

Food sovereignty



*The United Nations Declaration  
on the Rights of Peasants*

# **A Tool in the Struggle for our Common Future**

Coline Hubert

Foreword by Jean Ziegler



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## ***The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future***

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## ***The United Nations Declaration on the Rights of Peasants:***

## **A Tool in the Struggle for our Common Future**

Coline Hubert



*Foreword by Jean Ziegler<sup>1</sup>*

## **Daily slaughter by hunger: is there any hope?**

The slaughter of millions of human beings by undernourishment and hunger is the biggest scandal of the beginning of the third millennium. It is an absurdity, an abomination that no reason can justify nor any policy legitimize. It is a crime against humanity, repeated ad infinitum.

In 2017, hunger killed more human beings than all the wars going on in the same year.

What has the fight against hunger achieved? In 2014, 784 million persons were incapacitated as a result of severe chronic undernourishment. They number more than 820 million today.<sup>2</sup>

Hunger means acute physical suffering, weakening of motor and mental functions, exclusion from active life, social marginalization, anxiety over the future, loss of economic autonomy. It ends in death.

Undernourishment is defined as an energy deficit in the food we eat. It is measured in calories – the unit of energy burned by the body.<sup>3</sup>

In 2017, nearly 100,000 persons a day died of hunger, or of sickness due to nutrient or micronutrient deficiency. Every five seconds a child under ten dies from hunger or its immediate consequences - more than 6 million in 2017 alone.

Hunger is the leading cause of death on our planet. And hunger is caused by human beings. The United Nations Food and Agriculture Organization (FAO), in the same report that each year gives the number of victims also states that world agriculture, at its current stage of development, could easily feed 12 billion human beings (at 2,700 calories/adult per day). Yet there are only 7.6 billion of us on the planet.<sup>4</sup>

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1 Vice-chair of the United Nations Human Rights Council Advisory Committee; former United Nations Special Rapporteur on the right to food; Author of *Le Capitalisme expliqué à ma petite-fille (en espérant qu'elle en verra la fin)* [Capitalism explained to my granddaughter (in the hope that she will see the end of it)] (Paris: Seuil, 2018).

2 FAO *The State of Food Security and Nutrition in the World 2018* (Rome: FAO, 2018).

3 For the method of calculation, see J.-P. Girard, *L'Alimentation*, Geneva, Goerg, 1991).

4 UN Info, 21 June 2017



So there is nothing inevitable about it. A child that starves to death is murdered.

The destruction of millions of human beings by hunger occurs every day, as a matter of almost inexorable normality, on a planet overflowing with wealth.

Ten years ago, on 12 October 2008, the eurozone heads of State and Government met at the Élysée Palace in Paris. At 6 p.m. Angela Merkel and Nicolas Sarkozy announced at a joint press conference: "We have just released \$1,700 billion to revitalize interbank credit and raised banks' minimum capital requirements from 3% to 5%".

The same month, the European States drastically reduced their contributions to United Nations humanitarian aid programs. As a result the World Food Program (WFP) lost 41% of its resources. In Bangladesh, for example, it had to discontinue its school meals program for 700,000 undernourished children.

In refugee camps in Somalia, the WFP distributes daily rations that are 500 calories below subsistence requirements.

More than a billion human beings live in Africa. Between 1972 and 2017, the number of Africans suffering from chronic severe malnutrition increased from 81 to 256 million.

Why? The reasons are manifold. One of the main ones is the European Union's Common Agricultural Policy (CAP).

In 2017, the industrialized States of the OECD paid their farmers and stock breeders more than \$350 billion in production and export subsidies.

The European Union in particular practices agricultural dumping with unwavering cynicism.

The result is the systematic destruction of African subsistence agriculture.

Take the Sandaga, the biggest fresh goods market in western Africa and a wonderful world of noise, color and fragrance situated in the heart of Dakar.

There, depending on the season, a housewife can buy fruit and vegetables from Portugal, France, Spain, Italy, Greece and elsewhere at half or a third of the price of local produce.

Several kilometers away, under a burning sun, the Wolof peasant and his wife and children work up to 15 hours per day, with not the slightest chance of earning a decent subsistence income.

Of the 54 African countries, 37 are almost entirely agricultural.

Few human beings on earth work as hard or in such difficult conditions as the Wolof peasants in Senegal, the Bambara peasants in Mali, the Mossi in Burkina Faso or the Bashi in Kivu.

The European agricultural dumping policy is destroying their life and the lives of their children.

The lords of world capital have the power of life and death over the billion suffering from severe chronic undernourishment. Through their investment strategies, their stock market speculation in basic foodstuffs and the political alliances they forge, they decide from day to day who has the right to live on this planet and who is condemned to death.

According to the World Bank, in 2017 the 500 biggest private transnational corporations controlled 52% of the gross world product (i.e., 52% of *all* the capital, merchandise, services, patents etc. produced in one year on the planet). Their power surpasses that of any emperor, king or pope in human history.

In this new millennium, transnational capitalist oligarchies are masters of the universe. Their daily practice and legitimizing discourse are radically opposed to the interests of the majority of the inhabitants of the earth.

With globalization, national economies are gradually being forced to merge to form a worldwide capitalist market and a single interconnected cyberspace. This process has triggered formidable growth in productive forces. Immense wealth is created every second. The capitalist mode of production and accumulation displays a degree of creativity, vitality and power that is nothing short of stunning and, it must be said, admirable.

In little less than a decade, the gross world product has doubled and the volume of world trade tripled. As for energy consumption, it doubles on average every four years.

For the first time in its history, humanity enjoys an abundance of goods. The planet is groaning under the weight of its wealth. The quantity of goods available is several thousand times greater than the basic needs of human beings.

But the death toll is also mounting.

The Four Horsemen of the Apocalypse of underdevelopment are hunger, thirst, epidemic and war. They destroy more men, women and children in a year than the butchery of World War II destroyed in six. For the peoples of the Third World, World War III has already begun.

I repeat: more than 800 million human beings suffer from what the FAO calls "extreme hunger", their daily ration being on average 300 calories less than a survival diet. The countries hardest hit by extreme hunger are in sub-Saharan Africa (18 countries), the Caribbean (Haiti) and Asia (Afghanistan, Bangladesh, India, North Korea and Mongolia).

A child that lacks proper food in sufficient quantity from birth to age five will suffer the consequences for life. Deprived of nourishment, its brain cells will suffer irreparable damage. Régis Debray refers to these wee ones as "crucified from

birth”.<sup>5</sup> Hunger and chronic malnutrition are a hereditary curse: each year, millions of severely undernourished mothers bring into the world millions of irremediably afflicted children. All these mothers, undernourished yet life-bearing, recall Samuel Beckett’s doomed women who “give birth astride of a grave... The light gleams an instant, then it’s night once more.”<sup>6</sup>

One dimension of human suffering is absent from this description: the searing, intolerable anguish that tortures any starving being from the moment of waking. How, in the course of the new day, to ensure the sustenance of one’s nearest and dearest or feed oneself? To live in such anguish is perhaps even more terrible than to endure the multiple physical illnesses and pains affecting one’s undernourished body.

It’s a simple equation: if you have money, you eat and live. If you don’t, you suffer, become incapacitated or die.

