordings/>. Last accessed on 9/03/2020

<sup>74</sup> Christophe Golay and Adriana Bessa, "The right to land and other natural resources". *Research Brief* (Geneva Academy, 2017). Available from [https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPLeasants/Session4/Geneva\\_Academy-Right\\_to\\_land.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPLeasants/Session4/Geneva_Academy-Right_to_land.pdf).

namely “take appropriate measures” provides greater flexibility for the type of policies that each State may consider necessary for their case. Furthermore, article 17 explicitly mentions its connection with article 28 of the declaration, which clarifies that States can establish limitations for the implementation of this right, to protect other human rights.

The declaration finally referred to both the individual and collective nature of the right to land. The formulation used combines in a separate, but inclusive manner, both aspects of the right as a compromise language to bridge the diverse views expressed during the negotiations. Similarly, paragraph 3 recognizes the existence of different models and systems of land tenure. States shall protect “legitimate” tenure and ensure that peasants and other people working in rural areas are not “arbitrarily” or “unlawfully” evicted. These adjectives were added as a compromise solution that enabled more support from States for the declaration.

Similarly, the obligation of States to carry out agrarian reforms to facilitate the broad and equitable access to land was retained in paragraph 6 of article 17. The text clarifies that these reforms shall be taken “where appropriate”. While this latest addition is not defined, the same paragraph provides some indications of what could be read as “appropriate” including the excessive concentration and control of the land, and the need to take into account its social function.

### **Fifth Meeting of the Working Group: The Last Debate among All Stakeholders (9-13 April 2018)**

Resolution A/HRC/RES/36/22 mandated Member States and other stakeholders to have the fifth meeting of the Working Group. As previous resolutions, there were some members opposing the work of the group, but it had a larger number of countries to support its adoption.<sup>75</sup>

The proponents' intention was to finalize the work of the group. With this objective in mind, the chairmanship handled by the Plurinational State of Bolivia<sup>76</sup> prepared a new version of the draft declaration hoping that this would be the last one. The new text was based on all previous discussions plus a broad number of consultations, both bilateral and with groups of countries. In this version, the chairmanship sought to address the main concerns of the participants without declining the level of ambition, and the need to preserve the coherence of the draft declaration with other international agreements.

Almost all participants had a sense of urgency to finalize the draft declaration. As highlighted by the Deputy High Commissioner for Human Rights during her initial remarks at the fifth session, there was a need to address the protection gap for a vulnerable group of people who face discrimination, as a contribution to the achievement of SDGs. The meeting also benefited from a message from the President of the Agriculture, Rural Development and Environment Section of the European Economic and Social Committee, who expressed his support to the process.<sup>77</sup>

<sup>75</sup> The Resolution Doc. A/HRC/RES/36/22 was adopted by a recorded vote of 34 in favour, 2 against and 11 abstentions.

<sup>76</sup> The second team of Bolivia included Olmer Torrejon and Fernando Escobar.

<sup>77</sup> Human Rights Council, *Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas*. Fifth session, 2018. Doc. A/HRC/39/67.

The Chairperson divided the work of the working group into three segments: an expert panel session,<sup>78</sup> followed by general statements and a new reading of the latest version of the text. The experts' panel was very helpful in creating an appropriate environment to deal with the more controversial topics, such as the right to seeds, biodiversity, the cultural implications of food sovereignty, collective rights as well as the importance of international law recognizing that land sustains life and forms culture and identity.<sup>79</sup>

During the general statements section, the Member States and other participants reiterated support for the whole process, with very few unfortunate exceptions.<sup>80</sup> Participants took advantage of this segment to reiterate their main points of concern. Issues like "extraterritorial obligations", "right to seeds", "right to land and the means of production", "food sovereignty", "right to biodiversity", "collective rights" and those perceived as new rights, continued to be contentious. Some of the Member States insisted that some of the issues should be dealt with by domestic law, as a means to reach as much consensus as possible on the declaration.

### **The last comprehensive reading**

After the general statements, a comprehensive reading of the text was carried out. Since it was expected to be the last meeting of IGWG, the Chairperson requested experts to clarify elements that required further clarification.

Discussions about articles 1 (definition) and 2 (General obligation of States) were focused mainly on the concept of "people" vs "persons", where a small group of countries preferred "persons" instead of "people" given the collective connotation of the latter. Some States also proposed including the concept of local communities in the definition and this was included in the final version of the declaration. There was also intention from some members to lower the level of ambition by changing the word "shall" to "should" concerning States' obligations which was unacceptable for many members and other participants.

The work in articles 3 (Equality, no discrimination and the right to development) to 14 (Right to safety and health work),<sup>81</sup> was very constructive because the wording of the last version of the text was acceptable for most of the participants, who made minor drafting suggestions.

Some of the more controversial issues arose from articles 14 (right to safety and health at work) to 22 (right to social security).<sup>82</sup> Members discussed extensively the concept of "food sovereignty", while the general preference was for the concept of "food security". Notwithstanding this controversy, the wording of the draft declaration renders compatible jurisdictions that already use the expression "food sovereignty" with others who oppose it.<sup>83</sup> During the debates it was perceived that the opposition to the concept of food sovereignty came up because it could be understood as something against the importation of agricultural

<sup>78</sup> Experts contributing to this meeting were: José Esquinas Alcazar, Million Belay, Diego Monton, Smita Narula, Yiching Song, Christophe Golay.

<sup>79</sup> More detailed information of experts contributions at: <https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/5thSession.aspx>. Last accessed on 08/04/2020.

<sup>80</sup> USA, UK and Guatemala.

<sup>81</sup> This debate included discussions in the following articles: article 4. Right of peasant women and other women working in rural areas; article 5. Right to Natural Resources; article 6. Right to life, liberty, and security person; article 7. Freedom of movement; article 8. Freedom of Thought, opinion and expression; article 9. Freedom of association; article 10. Right to participation; article 11. Right to information with regard to production, marketing and distribution; article 12. Access to justice; article 13. Right to work; article 14. right to safety and health at work.

<sup>82</sup> Article 15 Right to adequate food; article 16. Right to a decent income and livelihood and the means of production; article 17. Right to land and other natural resources; article 18. Right to a safe, clean and healthy environment; article 19. Right to seeds; article 20. Right to biological diversity; article 21. Right to water and sanitation.

<sup>83</sup> Viviana Muñoz Tellez and Vitor Ido, "Towards the adoption of a UN Declaration on the rights of peasants and other people working in rural areas", South Centre Analytical Note (September 2018) p. 10.

products and thus it could be inconsistent with the commitments of Member States at WTO. However it was clarified that the concept of food sovereignty had to be understood as “the rights of individuals, communities and peoples to define their local food and agricultural systems and to participate in decision-making processes around food and agricultural policies – and an external dimension – the right of States to define their food and agricultural policies and development”.<sup>84</sup> The final wording in the draft declaration captured this meaning.

Delegations also expressed concerns with “individual and collective” rights, the right to land and land reform. Particular attention was given to the right to seeds, as in previous meetings, because some delegations considered it a new right. Delegations found common ground on other concepts based on the changes proposed in the latest version, including the references to biodiversity, traditional knowledge, and the right to water. The remaining articles benefited from a constructive engagement among participants to reach common ground, and most of them eventually reached a compromise on the language.

Member States and other participants made many constructive suggestions to the preamble, facilitating consensus.

At the end of the fifth Meeting, there was a dedicated session on individual vs. collective rights, which also benefited from the participation of experts.<sup>85</sup> The draft declaration used the expression “rights, individually and/or collectively”, which means that while countries would have the obligation to respect such rights, they do not need to recognize collective rights as such, but may do so if they wish (as many jurisdictions already do so). As noted by some participants, the concept of collectiveness exists in several international instruments, such as human rights, cultural heritage, and environmental law.<sup>86</sup>

At the end of the meeting, IGWG adopted the following recommendations:

- “(a) ...a final version of the draft declaration be prepared by the Chair-Rapporteur and be submitted to the Human Rights Council for its adoption, in fulfilment of the mandate of the working group, as stated in paragraph 1 of Resolution 21/19 and subsequent resolutions;
- (b) States and other relevant stakeholders, in consideration of the text, take into account the considerable progress made throughout the process of negotiations;
- (c) States and other relevant stakeholders continue their constructive engagement and dialogue and enhance their flexibility in the bilateral and informal consultations in order to achieve, promptly, an inclusive and meaningful declaration;
- (d) States commit the highest relevance and political will for the prompt adoption of the draft United Nations declaration on the rights of peasants and other people working in rural areas...”<sup>87</sup>

In this manner, the substantive work of the Open-ended intergovernmental Working Group to prepare a draft United Nations Declaration on the Rights of Peasants and other People working in rural areas arrived at its end. But as negotiations continued, the Bolivian delegation in Geneva conducted a series of consultations from April to September 2018 to reach common ground and to iron out the last rough edges to achieve the most significant support possible before a final version was issued.

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<sup>84</sup> The contribution of the Geneva Academy was useful in dealing with this topic. See “The rights to food sovereignty and to free, prior and informed consent”. Geneva Academy. Research Brief. March 2018. Last accessed 07/04/2020.

<sup>85</sup> Document A/HRC/39/67 contains summaries of the contributions of the experts.

<sup>86</sup> Muñoz Tellez and Ido, “Towards the adoption of a UN Declaration on the rights of peasants”, p. 10.