The destruction and suffering visited on peoples by the oligarchies, military empire and mercenary trading and financial organizations of global capital are compounded by the destruction and suffering caused by the corruption and prevarication rife in many governments, especially in the southern hemisphere and more particularly in Africa. Indeed, the world order of finance capital cannot function without the active support of ruling governments’ corruption. Walter Hollenweg, a respected theologian at the University of Zurich, sums up the situation neatly: “The obsessive and unlimited greed of the wealthy among us, combined with the corruption practiced by the elites of certain so-called “developing” countries, is nothing less than a vast murder plot.... Everywhere in the world, every day, the slaughter of the innocents is reproduced.”<sup>7</sup>

Where do we look to find hope?

Hope lies in the rational rejection by humankind of the prospect of a world where the poverty, despair, exploitation and hunger of the many feed the relative well-being of the few – mostly white and mostly oblivious.

The moral imperative is in each one of us. Georges Bernanos wrote: “God has no other hands than ours.”

So we must wake up, mobilize and organize the struggle.

I am the Other, the Other is me.

Immanuel Kant defined the categorical or moral imperative thus: “The inhumanity that is caused to another destroys humanity in me.”

CETIM’s book on the United Nations Declaration on the Rights of Peasants, adopted by the Human Rights Council [and then by the United Nations General

5 R. Debray, J. Ziegler, *Il s’agit de ne pas se rendre* [Never give up], Paris, Arléa, 1994.

6 S. Beckett, *Waiting for Godot*, Act 2 (London: Faber & Faber, 1955). The line is Pusso’s.

7 W. Hollenweg, ‘Das Kindermorden von Bethlehem geht weiter’ [The Slaughter of the Innocents goes on], *Der Blick*, Zurich, 21 December 2001.

Assembly – ed.] in 2018 is a pioneering document. The protection of peasants’ rights has a long and painful history. The struggle has been led for 25 years by the biggest social movement on the planet, La Via Campesina, founded in 1993 and now bringing together some 250 million peasant women and men around the world.

CETIM has supported their struggle from the very start.

This struggle for the rights of peasants reminds me of the struggle for the right to food at the heart of the French Revolution. Hear what Jacques Roux had to say: “Freedom is but a vain phantom when one class of men can starve the other with impunity. Equality is but a vain phantom when the rich, through their monopoly, exercise the right of life and death over their fellow man. The republic is but a vain phantom when the counter-revolution operates, day by day, through the cost of food, to which three quarters of the citizens cannot accede without shedding tears.”

He went on: “The aristocracy of merchants, more terrible than the aristocracy of the nobility and the priests, has made a cruel game out of the pillaging of individual fortunes and the treasures of the republic; we do not yet know what the outcome of their exactions will be, for the price of goods increases terrifyingly, in the course of a single day. Citizen representatives, it is time to put an end to the mortal combat being waged by the selfish against society’s most industrious class.”<sup>8</sup>

Jacques Roux’s speech echoed the appeal by Gracchus Babeuf, the leader of the Conspiracy of Equals, who on 27 May 1797 was carried, covered in his own blood, to the scaffold:<sup>9</sup> “Let the fight on the famous chapter on equality and property begin! Let the people overthrow all the old barbaric institutions! Let the war of the rich against the poor cease to be portrayed as nothing but courage on one side and nothing but cowardice on the other! ... Yes, I repeat, all evils have reached a peak, they cannot get any worse. They can be repaired only by total upheaval.... Let us look to the purpose of society. Let us look to the common welfare and let us, after a thousand years, change these disgusting laws.”<sup>10</sup>

The revolutionary fight for the right to food drowned in blood. Babeuf was executed at the age of 37. Sentenced to death by the Revolutionary Tribunal, Jacques Roux stabbed himself in his cell.

None of the great declarations of human rights – neither the American proclamation of 4 July 1776 in Philadelphia nor the French in 1789 – lists or recognizes any rights for peasants. The Declaration adopted by the Human Rights Council in 2018 sets forth an array of rights to protect peasants.

8 J. Roux, *Manifeste des Enragés*, [Manifesto of the Enraged], submitted to the Convention on 25 June 1793.

9 Once the Conspiracy of Equals had failed, Babeuf and the surviving co-conspirators were sentenced to death by the *Directoire*. On 16 May, Babeuf had tried to kill himself.

10 V. Dalin, A. Sata, A. Soboul (eds) *Inventaire des manuscrits et imprimés de Babeuf* (Paris: Éditions du Comité des travaux historiques et scientifiques, 1966).

It is the struggle of Asian, African and Latin American peasant movements that has given rise to this urgent, specific claim for better protection of the right to food and of peasants' rights.

Jean-Paul Sartre wrote: "To know the enemy is to fight him." CETIM has written an enthralling book. Its team is well acquainted not only with many countries of the South but also and above all with the complicated world of the United Nations, the hidden strategies of member States and the dysfunction of specialized intergovernmental organizations.

It is a passionate book, with a wealth of information and lucid analysis.

CETIM creates transparency, demands our attention and paves the way for a rebellion of conscience. We owe it a debt of profound gratitude and admiration.

**Jean Ziegler**

## Introduction

### Melik Özden, director of CETIM

On 17 December 2018, the United Nations General Assembly adopted the Declaration on the Rights of Peasants<sup>1</sup> and Other People Working in Rural Areas<sup>2</sup> by 122 votes in favor, 8 votes against and 54 abstentions. The rights of peasants are henceforth enshrined in international law. The Declaration meets an urgent need.

Over a period of decades, the imposition of structural adjustment programs and the implementation on a planetary scale of the “market” economy as a model of development have triggered, among other things, a veritable agrarian counter-revolution on all continents. This model has reinforced the *latifundias* by eliminating all public aid to peasants and abandoning all national policies on rural development. Privatization, liberalization of agricultural markets, dumping of agricultural products, commercial development of agrofuels, stock market speculation in foodstuffs, and wholesale land grabs are the instruments and corollaries of this development model that each year pushes tens of millions of peasants to emigration or exile. It is also a source of conflict, including armed conflict, owing to the pressure exerted on natural resources. It is this model that has favored transnational agribusiness corporations’ monopoly over the food chain. Thus, peasants and families who produce foodstuffs no longer control the process or the tools, or the sale of their produce. They are stripped of their resources (land, seeds, bodies of water, pastureland, etc.), expropriated and very often forcibly displaced. Further, they are excluded from the decision-making processes affecting them. In short, they are the first victims of a neoliberal globalization that translates into manifold acts of discrimination and violations of human rights, from the rights to life and to food, to the rights of free association and to participation in decision making.

Yet it is peasants and rural workers who feed the world, not the transnational agribusiness corporations, despite what the latter’s propaganda would have us

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1 Throughout the following text, the generic masculine has been used for the sake of simplicity.

2 Other persons working in rural areas include fisherfolk, nomads, herders, agricultural workers, hunter-gatherers, indigenous peoples and craftworkers associated with agriculture.

believe. Moreover, peasants are the guarantors of biodiversity and protectors of the environment.

Since humans first settled and agriculture started to develop, peasants have been oppressed, despised and excluded from any participation in decisions that concern them. At different periods they were even bought (or sold) by their landlords, or changed masters following wars of conquest. In other words, they had no voice and were ignored by the powers that be, whether political, economic or religious, except for the purposes of exploitation of their labor and knowledge. It is interesting that, as Professor Marc Edelman has noted, the word peasant in the Latin-based languages has negative connotations: “boorish”, “ignorant”, “stupid”, “dirty” and even “ill bred”! It took revolutions (in France, Mexico and China, for example), and the creation of nation states committed to democratic processes, for peasants to acquire the formal status of citizen. Even then, recognition was not always honored in practice.