<sup>87</sup> Doc. A/HRC/39/67, pp. 10-18.

## Informal Meetings and Consultations

Informal meetings and consultations played a crucial role during the whole process to raise awareness and to find common grounds among all interested stakeholders on almost all articles of the draft declaration. While the formal negotiations of the declaration took place during the five sessions of IGWG, all through the six years of the process, dozens of informal meetings, seminars, and events were organized in support of the declaration. These meetings included consultations of the Bolivian delegation with regional groups of countries, individual Member States, civil society, academic institutions, experts, and peasant representatives. For example, during the fourth session of IGWG, the Bolivian Chairperson reported having organized and participated in about 40 informal meetings, only between 2016 and 2017.<sup>88</sup>

Some of the informal meetings were organized at the margins of HRC sessions as “side events”. These meetings were prepared by the Bolivian chairmanship, the core group, civil society organizations such as CETIM and FIAN, together with peasant representatives of LVC and other organizations.<sup>89</sup> These events allowed participants to learn more about peasants’ needs and enabled delegations to share good practices in the realization of peasants’ rights.

Academic institutions, in particular the Geneva Academy, with the support of the Swiss government and the Bolivian Mission, organized multiple expert seminars that counted with the participation of dozens of delegations. These meetings enabled an open exchange between experts and diplomats about the legal and technical matters of the Declaration.<sup>90</sup>

International organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), FAO,<sup>91</sup> and South Centre also played an important role in contributing to the co-organization of events and the elaboration of publications about the Declaration.<sup>92</sup>

The Bolivian delegation also participated in numerous seminars in different countries explaining the negotiation process and the importance of the Declaration.<sup>93</sup> Those meetings helped to broaden the understanding of the challenges facing rural areas in the various regions and allowed to further mobilize efforts in support of the process.

The diplomatic work deployed by the core group in Geneva, as well as the lobby of civil society and peasant organizations, contributed significantly to broadening support for the Declaration. Meetings with regional groups of States, individual delegations and officials in the capitals were useful to raise awareness and support the Declaration. These were particularly important, taking into account that small missions in Geneva often cannot devote much time to the increasing number of topics considered by HRC. During the bilateral meetings between the Bolivian delegation and interested parties, many differences were

<sup>88</sup> Ambassador Nardy Suxo Iturry, Chair Rapporteur of IGWG, Opening Address at the fourth session of IGWG. Available from <https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/4thSession.aspx>. Last accessed on 6/04/2020.

<sup>89</sup> More information about the side event organized by CETIM, FIAN and LVC in 2015 is available at <https://www.cetim.ch/side-event-the-rights-of-peasants-and-other-rural-workers-the-value-added-of-a-un-declaration/>. Last accessed on 7/04/2020.

<sup>90</sup> More information about the expert seminars can be found at <https://www.geneva-academy.ch/research/our-project/detail/13-the-rights-of-peasants>. Last accessed on 7/04/2020.

<sup>91</sup> On April 2017, Bolivia, Ecuador, FAO and LVC organized an Exhibition on Agroecology at the UN in Geneva. See the FAO’s news on the event available at: <http://www.fao.org/geneva/news/detail/en/c/882699/>. Last accessed on 7/04/2020.

<sup>92</sup> Muñoz Tellez and Ido, “Towards the adoption of a UN Declaration on the rights of peasants”.

<sup>93</sup> For example, the Bolivian delegation participated in the International Congress on Peasants’ rights held in Germany in 2017, as well as the Conference on the UN Declaration held in Kiev in 2018, among other meetings. More information available from <http://global-peasants-rights.com/index.php/en/> and <http://urdn.org/support-un-declaration-peasants-rights/>. Last accessed on 7/04/2020.

clarified, and solutions were found in the text to reflect the diverse circumstances of each State. That procedure also helped to increase States' and stakeholders' ownership of the document.

As a result of the collective efforts by all stakeholders, several regional groups made joint statements with positive messages about the Declaration. These include the statements of the Community of Latin American and the Caribbean States,<sup>94</sup> the Community of Portuguese Speaking Countries,<sup>95</sup> the African Group,<sup>96</sup> the Non-Aligned Movement,<sup>97</sup> and other groups of countries.<sup>98</sup> Similarly, individual delegations who initially had doubts about certain sections of the Declaration were able to resolve their concerns in the bilateral meetings and support the adoption of this instrument.

### **Adoption of the Declaration by the Human Rights Council and the UN General Assembly**

The 39th session of the HRC in September 2018 was crucial for the process of the negotiations as it considered the report of the fifth meeting of IGWG, and in particular, it decided on the final version of the Declaration.

During item 5 of the HRC Agenda, the head of the Bolivian delegation presented the report of the fifth meeting of IGWG. At that point, several countries and groups made statements, which set the tone for the negotiations. The support of the African Group and OIC was fundamental, as well as the leadership of various delegations throughout the process, including South Africa, Pakistan, Egypt, and Venezuela, among others.

The delegation of Togo delivered the statement of the African Group restating their strong support for the Declaration. They underscored that the Declaration was a priority as small farming was essential to free the potential of development in Africa. The Group further stressed that family agriculture was under threat in a globalized world, and that HRC should work to realize their right development. The African Group also highlighted that the adoption of the document would be a crucial stage in recognizing the critical role of peasants and other people working in rural areas.<sup>99</sup>

The delegation of Pakistan, on behalf of OIC, stressed the importance of the Declaration, particularly in a context of climate change disruptions which will impact significantly in the

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<sup>94</sup> CELAC, Declaración Especial sobre los Derechos de los Campesinos y otras Personas que Trabajan en las Zonas Rurales. Punta Cana, República Dominicana, 2017. Available from <https://celac.rree.gob.sv/documento-oficial/declaracion-especial-sobre-los-derechos-de-los-campesinos-y-otras-personas-que-trabajan-en-las-zonas-rurales-punta-cana-republica-dominicana-25-de-enero-de-2017/>. Last accessed on 07/04/2020.

<sup>95</sup> CPLP, Declaração da XII Conferência de Chefes de Estado e de Governo da CPLP, 2018. Available from <https://www.cplp.org/id-4447.aspx?Action=1&NewsId=5914&M=NewsV2&PID=10872>. Last accessed on 7/04/2020.

<sup>96</sup> Statement delivered by Togo on behalf of the African Group in Item 5. Original in French. Statements made by Member States at the Human Rights Council are available at extranet: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>. It also can be accessed through digital recording (webcast) at <https://conf.unog.ch/digitalrecordings/>. Togo delivered its statement in the 39th session of the HRC on 21st September 2018, at 12.24 25/03/2020.

<sup>97</sup> H.E. Mohsen Naziri Asl, Ambassador and Permanent Representative of the Islamic Republic of Iran, Draft Statement on behalf of the Non-Aligned Movement, on the Occasion of the Third Session of the Working Group on the Rights of Peasants and other People Working in Rural Areas held on 17-20 May 2016. Available from [https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPleasants/Session3/statementsbystates/Iran\\_on\\_behalf\\_of\\_NAM.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPleasants/Session3/statementsbystates/Iran_on_behalf_of_NAM.pdf). Last accessed on 7/04/2020.

<sup>98</sup> See for example the Statement delivered by Ecuador on behalf of a group of countries during the consideration of the report of the fourth session of the IGWG, 36 session HRC, the 22/09/2017. Available from <https://conf.unog.ch/digitalrecordings/>. Last accessed on 7/04/2020.

<sup>99</sup> Statement delivered by Togo on behalf of the African Group in Item 5 on 19 September 2019.



coming years. On a national capacity, Pakistan also reiterated its strong support for the Declaration, highlighting that several challenges, including the uneven competition with subsidized agriculture, were affecting developing countries agricultural sector.<sup>100</sup>

The delegation of Portugal also spoke to support the Declaration. It stated that the adoption of this instrument would contribute to support the existence of peasants and rural workers, including women, by raising awareness about the need to protect their rights without discrimination. Expressing its satisfaction with the openness and transparency of the process, Portugal called for the adoption of the Declaration.<sup>101</sup>

In that context, Bolivia with the support of Cuba, Ecuador, South Africa, and 11 other countries<sup>102</sup> presented the landmark resolution to adopt the final version of the Declaration. Twelve other countries had joined to co-sponsor the resolution.<sup>103</sup>

The negotiation of the resolution was not free from discussions. Regretfully, one delegation that had supported the Declaration all through the five sessions of IGWG requested delaying its adoption, probably due to the change of its government's policy on the matter. Nevertheless, the core group and the supporting delegations rejected delaying the approval, which they saw as a strategy to dilute the text, taking into account the concessions made in the final version. Therefore, the Declaration was at that time in the hands of HRC members for adoption.

Finally, on 27 September 2018, HRC considered the resolution A/HRC/RES/39/12 and decided to adopt the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. The resolution also suggested that UNGA follow the same procedure.<sup>104</sup> During the adoption, some members of HRC made interventions to explain their vote. All of them, including those who abstained from voting, collectively congratulated Bolivia and the Core Group for the transparent, inclusive, and constructive process of negotiations.