In this context, the adoption of the Declaration is a major success, a source of joy, pride and hope for all peasants and other persons working in rural areas. It is the fruit of the perspicacity, tenacity and clear-sightedness of those most closely involved, of their movement, La Vía Campesina (LVC), and of their allies, who have for so many years driven this project. All credit to them.

Having accompanied them from start to finish and having done everything in its power to help achieve this result, CETIM has long nurtured the idea of publishing a book on this exemplary undertaking. The opportunity arose on the arrival in its office in Geneva of a young intern whose dissertation for a master’s degree in human rights had covered precisely this subject. Following her internship, CETIM hired her for several months to carry out this project.

With great enthusiasm, and making good use of her legal knowledge in part II of the book, Coline Hubert describes the content, utility and applications of this new international law text. But first it was necessary to find out how we had reached that point. Coline Hubert tirelessly scoured CETIM’s archives and took the opportunity to interview many LVC delegates when they were in Geneva for sessions of the Human Rights Council and of the working group charged with drafting the Declaration. Building on this meticulous work, she recounts in part I the epic journey towards the adoption of the United Nations Declaration: more than 17 years of relentless work!

Although the language used in the Declaration is not always the peasants’ language, and though a certain number of concessions had to be made here and there in order to obtain the adoption of this new international instrument, it nevertheless captures the essence of the aspirations of all food producers: the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas aims, among other things, to guarantee access to land, water, seeds and other agricultural resources and tools, as well as adequate public services. It will also serve as a basis for the gradual introduction of food sovereignty, a concept specifically mentioned in the Declaration. If it is implemented as it ought to be at the national and the international levels, it will effectively protect peasants from speculation and from the monopoly of transnational agribusiness corporations. By better protecting those who produce

food, we shall secure humanity’s food supply and at the same time have an effective tool in the fight against poverty and inequality.

Clearly, the fate of peasants concerns us all, not only because they produce food and protect the environment and biodiversity, but also because they make an essential cultural contribution to all humanity. It is neither acceptable nor tolerable that they should be less well treated than the rest of society. Yet, though peasants and their families still account for nearly half of humankind and have demonstrated their abilities in many areas (strategic, organizational, mobilization, etc.), on their own they can never change the current absurd agribusiness system that we live in. What is called for is a sort of social contract between peasants and the other sectors of society to enable new public programs and policies to be devised and implemented. The Declaration can form the basis of this social contract.

The book before you is thus intended as a full and accurate testimony to the process leading up to the adoption of the Declaration. But it is also intended to pave the way for the implementation of this new special category of human rights for peasants and other rural workers. It is thus an indispensable source of knowledge and inspiration, but it is above all a tool that will guide us in our pursuit of different agriculture and different food.



# Part I

## Drafting the Declaration

Imagine peasants gathering for a union meeting, discussing their problems and the situation of peasants in their own countries and elsewhere in the world. From this discussion comes the realization that they have no specific rights and that their rights must be recognized. Now fast-forward 20 years, to the human rights conference room in the Palais des Nations in Geneva. The States members of the Human Rights Council have just adopted the Declaration on the Rights of Peasants and Other People Working in Rural Areas. In the room are peasants, including some who had attended that first meeting where it all began. Some heave a sigh of relief, others shout for joy, but mostly they are all proud.

So that is how it began and ended: let us now look at the road traveled over those 20 years. The first stretch begins with an idea and ends with the setting up of an intergovernmental working group to negotiate and draft a declaration to be presented to the United Nations member States. The second leads up to the negotiations with member States on the Declaration on the Rights of Peasants.

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

The longest part of what one might call the “process of adoption of the Declaration” was the period between the initial idea and the start of international negotiations. It is this part of the story that we will look at first.<sup>3</sup> The starting point was of course the emergence of the idea, but that was not all: it also had to be taken up by the La Vía Campesina peasant movement (1); the project then had to be embraced by the United Nations, which meant first raising awareness of the situation of peasants' rights among experts and member States (2); and finally allies had to be found within the United Nations in order to formalize the project and launch international negotiations (3).

### 1. Birth of the Declaration in La Vía Campesina

It is true that the Declaration is now a United Nations declaration, but it is first and foremost the “Peasants' Declaration”, for it was the peasants of La Vía Campesina (LVC) who decided that States should recognize their rights; it was not States that started the process.

#### *Indonesian peasants' union*

It was La Vía Campesina that gave birth to the Declaration, but we need to go back further to see how the idea of specific rights for peasants came about. It was the Federation of Indonesian Peasant Unions (FSPI) that launched the discussion on peasants' rights in the 1990s. Credit for the idea is often attributed to one member

<sup>3</sup> See also : CETIM, Critical Report No. 5, September 2009.

of the FSPI, Henry Saragih, though he himself always says he only marshaled the troops. Over and above the personal factor, i.e., an individual's ability to grasp the idea and organize around it, Indonesia's historical context also played a role.

### La Vía Campesina

La Vía Campesina (literally, "the peasant way") has been at the heart of the struggle for the Declaration on the Rights of Peasants. It is worth revisiting the origins of the movement. In 1993, peasant organizations from the Americas, Asia and Europe met in Belgium and decided to create an international peasants' movement that would give them their own voice.<sup>(a)</sup> The union arose out of earlier meetings that had pinpointed the similarities in peasants' conditions and difficulties in countries that seemed to have nothing in common.

More than anything else, those present were deeply aware that they had a common enemy: the World Trade Organization (WTO),<sup>(b)</sup> the establishment of which was then being negotiated. One of the main objectives of the States negotiating the WTO charter was to bring agriculture under its purview, which would have been a first for a multilateral trade agreement. Sharing analyses of their common experiences, the LVC peasants had developed a critical view of globalization and were aware of the dangers inherent in the worldwide liberalization of agriculture. The creation of the LVC made it possible to coordinate and reinforce peasants' efforts to combat the establishment of the WTO.

In 1995, the Marrakesh accords entered into force and the WTO formally came into being. However, this did not mark the end of the LVC movement. On the contrary, it grew in strength. Organizations around the world are still joining even today, and it now comprises 182 member organizations from 81 countries on all continents, representing some 250 million persons.<sup>(c)</sup> Peasants have thus created the world's biggest international social movement and a forum enabling their voice to be heard at the highest levels.

#### Notes:

(a) First international conference of La Vía Campesina, Mons, Belgium, 1993.

(b) The WTO is an intergovernmental organization founded in 1995 and currently comprising 164 member States, including the biggest trading powers. Its role is to oversee international trade agreements, settle any disputes arising and facilitate the negotiation of new agreements. Its ultimate goal is to open up international trade, abolishing all tariff barriers and other impediments to trade (for example, health standards). The conventions also cover trade in services, agricultural and food products and some intellectual property rights. From a political perspective, the WTO claims to be the guarantor of the stability of its member States' neoliberal economic policies.

(c) Website of La Vía Campesina: [<https://viacampesina.org>].

The end of the 1990s had seen the decline of the Indonesian dictatorship. Human rights movements had emerged and peasant organizations were growing stronger. In response to the increasing violations of their rights, and using their new vocabulary of human rights, the peasants discussed their situation. One question in particular came up: why did they have no rights? Seeing what they had to put up with – expulsion from their lands, concentration of land in the hands of private companies, police violence, denigration and marginalization – they were bound to ask themselves how it was possible that they had so little protection under the law.

So the FSPI started asking questions. It knew that workers were protected by rights established by the International Labour Organization (ILO) and that women

had an international convention defining their rights, as did children. But peasants were not specifically protected, even by workers' rights. Indeed, they were excluded. They could see quite well that the violations they suffered related to their particular status as peasants, and in talking about it they expressed their situation in human rights terms; however, they could only go so far because there were no rights applying specifically to them. This made them aware of the place the world had assigned them to: almost always on the margins, forgotten and despised. This second-class citizen status, they realized, derived also from the absence of any rights that took account of the way they lived. The conclusion was obvious: if other sections of the population had rights that were recognized and protected, peasants would also assert their rights and get them recognized.

### Peasants, the first victims of neoliberal globalization

In 2000, when the build-up to the Declaration began, the WTO was already five years old. The wholesale liberalization of international trade, including trade in agricultural and food products, was well under way. Some food products went out into international markets and then arrived in local markets, competing with local produce. In fact, whether they exported or not, the world's peasants had been put into a competitive situation, from which only financiers and agribusiness corporations profited: the former as speculators, the latter as the only players capable of exporting, who then gradually acquired a monopoly on the food production chain. Thus the big farms in the countries of the North, heavily subsidized, inundated the countries of the South with their low-priced products while small-scale agriculture everywhere continued to decline. In the South, peasants survived on ever smaller plots of land. Structural adjustment programs<sup>(a)</sup> had done their job: agriculture policies were a thing of the past or, where they survived, simply pushed smallholders to adopt export-oriented farming, which made them dependent on the markets and technologies that underpin this model of intensive, standardized production.<sup>(b)</sup>

Today, the situation of those on the land only continues to deteriorate. Trade liberalization is well under way, the 2008 financial and food crisis has left deep scars, and the massive trend towards agricultural land grabs has become entrenched. Peasants are driven from their lands to make room for huge private-interest infrastructure projects.<sup>(c)</sup> More and more peasants are losing their land and are forced to sell their labor on industrial-scale farms or leave to swell urban slum populations. When they are compensated or relocated, they are given tiny plots that are hard to access and yield little.

The transnational agribusiness and agricultural corporations are tightening their grip on peasants' lives and imposing their law. They force peasants to adopt production methods that are not only financially but also environmentally ruinous. The standardization of varieties and seeds and the compulsory use of synthetic inputs lead inexorably to the loss of biodiversity and the increasing straitjacketing of smallholders in farming methods that bear no relation to their economic or geographical reality.

This combination of factors has reduced peasants and persons living in rural areas to one of the poorest and hungriest groups in the world. They produce what we eat yet cannot feed themselves, an absolutely absurd paradox. The terrible equation is that, at the start of the chain, peasants are not properly paid for their produce, yet at the end of the chain prices are too high for poor consumers such as peasants and other rural workers. One might think that they would at least be able to feed themselves out of their own production. However,

most poor peasants have very little land, between 1.5 and 2 hectares on average.<sup>(d)</sup> This is not enough to feed oneself and still earn a surplus to cover other necessary living expenses.

Worse, when peasants and rural workers rise up and protest, they are often violently repressed and their rights violated yet again,<sup>(e)</sup> and the violations and violence sometimes end in death. When peasants protest against eviction from their farmland, they encounter only police repression and may even be arrested and subject to criminal prosecution and conviction.

**Notes:**

(a) Structural adjustment programs are a series of measures imposed on a State by the World Bank and the International Monetary Fund as a condition for granting a loan. They generally include: devaluation of the local currency; cuts in public spending on public services; lifting of price controls; wage restrictions; easing of trade and exchange-rate regulations; privatization; domestic credit squeeze; reduction of State intervention in the economy; expansion of the export sector; and reduction of imports. See *Debt and Human Rights*, CETIM Human Rights Series, 2007, p. 5.

(b) Marcel Mayer & Laurence Roudart, "Mondialisation : crise et condition de développement durable de l'agriculture paysanne", *Via Campesina: une alternative paysanne à la mondialisation néolibérale* (Geneva: CETIM, 2002).

(c) Olivier De Schutter, "How not to think about land grabbing: three critiques of large-scale investments in farmland", in *Journal of Peasant Studies*, 38(2) (2011).

(d) Report of the Special Rapporteur on the right to food to the 65th session of the United Nations General Assembly, A/65/281, 11 August 2010.

(e) Global Witness, *Defenders of the Earth* (2016).

### *Human rights, La Vía Campesina's new tool*

When the process leading to the adoption of the Declaration was launched, La Vía Campesina had already been created, and the FSPI was a member.

In 1996, the second international conference of La Vía Campesina was held in Tlaxcala, Mexico. At the conference, convened to enable members to define the LVC's goals, the 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's agenda. What the peasants in Indonesia had identified as recurrent violations specifically against peasants also occurred in the LVC's other regions. Thus the idea that human rights and international law had something to offer, if peasants could make use of them, was accepted by the LVC.

Internal discussions on peasants' rights went on for several years and in 2000, at the third international LVC conference in Bangalore, India, there was a commission on human rights. The next step was to convince the other members to join in and find a way to get a hearing at the United Nations. Between 1996, when the idea of developing human rights by and for peasants was introduced, and 2000, the members of the LVC accepted the idea of exploiting international human rights law and claiming rights for peasants. It seems that it was not too hard to gain that acceptance. When asked how their organization and they themselves had reacted to the idea of an international instrument on peasants' rights, almost all the peasants involved in the process said that it had seemed quite natural. It was obvious to all

of them that peasants faced massive violations of their rights. None of them thought that human rights were an area they should stay away from or that did not concern them. Moreover, one thing was, and still is, certain: LVC members do not accept that decision making is the exclusive province of those with power – quite the contrary!

While all agreed with the idea and no one was opposed to the initiative in principle, all were also aware of the scale of the task ahead. They knew that this sort of process would take time, money and energy, and that all they had was energy.

It was perhaps then that Henry Saragih came into his own. He it was who converted the pessimists into active supporters. He managed to show everybody that they must throw themselves into the fray immediately and that, with the support of all, they could succeed. And that is what happened: at no time during those 17 years did the LVC or its members doubt the relevance of the struggle, much less the righteousness of their cause. On the contrary, through their continuous efforts and the unwavering support of the rank and file, they were able to strengthen its legitimacy.

Thus, at the Bangalore conference in 2000, the conclusion of the commission on human rights was that the LVC should move into the sphere of international law and take its place in international negotiating forums, and that what was needed was international legislation on peasants' rights, drafted by peasants.

Yet when the LVC was created, neither its objectives nor its strategies had included human rights. So putting that commission in place had not been an obvious move. It should not be thought that the Declaration was the LVC's sole concern from the outset – which makes the achievement even more impressive. In the Bangalore conference's closing statement, the section on human rights is small compared to the rest. However, the idea and the initiative had been launched. The decision had been taken to pursue the goal of legislation so as to obtain an instrument that would help protect peasants' rights, bring pressure to bear and expose violations.

Once the 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.

Note that the two tasks were closely related: the work of finding a way into the international system facilitated learning about human rights, while the work with peasants fed into and supported the United Nations work. We shall first examine how the peasants drafted their rights.