After its adoption by the Human Rights Council, the Declaration was considered by the General Assembly at its 73rd session. Bolivia presented the report of the fifth session of IGWG to UNGA and introduced a resolution to adopt the Declaration which counted with the

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<sup>100</sup> Statements delivered by Pakistan on behalf of the Organization of Islamic States (OIS) and in its national capacity. Statements made by Member States at the Human Rights Council are available at extranet: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>. It also can be accessed through digital recording (webcast) at <https://conf.unog.ch/digitalrecordings/>. Pakistan delivered its statement in the 39th session of the HRC on 21st September 2018, at 12.27. Last accessed on 25/03/2020.

<sup>101</sup> 19 September 2019. Statement delivered by Portugal. Statements made by Member States at the Human Rights Council are available at extranet: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>. It also can be accessed through digital recording (webcast) at <https://conf.unog.ch/digitalrecordings/>. Portugal delivered its statement in the 39th session of the HRC on 21st September 2018, at 14.48. Last accessed on 25/03/2020.

<sup>102</sup> Algeria, El Salvador, Egypt, Philippines, Haiti, Kenya, Nicaragua, Paraguay, Togo, Bolivarian Republic of Venezuela, and Palestine.

<sup>103</sup> Benin, Democratic Republic of the Congo, Democratic People's Republic of Korea, Dominican Republic, India, Indonesia, Iran (Islamic Republic of), Namibia, Mongolia, Nepal, Pakistan, and Portugal.

<sup>104</sup> The resolution was adopted by 33 votes in favor, 11 abstentions and 3 votes against amongst the members of the Human Rights Council. In favor: Afghanistan, Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, Venezuela (Bolivarian Republic of). *Against:* Australia, Hungary, United Kingdom of Great Britain and Northern Ireland. *Abstaining:* Belgium, Brazil, Croatia, Georgia, Germany, Iceland, Japan, Republic of Korea, Slovakia, Slovenia, Spain.

co-sponsorship of 44 countries.<sup>105</sup> The Third Committee adopted the resolution on 19 November 2018.<sup>106</sup> Subsequently, on 17 December 2018, the plenary of UNGA confirmed the adoption of the Declaration, obtaining 121 votes in favor, 8 against and 54 abstentions.<sup>107</sup> All formal steps had been taken, and the UN Member States were ready to adopt this landmark instrument.

The final version of the Declaration presented by the Bolivian chairmanship of IGWG incorporated many comments raised by States and civil society during the whole process of the working group. Some of the main changes included the deletion of the subtitles, which previously highlighted the name of the human right contained in each article. This change reflects UN practice where the human rights instruments/articles do not have subtitles and was a means of responding to the requests of some industrialized countries who opposed the “establishment” or definition of “new” rights.

Furthermore, the Declaration clarified that the rights contained in there shall be subject to the limitations determined by domestic law, only to respect the rights and freedoms of others. Key provisions of the Declaration concerning natural resources (article 5), transboundary cooperation (article 7), the right to land (article 17) and the right to seeds (article 19) make an explicit reference to article 28. This reference indicates that those rights may be subject to limitations defined by domestic legislation aimed at protecting other human rights. This change followed some suggestions of States aiming at introducing references to national legislation in some of the articles of the Declaration. That proposal was rejected by other countries who feared that references to national law in each section would undermine the ambition of the Declaration. For that reason, the chairmanship preferred to have only one article that clarified the relation with national legislation.

Similarly, the preambular part contained a new section, which reaffirmed that the Declaration is not contradictory but rather complementary to relevant international agreements, to improve human rights.<sup>108</sup> This reference was added to reassure those parties who questioned the potential conflict of norms between the Declaration and previous engagements, particularly in the field of intellectual property. This text needs to be read together with the obligation of States to apply international agreements consistent with their human rights obligations (article 2) as well as with the responsibility to ensure the coherency of their agricultural, economic, social, cultural and development policies with the rights contained in the Declaration (art. 15).

Another improvement in the final version was the reiteration that nothing in the Declaration might be construed as diminishing, impairing, or nullifying the rights of indigenous peoples (article 28). This addition further clarified that the Declaration is complementary to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In that regard, the UN Declaration has the virtue of gathering rights that benefit peasants in one single international instrument without limiting the access or improvement of other human rights.

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<sup>105</sup> Document A/73/589/Add.2, Report of the Third Committee. Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms. Seventy-third session. 4 December 2018. Available from <https://undocs.org/en/A/73/589/Add.2>. (Last accessed on 22/01/2020).

<sup>106</sup> The votes were as follows: 119 votes in favor, 7 votes against, and 49 abstentions.

<sup>107</sup> United Nations Meetings Coverage. Seventy-Third Session, 55th & 56th meetings (am & pm). Available from <https://www.un.org/press/en/2018/ga12107.doc.htm>. (Last accessed on 22/01/2020).

<sup>108</sup> The text added in the preamble reads “*the Declaration and relevant international agreements shall be mutually supportive with a view to enhancing the protection of human rights*”.

## 5. MAIN CONTRIBUTIONS OF THE UNDROP TO INTERNATIONAL HUMAN RIGHTS LAW

The Declaration represents a landmark achievement for millions of peasants around the world. It provides an inclusive international recognition of people working in rural areas as right-holders. It also reaffirms in a single comprehensive document, the rights and internationally agreed standards relevant for peasants. Furthermore, the Declaration has contributed to the development of international law in areas where current standards were insufficient. Below we develop these points.

### International Recognition of Peasants and People Living in Rural Areas

The Declaration provides international recognition of the identity, needs and unique contributions of people living in rural areas of societies. The specific attention for this group in the realm of human rights reinforces significant advances made at FAO and ILO concerning the recognition of farmers and agricultural workers as subjects of rights.<sup>109</sup> In particular, the Declaration puts together, in one single document, all the human rights of people living in rural areas and the actions that States can undertake to protect, promote and respect those rights. Furthermore, the scope of right-holders in the Declaration includes not only persons working in small-scale agriculture but also people engaged in crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, handicrafts or related occupations in the rural areas. Importantly, the Declaration recognizes indigenous peoples and local communities who also perform those activities.

The inclusive approach of the Declaration reflects the diversity of needs of people in rural areas worldwide. In most regions, rural inhabitants represent more than 70 per cent of the people living in extreme poverty.<sup>110</sup> According to FAO, 40 per cent of the rural extreme poor live in forests and savannahs, and 85 per cent of pastoralists live below the extreme poverty line.<sup>111</sup> Extreme poverty is also highly prevalent among agricultural wage workers.<sup>112</sup> Women and children are often amongst the most vulnerable.<sup>113</sup> The Declaration gives visibility to the historical marginalization of all persons living in rural areas, and the new challenges they face, such as climate change.

Similarly, the Declaration highlights the critical contribution of peasants to societies. It gives particular attention to their role in conserving and improving biodiversity and providing food. Also, the Declaration points to the developmental, social, and cultural importance of people living in rural areas.

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<sup>109</sup> The Committee of World Food Security's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (tenure guidelines) refer to "peasant" and recognize that "States should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers". (Guideline 4.8). Human Rights Council, *Normative sources and rationale underlying the draft declaration on the rights of peasants and other people working in rural areas. Study by the Office of the High Commissioner for Human Rights*, 2017. Doc: A/HRC/WG.15/4/3. Available from <https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/4thSession.aspx>. Last accessed on 22/01/2020.

<sup>110</sup> Castañeda A. *et al.* 2018. A New Profile of the Global Poor. *World Development* 101, 250-267.

<sup>111</sup> FAO, *Framework on Rural Extreme Poverty. Towards reaching Target 1.1 of the Sustainable Development Goals*. (Rome, 2019), 56 pp.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

## **Reaffirmation of Existing Standards Viewed from Peasants and Rural People Lens**

Another main achievement of the Declaration is the reaffirmation of internationally recognized standards pertinent for promoting a dignified life for people living in rural areas.<sup>114</sup> Indeed, the rights included in the Declaration are grounded on existing norms contained in core human rights treaties,<sup>115</sup> as well as in relevant ILO and FAO agreed documents.<sup>116</sup> The Declaration reaffirms those rights and develops their content to address the particular needs of people living in rural areas. Below we highlight some of the rights reaffirmed by the Declaration.

### ***Right to adequate food***

The right to adequate food contained in article 15 of the Declaration is of particular relevance for people living and working in rural areas, whose contribution is crucial for food security and are more vulnerable to food shocks. Article 15 of the Declaration covers both aspects, the vulnerability of people living in rural areas to hunger and malnutrition, as well as their contribution to food systems. The Declaration calls upon the promotion of sustainable and equitable food systems where peasants are free from hunger.

The concentration of food systems in a few hands globally has aggravated power imbalances in detriment of small-scale farmers' subsistence and autonomy.<sup>117</sup> Also, subsidized industrial agriculture, mainly led by countries of the North, has become a trap for many developing countries, reducing their competitiveness and increasing their vulnerability to the shocks of international commodities' prices.<sup>118</sup> As stated by the former UN Special Rapporteur on the Right to Food, the rise of prices of agricultural products in 2008 led to an increase of food aid in many countries, further reducing local farmers' possibilities to make a decent living out of their work.<sup>119</sup>

National or regional policies that seek to address these issues in isolation seem to be insufficient, hence the need for concerted efforts at all levels.<sup>120</sup> The Declaration calls upon

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<sup>114</sup> Human Rights Council, *Normative sources and rationale underlying the draft declaration on the rights of peasants and other people working in rural areas. Study by the Office of the High Commissioner for Human Rights*, 2017. Doc: A/HRC/WG.15/4/3. Available from: <https://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/4thSession.aspx>. Last accessed on 22/01/2020.

<sup>115</sup> The International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and their Families (1990), the International Convention for the Protection of All Persons from Enforced Disappearance (2006), the Convention on the Rights of Persons with Disabilities (2006). Available from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.

<sup>116</sup> Some of the documents include such as the International Treaty on Plant Genetic Resources for Food and Agriculture, the Nagoya Protocol, ILO Rural Workers' Organisations Convention (No. 141), ILO Convention on Indigenous and Tribal Peoples (No. 169), ILO Safety and Health in Agriculture Convention (No. 184) (2001), and ILO Working in Fishing Convention (No. 188), the FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication, and the FAO Voluntary Guidelines in support of the progressive realization of the right to adequate food in the context of national food security (2004), the Committee on World Food Security and FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012).

<sup>117</sup> International Panel of Experts on Sustainable Food Systems, "Too Big to Feed: Exploring the impacts of mega-mergers, concentration of power in the agri-food sector", October 2017. Available from [http://www.ipes-food.org/\\_img/upload/files/Concentration\\_FullReport.pdf](http://www.ipes-food.org/_img/upload/files/Concentration_FullReport.pdf). (Last accessed on 23/01/2020).

<sup>118</sup> Olivier De Schutter, "The political economy of food systems reform". *European Review of Agricultural Economics*, Volume 44, Issue 4 (September 2017), pp. 1-27.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

the promotion of “*public policies at the local, national, regional and international levels*” to address these challenges (Art. 15, Paragraph. 4).

It also recognizes peasants’ right to determine their food and agriculture systems, something that has been termed by some States as “food sovereignty”. In clarifying the content of this right, the Declaration emphasizes the participation of peasants in the decision-making process concerning agricultural policies, and their right to produce food through ecologically sound and sustainable methods aligned with their cultures.

### ***Right to water for all***

The reaffirmation of other socio-economic and cultural rights in the Declaration is equally essential. For example, article 21 concerning the right to water aims at guaranteeing equitable access to this resource, free from arbitrary disconnection and contamination, not only for personal use but also to secure peasants’ livelihoods. In an increasing contest for water resources,<sup>121</sup> States have a primary duty to promote and protect this human right, to avoid that the poorest segments of the population such as peasants be deprived of it.<sup>122</sup>

The Declaration provides a broad understanding of the essential uses of water for the case of people living in rural areas since their livelihoods and subsistence depend upon small-scale farming, fishing or livestock keeping, activities for which water is critical. Article 21 gives particular attention to groups in situation of vulnerability, including rural women and girls, workers on plantations, and migrant workers regardless of their status.

Furthermore, the Declaration calls for the promotion of irrigation technologies that can play an essential role in increasing productivity and reducing the quantity of water used.<sup>123</sup> These technologies can make a significant difference for rural livelihoods, increasing their incomes and reducing their dependence upon weather conditions.

### ***Right to health***

Article 23 of the Declaration reaffirms the right of peasants and other people working in rural areas to the highest attainable standard of physical and mental health. This right is vital, considering the persistent inequalities in access to health services between the rural and urban regions. According to ILO “*deficits in per capita health spending are twice as large in rural areas as in urban areas*”<sup>124</sup> leaving half of the global rural population without access to urgent care.<sup>125</sup> The Declaration reaffirms the State’s obligation to guarantee access to health on a non-discriminatory basis. Achieving universal health coverage as expressed in the Sustainable Development Goals can positively contribute to the realization of the right to health in rural areas.

Inequalities in the attainment of the right to health also persist between developed and developing countries. That is the case for around 2 billion people in the world that lack

<sup>121</sup> FAO, *Water for Sustainable Food and Agriculture. A report produced for the G20 Presidency of Germany* (Rome, 2017).

<sup>122</sup> Catarina De Albuquerque C, and Inga T. Winkler, “Neither Fiend nor Foe: Why the Commercialization of Water and Sanitation Services is not the Main Issue in the Realization of Human Rights”. *Brown Journal of World Affairs*, Vol. 17, No. 1 (Fall / Winter 2010), pp. 167-179.

<sup>123</sup> According to FAO, “*irrigated land in developing countries will increase by 34% by 2030, but the amount of water used by agriculture will increase by only 14%, thanks to improved irrigation management and practices*”. Information extracted from <http://www.fao.org/water/en/> (Last accessed on 24/01/2020).

<sup>124</sup> Xenia Scheil-Adlung Ed., *Global evidence on inequities in rural health protection: new data on rural deficits in health coverage for 174 countries* – Geneva: 2015. (Extension of Social Security series No. 47), *International Labour Office, Social Protection Department*, p. xiii.

<sup>125</sup> *Ibid.*

access to medicines,<sup>126</sup> particularly in developing countries. The Declaration reaffirms the importance of access to essential medicines for the enjoyment of the right to health. In a context where intellectual property rights still prevail over health considerations,<sup>127</sup> the Declaration supports the need for placing human rights before commercial interests.

### ***Reaffirmation of Civil and Political rights***

The Declaration also reaffirms well-established civil and political rights and places them in the context of the needs of peasants and other people working in rural areas. For example, article 8 reiterates the right of peasants to freedom of expression and peaceful assembly. Similarly, article 9 reaffirms peasants' right to join associations, cooperatives, or any other organization to protect their interests. Although these rights were already enshrined in multiple human rights treaties, in particular ICCPR, their inclusion in the Declaration brings to light the specific vulnerability to peasants. The Declaration also acknowledges the limitations that may be placed upon the exercise of these rights, using the same language contained in ICCPR.

Another example is article 7 which stipulates the right to recognition everywhere as persons before the law and the obligation to take appropriate measures to facilitate freedom of movement. This right is particularly crucial for transhumant, pastoralists and nomadic communities as well as small scale fishers who are more exposed to cross borders for their livelihoods. The Declaration asks States to cooperate in addressing transboundary tenure that may affect these communities. While the language used provides significant flexibility for States in a subject of complex nature, it also points out to the expected outcome, which should be the protection of human rights.

Drawing from the Declaration on the Right to Development, article 10 of the Declaration also stipulates the right to active and free participation of peasants in policies that may affect their lives, lands, and livelihoods. This right is of particular importance, taking into account the unbalanced power situation of small-scale farmers compared to other groups. This right relates to article 11 of the Declaration concerning the right to seek, receive, develop, and impart information about factors that may affect the productive activities of people living in rural areas. The Declaration goes further in the contextualization of States' obligations with regard to these rights; it mandates appropriate measures to promote access to fair, impartial, and appropriate systems of evaluation and certification of the quality of peasants' products at all levels. This provision encourages participatory approaches in certification schemes, which can level the playing field for small-scale farmers who are disadvantaged by third-party certification, commonly associated with large retailers.<sup>128</sup>

### ***Reaffirmation of the rights of women in rural areas***

Women in rural areas play a crucial role in sustaining livelihoods and contributing to the realization of the right to food.<sup>129</sup> Unfortunately, women face discrimination and violence and

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<sup>126</sup> WHO, *Ten Years in Public Health. 2007-2017: Report by Dr. Margaret Chan, Director-General* (Geneva, World Health Organization, 2017).

<sup>127</sup> Germán Velásquez, *Medicines and Intellectual Property: 10 Years of the WHO Global Strategy*, Research Paper No. 100 (Geneva, South Centre, December 2019). Available from <https://www.southcentre.int/research-paper-100-december-2019/>.

<sup>128</sup> See Elizabeth Bennet, "Who Governs Socially-Oriented Voluntary Sustainability Standards= Not the producers of Certified Products". *World Development*, vol. 91 (March 2017), pp. 53-69. See also Hendrickson M., *et al.*, *Nodes of Power in the Food System*. (Oxfam America, 2008).

<sup>129</sup> Committee on the Elimination of Discrimination Against Women, General Recommendation No. 34 on the rights of rural women, UN Doc. CEDAW/C/GC/34, 7 March 2016.

represent 70 per cent of the world's hungry.<sup>130</sup> The Declaration contains critical provisions that aim to address the particular vulnerabilities of this group.<sup>131</sup>

Specifically, article 4 of the Declaration refers to the rights of women working in rural areas. This article is based on the Convention on the Elimination of All Forms of Discrimination against Women, and other relevant human rights resolutions.<sup>132</sup> The Declaration also incorporates the right to equal access to, use and management of land and natural resources, and equal or priority treatment in land and agrarian reform or resettlement schemes. This reference is particularly important because less than 15 per cent of all landholders globally are women.<sup>133</sup>

Notably, the Declaration reasserts the right of rural women to equal access to financial services, agricultural credit, loans as well as marketing facilities and appropriate technology. Many good practices in promoting rural women's access to finance in developing countries show the potential opportunities from targeted policies.<sup>134</sup>

## **Development of International Law**

The Declaration contributes to the development of international law in areas where the existing international instruments were inadequate to address the specific case of peasants and other people living in rural areas.<sup>135</sup> That is the case of the right to land (article 17), the right to seeds (article 19), and the right to facilitated access to the means of production (article 16), among other developments. These rights had been recognized before in other internationally agreed documents.<sup>136</sup> At the same time, the Declaration broadens its recognition to people living in rural areas and explains the specific obligations that this entails. Below we analyze some of these developments.