### **The goal of food sovereignty**

The LVC's founding principle and main objective was and still is food sovereignty. All through the Declaration process, this concept informed the LVC's thinking. Food sovereignty was first defined by the LVC, then shared and developed jointly with other social movements.<sup>(a)</sup> The core principle of food sovereignty is that all peoples of the earth – food

producers in association with other citizens – have the right to define and construct their own food system, from the local level to the global level.<sup>(b)</sup>

It comprises six pillars: the right to adequate, healthy and culturally appropriate food; recognition and protection of food producers, including the most marginalized; bringing back food-producing systems to the local level; control over natural resources; use, preservation and development of local knowledge and know-how; and, finally, working in harmony with nature.

**Notes:**

(a) During the Nyéléni Forum, in Mali in 2007, more than 500 representatives of peasants' organizations, fisherfolk, indigenous peoples, the landless, nomads, rural workers, forest communities, youth, women, urban-dwellers, consumers and ecologists, from some 80 countries, gathered to discuss food sovereignty. At the close of the Forum, the Nyéléni Declaration, containing a definition of food sovereignty was adopted: <https://nyeleni.org/IMG/pdf/31Mar2007NyeleniSynthesisReport-en.pdf>

(b) Priscilla Claeys, "Les droits à la souveraineté sur les ressources naturelles, au développement et à la souveraineté alimentaire dans la Déclaration des Nations Unies sur les droits des paysans et des autres personnes travaillant dans les zones rurales" (FIAN International, Analytical Note, December 2015).

### *Peasants draft their declaration*

Given the LVC's raison d'être, it was obvious that peasants should themselves formulate their rights. After two small-scale initiatives, all members of the LVC were asked to take part.

As we have seen, it was in 2000 that peasants had made a first attempt to formulate their rights, at a conference of Indonesian peasant unions on peasants' rights and agrarian reform. The FSPI had organized the meeting so that they could explore together what rights they needed in order to change their situation. The experiment had been repeated in the LVC's southeast and east Asia regions in April 2002, and it was this conference that produced the first draft of the LVC declaration. It had ten articles and already contained the major rights that the peasants defended and demanded throughout the process, and to which we shall return later.

Thus LVC already had ten articles formulated by peasants in 2002. From 2006 to 2007, it shifted up a gear, to *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 own situation and to find out what they thought of, and required from, the process. Most importantly, the purpose here was not to apply the usual top-down model of training but to let the participants speak, putting them in the position of experts on their own situation. No region where the LVC had members was neglected, in order to ensure the broadest possible coverage and hear the views of peasants living in different contexts. All the regions took part, for they all valued the process.

In parallel with these consultations, a world-wide campaign for agrarian reform was launched in partnership with the NGO FIAN International. As part of this

campaign an emergency network was created to warn and inform of violations of peasants' rights. The network proved extremely useful in the Declaration drafting process. First, it gave the LVC a broad global overview of its members' situations and the persecution they endured. It also enabled the LVC to determine which rights were the most at risk and what to do about it.

In this way the peasants responsible for the project acquired an enormous amount of valuable information on the rights to be claimed.

### *Civil society support*

The members of the group were not working in isolation. In parallel, those in charge of the process, and Henry Saragih in particular, had gone in search of backing. They knew that they could not gain access to the United Nations without the support of experienced persons and organizations. They already knew of FIAN International, so one of the first organizations that Henry Saragih next approached was Amnesty International at its London headquarters. However, in spite of its expressions of interest in the topic, no concrete help was ever forthcoming. Equally unsuccessful efforts were made in Helsinki, another human rights capital.

The first meeting between the LVC and CETIM specifically on peasants' rights took place at the first World Social Forum in Porto Alegre in 2001.

However, CETIM had for many years had ties with the LVC and several of its member organizations, in particular transmitting their demands by means of statements in the United Nations and in its own publications. It should be noted that CETIM is not a "traditional" human rights NGO. As its Human Rights Program points out: "The right of human beings to development means the right of all the planet's inhabitants to determine their future and shape the development and orientation of their societies and their relationship with nature". In CETIM's view, then, social movements and citizens should play an active part in the United Nations, the world center of international law, so as to ensure that the texts drafted there reflect the principles of equity and justice, and citizens' own interests. So it was natural that the LVC should turn to CETIM.

It was thus at the historic first World Social Forum that Henry Saragih met with CETIM's director and explained his plan to create a legal instrument that recognized rights to peasants. The director, amazed by his ambition, immediately assured him of CETIM's support and promised to get him access to the United Nations in Geneva. From then on, CETIM was fully involved in the United Nations facet of the LVC process. The commitment of an NGO such as CETIM – and, later, FIAN – turned out to be essential: without such an alliance between an NGO and social movements, it is unlikely that the Declaration project would have made it into the United Nations, given the complexity of that organization.

CETIM first offered its resources to help train the LVC peasants in human rights. CETIM's main asset was its knowledge of the United Nations human rights system, which was what the peasants lacked. Armed with this new knowledge and with all

that it had learned from other peasants, the LVC group set about drafting an initial version of the Declaration.

In fact what was planned at first was a convention on peasants' rights. United Nations experts, through CETIM and FIAN, persuaded the peasants not to take that route. Negotiations on international conventions are usually very long and complicated whereas declarations are more flexible. Moreover, while the peasants were working for the recognition of their rights, indigenous peoples were finalizing the United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007. This was a valuable example of individuals and communities joining forces to demand and negotiate their rights with States. Bearing this in mind, and given that a declaration could also be a very good basis for a convention, or even a first step towards one, the peasants changed tack and set about finalizing their declaration.

### *Finalizing the peasants' declaration*

To do this, the LVC had to propose a working text that could be discussed by the delegates of its member organizations. CETIM and a young PhD student, Christophe Golay – previously assistant to the first United Nations Special Rapporteur on the right to food and taken on by CETIM as a *civiliste*<sup>4</sup> – helped with the drafting, but stepped back when the time came to submit it to the delegates. The declaration had to be a text generated by the peasants themselves, one that reflected their concerns and demands, and that was thus couched in their language. At the same time, it had to be a proposal appropriate to the United Nations human rights system, so Christophe Golay proposed stylistic changes to ensure the declaration's acceptability as to form.

In June 2008, the LVC called an international conference in Jakarta for a major collective push to negotiate and finalize the declaration. More than 100 delegates from 60 countries attended and a CETIM delegate was invited as observer. The text prepared for this meeting, incorporating the proposals submitted, was projected on a giant screen and the delegates discussed and modified the text directly. As in other international negotiations, delegates presented the views of their regions and organizations, which had mandated them to negotiate on their behalf. Needless to say, the discussions were far less conflictual than inter-State negotiations. (In fact the process of reaching genuine consensus laid the foundations for future discussions of this sort.) By the end of the exercise, the group on the future declaration had a document representing a consensus among the regions, ready to be presented to the LVC as a whole.

The timing of the meeting was deliberate: in October the same year the fifth international LVC conference was to be held in Maputo. These international conferences, such as those in Bangalore and Tlaxcala mentioned above, take place every four years and are the place where the LVC's major decisions and political orientations are worked out. At the previous conferences, human rights and the work

<sup>4</sup> Editor's note: in Switzerland a *civiliste* is someone who, instead of doing compulsory military service (for men), performs community service in one of several areas established by law. The person is (modestly) paid by the hiring organization.

on a declaration for peasants' rights had been incorporated into the LVC's strategy. This fifth conference was an opportunity for all LVC members to make the prepared text their own.

In January 2009, the LVC International Coordinating Committee finally adopted the Declaration. Now expanded to 13 articles, it was ready to be introduced at the United Nations.<sup>5</sup>

Although this LVC Declaration on the Rights of Peasants had been completed, the drafting of the text that would ultimately be adopted by the United Nations was yet to begin. And though the peasant delegates, like the States' delegates, threw themselves into the negotiation game, they also continued to consult with the peasants on the ground throughout the official negotiations. To the very end, the Declaration remained a text written by and for peasants.

## **2. Introduction to the United Nations**

As we have seen, CETIM was already accompanying the LVC during drafting, but that was not all it was doing. Alongside the drafting, the peasants had to start being brought into the United Nations system, and this was one of CETIM's main contributions to the process.

### *La Vía Campesina-CETIM partnership*

CETIM had already worked with some LVC members, notably on the subject of the World Trade Organization. Their collaboration had always been clearly demarcated and there had never been any question of CETIM taking over the LVC project or setting itself up as advocate for that cause. It was simply a matter of making available its knowledge of and experience in the United Nations human rights processes. Thus, when the then director of CETIM, Florian Rochat, and the current director, Melik Özden, who was already working there, were asked why CETIM had decided to work on this project – which was likely to take years to come to fruition – they both said that, whatever happened, it could only be positive: peasants' situation would finally be more widely known, and their demands for a change in the system heard.

Based on its own political analyses, CETIM was bound to support the peasants. Not only was it fully aware of the violations of peasants' rights, but above all it agreed with, and still agrees with, the LVC's political analyses. They both decried neoliberal policies, the stranglehold of the multinationals and the models of agriculture and consumption that are leading the planet and its population to ruin.<sup>6</sup>

Moreover, CETIM appreciated the fact that the LVC did not just expose issues individually but presented a comprehensive critique of these policies and proposed global solutions. It was not a question of guaranteeing specific rights to peasants but

<sup>5</sup> See: [<https://www.cetim.ch/legacy/en/documents/lvc-declaration-ang.pdf>]

<sup>6</sup> See, e.g., PubliCetim Nos. 23/24, *Via Campesina : Une alternative paysanne à la mondialisation néolibérale* (2002). A list of CETIM's books on agriculture and peasants can be found at the end of this book.



of giving them the means to build a sustainable world. But what CETIM admired most in the LVC was that its position was one, not of defensiveness or accommodation, but rather of seeking answers and devising an alternative model for all.

With the partnership agreed, work had to begin on producing what the alliance had been created to produce, i.e., a strategy for raising awareness of peasants' situation in United Nations bodies – primarily the Commission on Human Rights, which became the Human Rights Council in 2006. It is this specialist body that negotiates the human rights standards that are then adopted by the United Nations General Assembly.

The first joint LVC/CETIM initiative was thus to prepare peasant leaders for the United Nations system. The LVC presented its draft to CETIM, and CETIM then explained the United Nations system and suggested some strategies. For the advocacy work to be effective, the first challenge was to approach the right people and the right institutions, as we describe below.

### *United Nations human rights protection mechanisms*

In 2002, when the LVC and CETIM began to work together on the future declaration, the United Nations body specializing in human rights was the Commission on Human Rights. It comprised 53 United Nations member States elected for four years by the United Nations Economic and Social Council (ECOSOC, itself made up of 54 United Nations member States) according to the principle of equitable geographical distribution. Its mandate was to protect and promote human rights. It was assisted in this by a number of subsidiary bodies: experts and special rapporteurs on particular topics and inquiry missions to individual countries. It was also assisted by an expert subcommission, the Sub-Commission for the Promotion and Protection of Human Rights, and it could create intergovernmental working groups to negotiate improvements in human rights in areas where there were gaps.

The Human Rights Council<sup>7</sup> that replaced the Commission in 2006 works in almost the same way but has 47 members elected for three years and holds three sessions per year instead of one. All United Nations member States may take part in discussions at these sessions but only Council members may vote. Discussions can cover the situation of a particular right such as the right to food, the situation of a population group or in a particular country, or the work of a working group, for example, and are based on the reports of the relevant mandate holders.

At the end of each session, the Council votes on decisions based on the discussions held. By its resolutions it gives mandates for action to its subsidiary bodies. Without a mandate, a working group may not meet, and a given subject cannot be considered by experts. A State or group of States members of the Council may submit resolutions and amendments may be proposed. Resolutions are adopted by consensus, or by vote if a member State so requests. In parallel to the debates in plenary, there are informal meetings where member States discuss the resolutions to be voted on.

<sup>7</sup> See The Human Rights Council and Its Mechanisms, CETIM, Critical Report No. 1, March 2008.

The vote on the resolutions is a crucial moment, for it is then that the differences in member States' political positions become most obvious. One should not assume that there is unanimity as to the substance of human rights; there are many potentially conflicting ways to view them.

Certain NGOs are authorized to take the floor and submit written statements. Theoretically, they may speak on any agenda item, but they may not vote. To be able to speak, they must have been granted consultative status by the ECOSOC NGO Committee. CETIM has this status and it can thus take the floor at meetings and has access to the United Nations buildings. In short, CETIM has access to those who decide on future developments in human rights.

### *Advocacy strategies*

That, then, was what CETIM explained to the peasant leaders when they began to work on their approach to the United Nations. They then had to decide how best to use this access to the United Nations, which meant working out an advocacy strategy. The purpose of advocacy is to *inform and persuade* decision-makers. To do so, one must have access, make oneself known and have arguments ready to present and defend one's point of view.

To ensure the best conditions for the advocacy campaign, CETIM continued to train peasant leaders to work within the United Nations system. The aim was to train enough people to make it possible to make contact with diplomats and experts, keep up the momentum and ensure the dissemination of the LVC position. The leaders came from all over the world, for the LVC consciously sought a degree of geographical balance as well as gender parity. Through this training, an entire strategy for empowerment was developed.

### *Intervention at the United Nations*

Thanks to its consultative status, CETIM for many years had been able to alert the United Nations to the situation of peasants, and had done so even before any formal proposal to work with the LVC, though they had often worked together. And as early as 2001, the possibility of international legislation specifically protecting peasants' rights had been raised at the end of one of CETIM's interventions.

After 2002, CETIM continued to raise issues in the Commission and later in the Human Rights Council: violations of peasants' rights; the consequences for agriculture of the liberalization of international trade under the WTO; the need to take special account of peasants in terms of the right to water, in order to prevent their economic and geographical marginalization; the situation of peasant women and their role in preserving the genetic diversity of plants; etc. This also gave CETIM the opportunity to raise the question of double discrimination against women – first because they are women and second because of the privatization of the tools of their trade, namely seeds – and to introduce the United Nations to the concept of food sovereignty.

At the same time, CETIM began to take the peasant leaders, when they came to Geneva, to meet diplomats attending the sessions of the Commission on Human Rights. CETIM's statements were handed out to the diplomats, and the peasants could make contact with diplomatic missions.

### *Peasants' reports on violations of their human rights*

As we have seen, at this time, before 2008, the draft LVC declaration had not been finalized, so the strategy in the United Nations was to describe peasants' situation to the United Nations in such a way that diplomats and experts would perceive them as a group, to be considered as such.