### ***Right to land***

Land grabbing, expropriation of land, forced evictions and displacement severely affect peasants and other people working in rural areas, as was identified by the Advisory Committee in its final report.<sup>137</sup> Therefore, one of the critical elements of the Declaration is the right to land contained in article 17. Indeed, land is a fundamental element for the subsistence of peasants and other people living in rural areas and for poverty alleviation.<sup>138</sup> For that reason national and international jurisprudence has increasingly recognized the inextricable connection between land and the enjoyment of several human rights.<sup>139</sup>

<sup>130</sup> HRC, "Report of the UN Special Rapporteur on the right to food", UN 2015, Doc. A/HRC/31/51.

<sup>131</sup> See OHCHR, Joint Statement by the human rights experts – 1<sup>st</sup> anniversary of the adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, 2019. Available in the following link: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25439&LangID=E>. (Last accessed on 18/03/2020).

<sup>132</sup> OHCHR, *Normative sources and rationale underlying the draft Declaration on the rights of peasants and other people working in rural areas*. Advanced unedited version. Open-ended intergovernmental working group on the rights of peasants and other people working in rural areas, Fourth session, 2017. Doc (A/HRC/WG.15/4/3).

<sup>128</sup> FAO, "The Gender gap in land rights. Rome". Available from <http://www.fao.org/3/i8796en/i8796EN.pdf>. Last accessed on 30/01/2020.

<sup>134</sup> FAO, "Women's access to rural finance: challenges and opportunities". Rome, 2019.

<sup>135</sup> Christophe Golay and Adriana Bessa, "The right to land and other natural resources". Research Brief, Geneva Academy, 2017.

<sup>136</sup> Christophe Golay, "Legal reflections on the rights of peasants and other people working in rural areas". Background paper (Geneva Academy, 2013).

<sup>137</sup> Human Rights Council Advisory Committee, "Final study of the Human Rights Council Advisory Committee". Doc A/HRC/19/75, p. 8.

<sup>138</sup> FIAN, "The Human Right to Land". Position Paper. FIAN International Secretariat. Heidelberg, Germany (November 2017).

<sup>139</sup> OHCHR, "Land and Human Rights. Annotated Compilation of Case Law" (OHCHR, 2015).

However, in many cases that recognition was procedural rather than substantive, or was restricted to specific categories, leaving a gap in the protection of non-indigenous rural communities.<sup>140</sup>

Article 17 of the Declaration builds upon existing obligations contained in instruments such as the UN Declaration on Indigenous Peoples, CEDAW and the Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security, among others.<sup>141</sup> It recognizes land as a human right and therefore approaches this element from a human rather than a commercial perspective.

In the Declaration, the right to land is recognized in its “individual and/or collective” nature. This acknowledgement is an essential step for rural communities who in many cases, use and manage land collectively and would also be able now to promote their rights as a group.

The Declaration clarifies the scope of the right to land, as it relates to access, use and management. It also stipulates that this right aims to achieve an adequate standard of living, have a place to live in security, peace and dignity and develop its culture (paragraph 1 of article 17). Such objectives differ from commercial or speculative interests and can help States identify legitimate rightsholders.

It is also important to highlight that article 17 includes the water bodies, coastal seas, fisheries, pastures, and forests contained in the land. The inclusion of these elements reflects the natural interconnection necessary for food production and the livelihoods of other people living in rural areas, including fishers and pastoralists.

Article 17 also contains States obligations derived from the right to land, which are in line with existing standards. These include positive actions such as legal recognition and protection to legitimate tenure right, agrarian reforms where appropriate and supporting agroecology. This article also stipulates the conducts that States should prohibit, including arbitrary and unlawful displacements and evictions. These detailed provisions complement the understanding of the right to land and can facilitate its interpretation and implementation.

The enjoyment of the right to land is critical for reducing poverty in rural areas. As an essential asset for small scale farmers, land management represents jobs, housing, food security and a source of income to the poorest.<sup>142</sup> More equitable access to land for small scale farmers can also have a multiplier effect for economic growth,<sup>143</sup> increasing internal demand and reducing migration to urban areas. In the current context of rising speculation and demand over land as well as the growing participation of international “investors” in land acquisitions, States have an essential decision to make on how to use their land resources. The Declaration sheds light on the social, economic, and cultural importance of land not only to maintain dynamic rural areas but also to promote food security.

### ***Right to seeds***

Article 19 of the Declaration recognizes that peasants and other people working in rural areas have the right to seeds. This recognition includes the right to save, use, exchange and sell their farm-saved seed or propagating material, as well as the right to maintain, control, and protect their own seeds and traditional knowledge. It also includes the right to participate in benefit-sharing equitably and to participate in decision making on related matters. These

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<sup>140</sup> FIAN, “The Human Right to Land...”

<sup>141</sup> Golay and Bessa, “The right to land and other natural resources”.

<sup>142</sup> FAO, “Ending poverty and hunger by investing in agriculture and rural areas” (Rome 2017).

<sup>143</sup> See: Klaus Deininger and Lyn Squire, “New ways of looking at old issues: inequalities and growth”. *Journal of Development Economics*, vol. 57, 1998, pp. 259-287. See also: Cipollina M. *et al.*, “Land inequality and Economic Growth: A Meta-Analysis”. *Sustainability* 10 (December 2018), 1-20.



provisions are based on existing international standards, particularly, the International Treaty on Plant Genetic Resources for Food and Agriculture, which had recognized farmers' rights.<sup>144</sup>

The inclusion of the right to seeds in the Declaration provides further coverage to peasants who will be able to use relevant mechanisms of the human rights system to advocate for the protection of their rights. Indeed, by recognizing the right to seeds as a human right, the Declaration goes beyond the commercial and procedural understanding of this right and underlines its substantive role for the life and dignity of peasants and other people working in rural areas.<sup>145</sup>

Significantly, paragraphs 3 to 7 of article 19 of the Declaration also stipulate the obligations of States concerning the right to seeds. These paragraphs call for decisive actions in support of peasant seed systems. Furthermore, they specifically refer to the obligation of respecting and considering the rights of peasants in seed policies, research, plant variety protection and other intellectual property laws and certification schemes.

Protecting peasants' rights to seeds is essential to promote seed diversity. As highlighted by experts during the fifth session of IGWG, the variety of seeds that have originated from the diversity of peasants' cultures is the only option that humanity has for a viable future against the unpredictable and rapid changes triggered by globalization.<sup>146</sup> Indeed, the uniformization, stabilization and normalization of seeds, which are encouraged as the objectives for the main criteria in laws regulating seeds' marketing in most countries, pose a serious threat to farmers' varieties.<sup>147</sup> It is important to recall that the millenary exchange and selection of seeds by peasants has allowed humanity to access more diverse and resistant crop varieties. These qualities are very much required today in a context of increasing climate disruptions. In this regard, the Declaration constitutes a significant development in international law that can guide national and international policies and regulations towards the promotion of a more sustainable agriculture and the preservation of biodiversity.

### ***Right to means of production***

Article 16 of the Declaration refers to the right to an adequate standard of living and facilitated access to means of production. The reasoning behind this right lies in the difficulties that many peasants around the world face to enjoy a dignified life as a result of lack of adequate production tools, credits, means of transportation and storage, as well as access to markets. While the means of production are, in theory, accessible to all in the free market, the reality is that they may not be affordable or even available in the most impoverished communities. For this reason, this article is of crucial importance as it underscores the need for States to take appropriate measures to promote an adequate standard of living in rural areas.

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<sup>144</sup> Article 9 of the International Treaty recognizes Farmer's Rights and stipulates States' obligations to protect farmers' traditional knowledge, and their right to equitably participate in sharing benefits and in decision making. Furthermore, Article 9.3 reads "*Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate*". For a comprehensive analysis of this right see: Carlos Correa, *Implementing Farmers' Rights Relating to Seeds*, Research Paper No. 75, (Geneva, South Centre, March 2017). Available from <https://www.southcentre.int/research-paper-75-march-2017/>.

<sup>145</sup> Christophe Golay and Adriana Bessa, *The Right to Seeds in Europe. The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas and the Protection of the Right to Seeds in Europe*, Academy Briefing No. 15 (Geneva Academy, 2019). Available from <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Right%20to%20Seeds%20in%20Europe.pdf>. Last accessed on 6/04/2020.

See also: Golay C., "The Right to seeds and intellectual property rights". Research Brief. (Geneva Academy, 2017).

<sup>146</sup> See the presentation of Prof. José Esquinas, available at UNOG Digital Recording Portal, accessible at: <https://conf.unog.ch/digitalrecordings/>, last accessed on 11/02/2020.

<sup>147</sup> Correa, "Implementing Farmers' Rights".

The rights to an adequate standard of living and to means of production are grounded in the ICESCR. This instrument recognizes, in its article 7, the rights of everyone to favorable conditions of work that ensure a decent living for themselves and their families. As reported by several specialized UN agencies,<sup>148</sup> storage facilities, transportation and access to market opportunities can have a significant impact on improving productivity and income for small-scale farmers.