Between 2004 and 2006, besides CETIM's statements on peasants, the LVC published reports on the situation of peasants' rights around the world.<sup>8</sup> The 2004 and 2005 reports were drafted in collaboration with the NGO FIAN. The aim was, again, to publicize peasants' situation. To that end, the reports were divided into two parts: a critical analysis of the overall causes of the violations of peasants' rights and a presentation of specific cases. The cases were provided by an emergency network set up by the LVC as part of a campaign on agrarian reform that it was conducting with FIAN. They illustrated peasants' true situation and brought to life the theoretical critiques. Further, the reports often described serious cases, such as murders of peasant leaders.

Finally, in each of these reports, the peasants demanded an international legal instrument on peasants' right, thereby planting the notion that the solution to the problems described in the reports was to create such an instrument.

The reports were presented at sessions of the Commission on Human Rights. On those occasions, CETIM, the LVC and FIAN also held what are called *side events*, i.e., parallel conferences at the United Nations in Geneva, running concurrently with the official discussions. These side events are a means for NGOs and States to raise a particular topic and give their views on it. During these events, it was the peasants themselves who presented the reports, with occasional support from other experts. Some States sent a member of their diplomatic mission to attend and report back and gradually the peasants' situation became well known. In addition CETIM continued its advocacy work, ensuring that the reports were received and read by as many diplomatic missions as possible.

### *The 2008 food crisis: a watershed*

The advocacy strategy was stepped up in 2008 when the world food crisis came to a head. Peasants and other people living in rural areas were the first, and most seriously, affected by the crisis (note that "the food crisis" refers to the soaring prices of agricultural commodities on the international markets in 2008).

During the 2008 crisis, States could no longer ignore the vulnerable situation of peasants, and peasants themselves seized this critical opportunity to get their voice

<sup>8</sup> These reports are available on the websites of La Vía Campesina and FIAN International.

heard. In May 2008, the Human Rights Council organized the first – and only – extraordinary session devoted not to a country but to a right. The session focused specifically on "the negative impact on the realization of the right to food of the worsening of the world food crisis". CETIM and other organizations mercilessly exposed the causes of the crisis and of hunger in the world, reminding States of their responsibility and calling on them to overhaul their trade and agricultural policies.

#### **The 2008 food crisis**

The rise in food prices resulted in a significant increase in the number of persons suffering from hunger, to such an extent that there were protests and riots in 40 countries. The price increase was particularly difficult for households in the South, dependent as they were on imports, and already spending three quarters of their income on food. It was thus the poor and vulnerable who were the victims of higher prices, mainly peasants and rural workers.

The causes of the increase, which actually went on for several years, were manifold. The ones most commonly and easily cited are the accelerating demand in emerging countries for meat products that necessitated substantial grain inputs and thus diverted food resources, and the drought and blights that affected some harvests (in fact, the 2008 harvest was bigger than the previous year's). But there are several other key causes,<sup>(a)</sup> notably the surge in the production of bio-fuels, which diverted resources otherwise used for human food, thereby depleting world grain stocks.<sup>(b)</sup> This reduction in stocks was a critical factor, tying in with the subprime crisis<sup>(c)</sup> that pushed speculators towards the commodities markets, known to be safe investments. Finally, rising oil prices affected the price of agricultural products by pushing up the cost of inputs, overall production and transport. But the last and most deep-seated cause of the crisis was the – deliberate? – decades-long failure to invest in the agricultural sector in countries in the South subjected to the structural adjustment programs imposed by the International Monetary Fund (IMF), and which thus became entirely dependent on imports and hence on international markets.

#### **Notes:**

(a) CETIM Critical Report No. 3: "The Global Food Crisis and the Right to Food", pp. 5–8, (2008); O. De Schutter, "Background Note: Analysis of the World Food Crisis by the United Nations Special Rapporteur on the right to food" (2 May 2008).

(b) World grain stocks are the difference between production and consumption; their levels greatly influence price stability.

(c) The 2008 economic crisis that was due to the bursting of the speculative bubble in mortgage-backed bonds in the United States, bonds that were consistently rated AAA whereas they were mostly worthless. See Susan George, *Leur crise, nos solutions [Their crisis, our solutions]* (Albin Michel, 2010).

Throughout 2008, the spotlight was on the right to food and therefore on peasants, who took the opportunity to make their views heard. The LVC representatives were invited to speak before the Human Rights Council and the United Nations General Assembly and took advantage of the occasion to present their draft declaration. It was in 2008 that the peasants' situation came out of the shadows: with the food crisis, States could no longer look the other way. Thus Paul Nicholson, one of the LVC leaders, was invited in March to take part in a panel discussion on the subject in the Human Rights Council plenary and Henry Saragih was able to attend a meeting in New York organized by the United Nations General Assembly. When asked, he

emphasizes the fact that the food crisis was a turning point for the world, and that it played in favor of the LVC project.

As we have just seen, one of the LVC's strengths was to have anticipated both the time it would take to draft a declaration for such a broad movement and the pace at which the Human Rights Council moves. The member States meet only three times a year, and few of them have time the rest of the year to devote to what is decided at the Council. Anticipating that and preparing the launch of their declaration even before it was ready saved the peasants precious time and enabled them to gradually prime States' delegations so that their demands did not come as a great surprise.

### 3. Allies for the creation of an intergovernmental working group

Drafting a declaration, learning about the United Nations and helping the United Nations to learn about the peasants were key components of a strategy for getting the movement under way. However, to complete the task, allies had to be found within the system. Fortunately, when approaching different United Nations bodies, the LVC and CETIM could count on support that already existed within the mechanisms of the Commission on Human Rights and later the Council.

#### *United Nations special rapporteurs*

The first of these mechanisms was the system of United Nations special rapporteurs and especially the Special Rapporteur on the right to food.

The special rapporteurs are independent experts appointed by the Human Rights Council to protect and promote a right. Most often, they are teachers or academics. Chosen for their knowledge and experience and for their independence, they receive no remuneration from the United Nations.

Under their mandate the special rapporteurs can visit countries and receive information and complaints. They can then send urgent communications to States to obtain more information and stop violations. They also carry out research into their chosen topic. All this work is put together in their reports, which are presented and discussed at Council sessions and in the General Assembly. As focal points for specific rights, the special rapporteurs have an important role as intermediaries. They are catalysts, taking note of and transmitting the needs of those whose rights have been violated.

The special rapporteurs helped the peasants not only by providing a platform for their demands but above all by adopting their analyses. This gave the peasants *legitimacy* - and not just political but legal legitimacy - vis-à-vis the States. Because the special rapporteurs are at the service of the rights they have been mandated to protect and because they are politically independent, they speak with authority and are listened to.

The mandate of Special Rapporteur on the right to food was first created in April 2000 and entrusted to Jean Ziegler.<sup>9</sup> From the moment he took up the mandate, Jean Ziegler was frank in his denunciation of the causes of hunger, emphasizing that they are human causes. In his view, as he never tires of saying, anyone who dies of hunger is a victim of murder. In 2008 Olivier De Schutter<sup>10</sup> took over as Special Rapporteur on the right to food. Both he and Jean Ziegler played a major role in bringing peasants' situation to public attention, in two ways: first, they agree in their analysis of the causes of hunger in rural areas, and second, they advocate similar solutions.

Both view hunger not as a matter of quantities produced but of distribution and thus of poverty: enough is produced to feed the entire world, yet a large majority lack the economic means to feed themselves.