The Declaration also calls States to take appropriate measures to ensure that their policies in the fields of rural development, agriculture, environment, and trade and investment, contribute to promote local livelihoods and the transition into sustainable modes of agriculture. In other words, the Declaration calls upon reversing the mainstream approach by placing human development aspirations in the rural areas above trade and investment objectives. While it does not prescribe one model of rural development, it emphasizes on sustainable and agroecological forms of production that are compatible with the promotion of local livelihoods, environmental and health objectives.

Article 16 also gives attention to the rise of natural disasters currently affecting people living in rural areas. FAO estimates that climate change could increase the number of people living in poverty to between 35 and 122 million by 2030 due to the adverse effects on livelihoods in the agricultural sector.<sup>149</sup> Against that threat, the Declaration calls upon States to strengthen resilience against natural disasters in rural areas. Besides, the Declaration also foresees the need for States to take action in support of peasants against market failures.

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<sup>148</sup> Human Rights Council, Doc. A/HRC/WG.15/4/3, 2017, p. 44, para 2016-2020.

<sup>149</sup> FAO, *The State of Food and Agriculture 2016. Climate Change, Agriculture and Food Security* (Rome, 2016).

## 6. THE RELEVANCE OF THE UN DECLARATION FOR THE WORLD

The Declaration is not only crucial for people living in rural areas but for societies as a whole given the fundamental role that peasants play in food security and socio-economic development. Smallholders provide an essential part of the food consumed worldwide and do so using less land and water.<sup>150</sup> Furthermore, rural areas offer a vital source of jobs, particularly for youth and women, contributing in that manner to social stability and cultural heritage.

In a context of climate distress, societies urgently need to preserve the agricultural diversity that peasants have promoted for thousands of years through the selection of resilient seeds. The contribution of peasants and other people working in rural areas is central to food security and social cohesion, particularly in developing countries.

While the contribution of small-scale farmers to food security and nutrition is now broadly recognized, national and international policies rarely prioritize rural areas. Investments in agricultural and rural development have remained stagnant or even decreased in most developing countries in the past 30 years, according to FAO.<sup>151</sup> Yet, rural areas are critical for poverty reduction, and investments in rural areas have higher possibilities to support that objective.<sup>152</sup>

Importantly, the Declaration establishes that States shall take all necessary measures to ensure that non-state actors that they are in a position to regulate, respect and strengthen the rights of peasants (article 2.5). This obligation is of particular relevance to redress the unequal situation of peasants facing human rights abuses by individuals and private organizations, transnational corporations, and other business enterprises. Notably, the Declaration stipulates in article 18.4 the duty of States to ensure that no hazardous substance or waste is stored or disposed of on peasants' lands. It also specifies the need to prevent risks arising from the development, use or release of living modified organisms (article 20.3).

Another critical aspect of the Declaration is the call for international cooperation in support of national efforts. Article 2 requests States to promote capacity-building, as well as sharing of experiences and technical knowledge. Notably, it explicitly mentions the importance of sharing of accessible technologies and the transfer of technologies, particularly to developing countries. Cooperation measures include improving the functioning of markets at the global level on food reserves to limit extreme food volatility and speculation.

Article 27 of the Declaration calls upon the UN system to contribute to its full realization. These provisions have a high potential to trigger renewed attention and joint efforts of the UN system in favor of rural areas. OHCHR, FAO, ILO, UNDP, and all other UN agencies have an essential role in raising awareness and contributing to the implementation of the Declaration from their respective mandates.

The 2030 Agenda for Sustainable Development offers valuable opportunities to advance in the implementation of the Declaration since many SDGs are linked with the advancement of

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<sup>150</sup> Committee on World Food Security. 2015. "Connecting Smallholders to Markets. Policy Recommendations" (2015). Available from <http://www.fao.org/3/a-bq853e.pdf>. (Last accessed on 13/02/2020.)

<sup>151</sup> FAO, "Ending poverty and hunger by investing in agriculture and rural areas", (Rome, 2017).

<sup>152</sup> Ibid.

rural areas. Examples are, Goals 1 and 2, which seek to end poverty and hunger and achieve food security.<sup>153</sup>

Similarly, the UN Decade for Family Farming 2019-2028<sup>154</sup> and the seven pillars of the UN strategy provide another international platform to collaborate for the realization of the Declaration.<sup>155</sup> Notably, countries should explore avenues to operationalize the references on international cooperation, including through South-South cooperation.

The Declaration is therefore aligned with international goals and standards and can be supportive of national and international efforts to reduce poverty and enhance food security. Through the respect and promotion of the rights and obligations contained in the Declaration, this instrument can play a substantive role in reducing the historical inequalities against people living in rural areas while contributing to national development strategies.

Remarkably, the Declaration lays the foundation for international and national policies that harness the significant contribution of small-scale farmers, fishers, and pastoralists to sustainability and food security. In the light of the rapidly evolving consequences of a globalized world, the concentration of wealth in few hands, increasing climate disasters and vulnerability to external shocks, the Declaration proposes a different approach and an opportunity to revitalize development strategies by promoting a dignified life in rural areas.

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<sup>153</sup> Other SDGs that are connected to the Declaration are: ensuring healthy lives (Goal 3); achieving gender equality (Goal 5); ensuring availability and sustainable management of water (Goal 6); promoting full and productive employment (Goal 8); reducing inequalities (Goal 10); taking urgent action to combat climate change (Goal 13); promote sustainable use of ecosystems (Goal 16); and strengthen the means of implementation (Goal 17).

<sup>154</sup> Declared by the General Assembly through resolution Doc. A/RES/72/239 of December 2017.

<sup>155</sup> These pillars are: Developing an enabling policy environment to strengthen family farming, supporting youth and ensure the generational sustainable family farming, promoting gender equity and family farming, strengthening family farmers' organizations and capacities, improve socio-economic inclusion, promote sustainability of family farming, and strengthen the multidimensionality of family farming. FAO and IFAD, 2019, *United Nations Decade of Family Farming 2019 – 2028. Global Action Plan* (Rome, 2019).

## 7. WAYS FORWARD IN THE IMPLEMENTATION OF THE DECLARATION

To be effective, the Declaration will need to be implemented at the national, regional, and international levels through coordinated and mutually supportive strategies. States, regional and international organizations, civil society, peasant movements, among others, have a crucial role in promoting the Declaration.<sup>156</sup>

At the national level, States will need to define their strategies and priorities for the implementation of the Declaration with the participation of relevant stakeholders. Elaborating such strategies will require coordinating with various entities or Ministries. Domestic policies that facilitate the holistic implementation of the Declaration should involve not only the institutions in charge of human rights, agriculture, and rural development, but also those responsible for trade, health, education, work, transport, environment, and infrastructure policies, among others. The participation of peasant organizations in those strategies will be crucial to identify their specific needs and opportunities, as well as the possible actions to be taken. Ideally, national development plans should incorporate the Declaration in their operations, to provide appropriate institutional and budgetary support. Also, national follow-up mechanisms should be considered to oversee the progress.

One of the first steps to implement the Declaration is raising awareness amongst various peasant associations. It will also be essential to broaden the knowledge of the Declaration not only among the national and local executive authorities but also to parliamentarians and the judiciary. Indeed, compliance with the Declaration also involves its use in law-making and judicial decisions.<sup>157</sup>

While national actions will be crucial in promoting the Declaration, there is a need for coordination and cooperation among states and international organizations. In that regard, States may wish to ensure that the investments, as well as the international collaboration they receive, are aligned with the Declaration as part of their Development Strategies.

At the regional and international level, there are multiple windows of opportunities that countries may need to explore. First, relevant UN Agencies, including FAO, CFS, ILO, UNICEF, UNDP, UNEP, UN Women, should coordinate on how to support countries in the implementation of the Declaration, and should take into account this instrument when defining their priorities and programs.

Furthermore, UN members can also consider discussing, in relevant regional or multilateral forums such as the General Assembly, WIPO, WTO, WHO, among others, on how to improve international norms and standards to align them with the rights and obligations set out in the Declaration. States may consider adopting additional rules or measures that may be required in the multilateral system to support the realization of the Declaration.<sup>158</sup>

The human rights system, at the regional and global level, will be critical to follow-up the implementation of the Declaration. In a recent joint statement, several human rights experts welcomed the commemoration of the first year of the adoption of the Declaration; they committed to integrate its implementation in their work and provide guidance to States for the

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<sup>156</sup> Geneva Academy. The Implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Research Brief (Geneva, 2019).

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

realization of the rights and obligations contained in the Declaration.<sup>159</sup> Indeed, existing mechanisms such as the Universal Periodic Review, the Treaty Bodies and Special Procedures have a crucial role to play in promoting the advancement of the rights of peasants.<sup>160</sup> These mechanisms could give States recommendations tailored to their specific needs and characteristics.

Notably, in their joint statement, human rights experts called for the establishment of a new special procedure on the rights of peasants and other people working in rural areas. This appeal is in line with the request of peasant movements who advocate for the establishment of a new special procedure, such as a Special Rapporteur or a Working Group of experts, that would be mandated to monitor the implementation of the Declaration.<sup>161</sup> The role of a new special procedure could be crucial in providing specific attention to this instrument, elaborating thematic reports, and tailored recommendations. A Working Group could have the advantage of joining personalities from different regions and tackling the recommendations from diverse angles. Indeed, a Special Rapporteur could have more visibility and be able to do country visits.

Furthermore, countries may consider establishing a Fund at the United Nations, similar to the one created for indigenous peoples, to assist the participation of peasants in relevant discussions, ensuring regional and gender balance.

Current debates about the efficiency and the budget of the Human Rights Council may influence the consideration of such new procedures. In that context, countries may also think about innovative and improved ways to portray the advances and the needs they have and channel international cooperation to support the realization of the Declaration. South-South cooperation can play an essential role in sharing experiences and good practices in the promotion and protection of the rights of peasants and other people working in rural areas.

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<sup>159</sup> See OHCHR, Joint Statement by the human rights experts – 1<sup>st</sup> anniversary of the adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (17 December 2019).

<sup>160</sup> Christophe Golay, “The role of Human Rights Mechanisms in Monitoring the United Nations Declaration on the Rights of Peasants”. Research Brief (Geneva Academy, 2020). Available from <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Role%20Of%20Human%20Rights%20Mechanisms%20In%20Monitoring%20The%20United%20Nations%20Declaration%20On%20The%20Rights%20Of%20Peasants.pdf>. Last accessed on 6/04/2020.

<sup>161</sup> Ibid.

## 8. CONCLUDING REMARKS

This research paper analyzed the historical process of construction of the Declaration, starting from the grassroots- peasant's movements, followed by the intergovernmental negotiations in the UN. It also examined the uniqueness of the negotiation process that led to the adoption of the Declaration, involving not only States but also civil society, experts, and peasant representatives. This Research Paper also explained the main contributions of the Declaration, namely: the recognition of peasants as specific subjects of rights; the reaffirmation of existing standards tailored for the reality of people living in rural areas; and the development of international law to address existing gaps in the protection of their rights. In underscoring the importance of the Declaration for the world, the research paper stressed on its potential for poverty reduction and food security, in line with the SDGs and the strategies of the UN Decade on Family Farming. Finally, it discussed possible ways forward for the implementation of the Declaration at the national and international level.

Today, States and other stakeholders can celebrate the adoption of the United Nations Declaration on the Rights of the Peasants and other People working in rural areas. As shown in this research paper, achieving the Declaration was not a simple process because it entailed developing the rule of law for a large but vulnerable group in a context dominated by those with more resources and power. The negotiation of the Declaration took several years. It also required the energy and resources of many participants, including peasants' representatives, diplomats, officers in capitals, the Secretariat of the Human Rights Council, non-governmental organizations, academic institutions, intergovernmental organizations, among others.

The Declaration will guide the international community and governments to adopt policies that promote the potential of peasants and other people in rural areas, and thus it will contribute to the achievement of the Sustainable Development Goals. We expect that this international effort to further develop human rights law, will thus contribute to help the people who need it the most.

In international relationships, there is often a tension between conflict and cooperation, but in the context of the United Nations, countries are for cooperation. In the IGWG, the willingness to collaborate enabled States to achieve an outcome which may be useful to protect a vulnerable group of people. Although many times vested interests frustrate initiatives of this type, fortunately this was not the case in these negotiations. The international community worked together to achieve an outcome to help peasants and other people in rural areas to fight for their rights now and in the future.

Developing countries must find in the slots that the system permits, a space to strengthen international law to address the current inequalities in an unbalanced international order. It is not an easy task, but the adoption of the Declaration proves that it is possible.

## **ANNEX 1**

### **LIST OF NONGOVERNMENTAL INSTITUTIONS THAT PARTICIPATED DURING THE PROCESS**

#### First IGWG Meeting

Europe–Third World Centre (CETIM), Food First Information and Action Network (FIAN International), International Federation of Rural Adult Catholic Movements, La Via Campesina (LVC), Villages unis pour le développement and Help Age International.

#### Second IGWG Meeting

Foundation Bread for All, Center for Legal and Social Studies, Europe – Third World Centre, Friends World Committee for Consultation, Foodfirst Information and Action Network, Programme on Women's Economic, Social and Cultural Rights, Quaker United Nations Office, International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations, Réseau international des droits humains, VIVAT International, United Villages and American Association of Jurists.

#### Third IGWG Meeting

American Anthropological Association; Stiftung Brot fuer Alle; Centre Europe-tiers monde; Centro de Estudios Legales y Sociales; Comité français pour la solidarité internationale; Foodfirst Information and Action Network (FIAN International); International Federation of Rural Adult Catholic Movements; Programme on Women's Economic, Social and Cultural Rights; Réseau international des droits humains; Social Service Agency of the Protestant Church in Germany; Third World Network; Quaker United Nations Office; United Villages; and International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association.

#### Fourth IGWG Meeting

Centre Europe – Tiers Monde (CETIM), International Indian Treaty Council (IITC), Centro de Estudios Legales y Sociales (CELS), Foundation Bread For All (BFA), International Association of Democratic Lawyers (IADL), Programme on Women's Economic, Social and Cultural Rights (PWESCR), Réseau international des droits humains (RIDH), American Anthropological Association, Association of World Citizens, FIAN International e.V., International Federation of Rural Adult Catholic Movements (FIMARC), International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF), Asociacion Uraba Suiza Colombia, Bäuerliche Erzeugergemeinschaft Schwäbisch Hall w.V. (BESH), Comité français pour la solidarité internationale, Community Self Reliance Centre (COSEREC), Farmworkers Association of Florida, Foundation House of Farmers, Korean Women Peasants Association, Landless people movement, Sindicato Andaluz Trabajadores y trabajadoras, Via Campesina, World Alliance of Mobile Indigenous Pastoralists (WAMIP), World Forum of Fisher People (WFFP), World March of women.



Fifth IGWG Meeting

Centre Europe Tiers Monde (CETIM), International Indian Treaty Council (IITC), Bäuerliche Erzeugergemeinschaft Schwäbisch Hall w.V. (BESH), American Anthropological Association, FIAN International e.V., International Federation of Rural Adult Catholic Movements (FIMARC), International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF), Alliance for Food Sovereignty in Africa (AFSA), Comité français pour la solidarité internationale, Community Self Reliance Centre (COSEREC), Farmworkers Association of Florida, Indonesian Peasant Union (SPI), Korean Women Peasants Association (KWPA), Red Nacional de Agricultura Familiar (RENAF), SOS Faim, Via Campesina, World Forum of Fisher People (WFFP).

## **ANNEX 2**

### **UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS**



**General Assembly**

Distr.: General  
21 January 2019

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#### **Seventy-third session**

Agenda item 74 (b)

#### **Resolution adopted by the General Assembly on 17 December 2018**

[on the report of the Third Committee ([A/73/589/Add.2](#))]

#### **73/165. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas**

*The General Assembly,*

*Welcoming* the adoption by the Human Rights Council, in its resolution 39/12 of 28 September 2018,<sup>1</sup> of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;
2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof;
3. *Requests* the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

*55th plenary meeting  
17 December 2018*

#### **Annex**

#### **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas**

*The General Assembly,*

*Recalling* the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

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<sup>1</sup> See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53A* ([A/73/53/Add.1](#)), chap. II.

*Taking into account* the principles proclaimed in the Universal Declaration of Human Rights,<sup>2</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>3</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>4</sup> the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women,<sup>5</sup> the Convention on the Rights of the Child,<sup>6</sup> the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>7</sup> relevant conventions of the International Labour Organization and other relevant international instruments that have been adopted at the universal or regional level,

*Reaffirming* the Declaration on the Right to Development,<sup>8</sup> and that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

*Reaffirming also* the United Nations Declaration on the Rights of Indigenous Peoples,<sup>9</sup>

*Reaffirming further* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

*Recognizing* the special relationship and interaction between peasants and other people working in rural areas and the land, water and nature to which they are attached and on which they depend for their livelihood,

*Recognizing also* the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security, which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,<sup>10</sup>

*Concerned* that peasants and other people working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

*Concerned also* that peasants and other people working in rural areas suffer from the burdens caused by environmental degradation and climate change,

*Concerned further* about peasants ageing around the world and youth increasingly migrating to urban areas and turning their backs on agriculture owing to the lack of incentives and the drudgery of rural life, and recognizing the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for rural youth,

*Alarmed* by the increasing number of peasants and other people working in rural areas forcibly evicted or displaced every year,

*Alarmed also* by the high incidence of suicide of peasants in several countries,

*Stressing* that peasant women and other rural women play a significant role in the economic survival of their families and in contributing to the rural and national economy, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land,

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<sup>2</sup> Resolution 217 A (III).

<sup>3</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

<sup>4</sup> See resolution 2200 A (XXI), annex.

<sup>5</sup> United Nations, *Treaty Series*, vol. 1249, No. 20378.

<sup>6</sup> *Ibid.*, vol. 1577, No. 27531.

<sup>7</sup> *Ibid.*, vol. 2220, No. 39481.

<sup>8</sup> Resolution 41/128, annex.

<sup>9</sup> Resolution 61/295, annex.

<sup>10</sup> Resolution 70/1.

equal access to land, productive resources, financial services, information, employment or social protection, and are often victims of violence and discrimination in a variety of forms and manifestations,

*Stressing also* the importance of promoting and protecting the rights of the child in rural areas, including through the eradication of poverty, hunger and malnutrition, the promotion of quality education and health, protection from exposure to chemicals and wastes, and the elimination of child labour, in accordance with relevant human rights obligations,

*Stressing further* that several factors make it difficult for peasants and other people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters and other local communities, to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

*Recognizing* that access to land, water, seeds and other natural resources is an increasing challenge for rural people, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

*Convinced* that peasants and other people working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

*Considering* the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work and lacking living wages and social protection,

*Concerned* that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subjected to different forms of intimidation and of violations of their physical integrity,

*Noting* that peasants and other people working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

*Concerned* about speculation on food products, the increasing concentration and unbalanced distribution of food systems and the uneven power relations along the value chains, which impair the enjoyment of human rights,

*Reaffirming* that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

*Recalling* the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

*Recognizing* that the concept of food sovereignty has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights,

*Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Declaration and in national law,

*Reaffirming* the importance of respecting the diversity of cultures and of promoting tolerance,

dialogue and cooperation,

*Recalling* the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work,

*Recalling also* the Convention on Biological Diversity<sup>11</sup> and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity,<sup>12</sup>

*Recalling further* the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture,<sup>13</sup> and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,<sup>14</sup> the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,<sup>15</sup>

*Recalling* the outcome of the World Conference on Agrarian Reform and Rural Development, and the Peasants' Charter adopted thereat, in which the need for the formulation of appropriate national strategies for agrarian reform and rural development, and their integration with overall national development strategies, was emphasized,

*Reaffirming* that the present Declaration and relevant international agreements shall be mutually supportive with a view to enhancing the protection of human rights,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

*Convinced* of the need for greater protection of the human rights of peasants and other people working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

*Declares* the following:

## Article 1

1. For the purposes of the present Declaration, a peasant is any person who engages or who seeks to engage, alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.
2. The present Declaration applies to any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area. It also applies to dependent family members of peasants.
3. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless engaged in the above-mentioned activities.

<sup>11</sup> United Nations, *Treaty Series*, vol. 1760, No. 30619.

<sup>12</sup> United Nations Environment Programme, document UNEP/CBD/COP/10/27, annex, decision X/1.

<sup>13</sup> United Nations, *Treaty Series*, vol. 2400, No. 43345.

<sup>14</sup> Food and Agriculture Organization of the United Nations, document CL 144/9 (C 2013/20), appendix D.

<sup>15</sup> [E/CN.4/2005/131](#), annex.

4. The present Declaration further applies to hired workers, including all migrant workers regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

## **Article 2**

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights set forth in the present Declaration that cannot be immediately guaranteed.
2. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.
3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.
4. States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.
5. States shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights of peasants and other people working in rural areas.
6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present Declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people working in rural areas, among others. Such measures could include:
  - (a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people working in rural areas;
  - (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
  - (c) Facilitating cooperation in research and in access to scientific and technical knowledge;
  - (d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the transfer of technologies, particularly to developing countries, on mutually agreed terms;
  - (e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

### **Article 3**

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status.
2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.
3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and other people working in rural areas.

### **Article 4**

1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development.
2. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:
  - (a) To participate equally and effectively in the formulation and implementation of development planning at all levels;
  - (b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;
  - (c) To benefit directly from social security programmes; To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;
  - (d) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
  - (e) To participate in all community activities;
  - (f) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;
  - (g) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;
  - (h) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;
  - (i) To be free from all forms of violence.

#### **Article 5**

1. Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources.
2. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:
  - (a) A duly conducted social and environmental impact assessment;
  - (b) Consultations in good faith, in accordance with article 2 (3) of the present Declaration;
  - (c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

#### **Article 6**

1. Peasants and other people working in rural areas have the right to life, physical and mental integrity, liberty and security of person.
2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

#### **Article 7**

1. Peasants and other people working in rural areas have the right to recognition everywhere as persons before the law.
2. States shall take appropriate measures to facilitate the freedom of movement of peasants and other people working in rural areas.
3. States shall, where required, take appropriate measures to cooperate with a view to addressing transboundary tenure issues affecting peasants and other people working in rural areas that cross international boundaries, in accordance with article 28 of the present Declaration.

#### **Article 8**

1. Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.
2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.



3. The exercise of the rights provided for in the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.
4. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.

#### **Article 9**

1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.
3. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity and to a decent life.

#### **Article 10**

1. Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.
2. States shall promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

#### **Article 11**

1. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.
3. States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.

## **Article 12**

1. Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.
2. States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.
3. Peasants and other people working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.
4. States shall consider measures to strengthen relevant national institutions for the promotion and protection of all human rights, including the rights described in the present Declaration.
5. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

## **Article 13**

1. Peasants and other people working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.
2. Children of peasants and other people working in rural areas have the right to be protected from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to a child's health or physical, mental, spiritual, moral or social development.
3. States shall create an enabling environment with opportunities for work for peasants and other people working in rural areas and their families that provide remuneration allowing for an adequate standard of living.
4. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and

promote sustainable food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.

5. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating, where required, appropriate resources to ensure the effective operation of labour inspectorates in rural areas.
6. No one shall be required to perform forced, bonded or compulsory labour, be subjected to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, child labour and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

#### **Article 14**

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy working conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to the implementation of measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subjected to any work-related retaliation for exercising such rights.
2. Peasants and other people working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.
3. States shall take appropriate measures to ensure favourable safe and healthy working conditions for peasants and other people working in rural areas, and shall in particular designate appropriate competent authorities responsible and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.
4. States shall take all measures necessary to ensure:
  - (a) The prevention of risks to health and safety derived from technologies, chemicals and agricultural practices, including through their prohibition and restriction;
  - (b) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, distribution, labelling and use of chemicals used in agriculture, and for their prohibition or restriction;
  - (c) That those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the

appropriate official language or languages of the country and, on request, to the competent authority;

(d) That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

(e) The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.

## **Article 15**

1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.
2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.
3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.
4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.
5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.

## **Article 16**

1. Peasants and other people working in rural areas have the right to an adequate standard of living for themselves and their families and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right to engage freely, individually and/or collectively, in association with others or as a community, in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems.
2. States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation and the processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate and ensure that peasants and other people working in rural areas have full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.
4. States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production. States shall stimulate sustainable production, including agroecological and organic production, whenever possible, and facilitate direct farmer-to-consumer sales.
5. States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.
6. States shall take appropriate measures to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

## **Article 17**

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.
2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.
3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems. States shall protect legitimate tenure and ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. States shall recognize and protect the natural commons and their related systems of collective use and management.
4. Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law. States shall prohibit arbitrary and unlawful forced eviction, the destruction of agricultural areas and the confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.
5. Peasants and other people working in rural areas who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived, including in cases of natural disasters and/or armed conflict, and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, whenever possible, or to receive just, fair and lawful compensation when their return is not possible.
6. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate the broad and equitable access to land and other natural

resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small - scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

7. States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

#### **Article 18**

1. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.
2. States shall take appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment.
3. States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.
4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.
5. States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

#### **Article 19**

1. Peasants and other people working in rural areas have the right to seeds, in accordance with article 28 of the present Declaration, including:
  - (a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;
  - (b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;
  - (c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;
  - (d) The right to save, use, exchange and sell their farm-saved seed or propagating material.
2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge.
3. States shall take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas.
4. States shall ensure that seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting and at an affordable price.

5. States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice and to decide on the crops and species that they wish to grow.
6. States shall take appropriate measures to support peasant seed systems and promote the use of peasant seeds and agrobiodiversity.
7. States shall take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas and to ensure their active participation in the definition of priorities and the undertaking of research and development, taking into account their experience, and increase investment in research and the development of orphan crops and seeds that respond to the needs of peasants and other people working in rural areas.
8. States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas.

#### **Article 20**

1. States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas.
2. States shall take appropriate measures to promote and protect the traditional knowledge, innovation and practices of peasants and other people working in rural areas, including traditional agrarian, pastoral, forestry, fisheries, livestock and agroecological systems relevant to the conservation and sustainable use of biological diversity.
3. States shall prevent risks of violation of the rights of peasants and other people working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

#### **Article 21**

1. Peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. These rights include water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.
2. Peasants and other people working in rural areas have the right to water for personal and domestic use, farming, fishing and livestock keeping and for securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.
3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants regardless of their migration status and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, and technologies for the reuse of treated wastewater and for water collection and storage.

4. States shall protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes, from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.
5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people working in rural areas. States shall prioritize water for human needs before other uses, promoting its conservation, restoration and sustainable use.

## **Article 22**

1. Peasants and other people working in rural areas have the right to social security, including social insurance.
2. States shall, according to their national circumstances, take appropriate steps to promote the enjoyment of the right to social security of all migrant workers in rural areas.
3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.
4. Basic social security guarantees should be established by law. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

## **Article 23**

1. Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.
2. Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.
3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.

## **Article 24**

1. Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.
2. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.
3. States shall not, arbitrarily or unlawfully, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or



land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

#### **Article 25**

1. Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.
2. All children of peasants and other people working in rural areas have the right to education in accordance with their culture and with all the rights contained in human rights instruments.
3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding and plant and animal health clinics, to respond more appropriately to the immediate and emerging challenges that peasants and other people working in rural areas face.
4. States shall invest in providing training, market information and advisory services at the farm level.

#### **Article 26**

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law or to limit their scope.
2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.
3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

#### **Article 27**

1. The specialized agencies, funds and programmes of the United Nations system and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the present Declaration, including through the mobilization of, inter alia, development assistance and cooperation. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.
2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the present Declaration and follow up on its effectiveness.

**Article 28**

1. Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future.
  2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
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