The rapporteurs' solutions are similar to those proposed by peasants: agrarian reform allowing safe, sustainable access to land; restoring control of seeds to peasants; restoring peasants' status to give them access to markets; agroecology and food sovereignty. Successive special rapporteurs have supported the LVC demand for an instrument on the rights of peasants and other people working in rural areas. Olivier De Schutter recommended it in several of his reports and in statements at side events on the protection of peasant rights, defending the idea of such an instrument. And in 2017, prior to the final vote on the mandate of the Intergovernmental Working Group on the future declaration, the Independent Expert on the promotion of a democratic and equitable international order, the Independent Expert on human rights and international solidarity, and the Special Rapporteur on the right to food, wrote a joint open letter to the President of the Human Rights Council supporting the future declaration.

In putting forward these solutions, the rapporteurs based their position on the right to food, recognized in article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights.<sup>11</sup> From this right they derived others, thus

<sup>9</sup> Jean Ziegler is a Swiss politician and sociologist known for his anti-globalization stance, his condemnation of economic injustice, and his exposure of the causes of hunger throughout the world. He says in his 2005 book *L'empire de la faim [The Empire of Hunger]*: "Anyone who dies of hunger is a victim of murder." He was the Special Rapporteur on the right to food from 2000 to 2008. Since 2008 he has been the vice-chair of the Human Rights Council's Advisory Committee.

<sup>10</sup> Olivier De Schutter is a lecturer in international public law at the Catholic University of Louvain in Belgium. He was the Special Rapporteur on the right to food from 2008 to 2014. Since 2015, he has been a member of the United Nations Committee on Economic, Social and Cultural Rights.

<sup>11</sup> Article 11 : 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programs, which are needed: (a) To improve

helping the peasants in their effort to obtain an international instrument on their rights. Because rapporteurs' work also involves making recommendations to ensure the effective exercise of the right they are responsible for, their analysis counts and may be adopted by others. It's impossible to know just what tips the balance for States, but having special rapporteurs who spent ten years saying that peasants and rural populations are the persons most vulnerable to hunger and that their right to food and other rights are continually being violated, and whose analysis was the same as that of the peasants, can only have helped.

If the special rapporteurs shared the same analyses as the peasants, it was because they too had been the targets of an advocacy campaign. The rapporteurs met regularly with the peasants. CETIM and FIMARC<sup>12</sup> had advocated on behalf of the peasants, and had also promoted food sovereignty, the concept subsequently introduced in 2004 by Special Rapporteur Jean Ziegler.<sup>13</sup> Further, through his contact with the peasants, Olivier De Schutter's position on food sovereignty evolved, developing from a simple alternative minority political position to a defense of the right to food for all.<sup>14</sup>

### *Human Rights Council Advisory Committee*

After leaving his post as Special Rapporteur, Jean Ziegler was elected in 2008 to the Human Rights Council's Advisory Committee. This body, which replaced the former Sub-Commission, was the LVC's second key ally in the Human Rights Council. It comprises 18 experts chosen on the basis of equitable geographical distribution, who produce reports and studies on subjects requested by the Council, with a view to informing the latter's deliberations and helping in reaching decisions. As the Committee is a body of experts that is listened to and respected, it played a particularly important role in obtaining an intergovernmental working group on the rights of peasants. As we shall see, it was the Advisory Committee that recommended a vote on the working group's mandate.

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methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

12 International Federation of Adult Rural Catholic Movements.

13 Report of the Special Rapporteur on the right to food, E/CN.4/2004/10, 9 February 2004, on food sovereignty, §§ 24-34.

14 Olivier De Schutter : "Our global model of agriculture is running out of steam", interview in *Le Monde Planète* by Gilles Van Kote (29 April 2014). In answer to the question, "What have you learned during the six years of your mandate?" De Schutter said: "The final message that I want to send to governments is the need to democratize food systems. That means that they must admit that they do not have all the answers and that citizens must be given a major say in decision making. I now believe more in a bottom-up transition than in top-down regulation." [[http://www.lemonde.fr/planete/article/2014/04/29/olivier-de-schutter-notre-modele-agricole-est-a-bout-de-souffle\\_4408689\\_3244.html](http://www.lemonde.fr/planete/article/2014/04/29/olivier-de-schutter-notre-modele-agricole-est-a-bout-de-souffle_4408689_3244.html)], accessed on 29 January 2018.

In 2008, the LVC representatives used CETIM's speaking slot in the Advisory Committee to present their draft declaration, which they had just finalized. At the same session, they organized a side event and a press conference to announce their initiative. The LVC declaration had thus been officially presented and there was no going back. To convince the Advisory Committee of the relevance of their request, the peasants drew attention to the violations of their rights, called into question the agricultural and economic policies that had led to the crisis, but above all pointed out that the declaration "will be the cornerstone of a sustainable life for all the inhabitants of the planet".<sup>15</sup>

In its resolution on the right to food, adopted at its tenth session in March 2009, the Human Rights Council asked the Advisory Committee to undertake a study on discrimination in the context of the right to food. Like all the Council's resolutions on the right to food, it had been proposed by Cuba and the relevant paragraph<sup>16</sup> had been added at the request of the peasants and of CETIM. The idea of requesting an apparently innocuous study was to enable the Advisory Council to place the situation of those who suffered most from hunger, i.e. peasants, on its agenda. In the light of the continuing food crisis, the resolution was adopted by consensus.

Then, in August 2009, the Advisory Committee held a session at which Jean Ziegler presented a working document, "Peasant Farmers and the Right to Food: a History of Discrimination and Exploitation". The title aptly summarized the contents of the report. The focus was directly on the situation of peasants and the need to protect them. The situation of other workers in rural areas, fisherfolk and traditional hunter-gatherers, was also discussed in this preliminary report. A section was devoted to peasant women too, highlighting discrimination against them. At the end of this study on discrimination in the context of the right to food, the Committee annexed the LVC declaration, presenting it as a priority solution and thus making it an official United Nations document.

In March 2010, the Human Rights Council decided to ask the Advisory Committee to carry out "a preliminary study on ways and means to further advance the rights of people working in rural areas".<sup>17</sup> The final study was presented to the Human Rights Council in 2012.<sup>18</sup> It ended with a call to set up an intergovernmental working group on peasants' rights and, in an annex, a proposal for a declaration on the rights of peasants.

### *Creation of the intergovernmental working group: enter Bolivia*

In parallel with the drafting of this study, and knowing that the Advisory Committee would be calling for a working group to be set up, CETIM and the LVC prepared the ground. It fell to CETIM to try to identify a State willing to support

15 CETIM Bulletin No. 32, 2008, pp. 3-4.

16 Human Rights Council resolution 10/12, 26 March 2009, § 36.

17 Human Rights Council resolution 13/4, 24 March 2010, § 44.

18 Final study by the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, 24 February 2012, A/HRC/19/75.

the project. What was needed was a State that subscribed to the political objective of defense of peasants' rights and whose diplomatic mission had the means to take an active part in the intergovernmental working group. The LVC and CETIM asked Bolivia if it would be prepared to take responsibility for obtaining the mandate and possibly chair the working group. Bolivia agreed. The Declaration fitted perfectly into President Evo Morales's<sup>19</sup> political agenda and made it possible for Bolivia to establish a position for itself within the United Nations. Bolivia in turn, supported by CETIM, sought support from other States, in particular members of the Human Rights Council, for a resolution establishing the working group. The Bolivian delegation managed to persuade several States to co-sponsor the resolution. Some, such as Cuba, Ecuador and South Africa, gave unstinting support throughout the process.

So, at the Council's September 2012 session, Bolivia presented a resolution proposing the establishment of an intergovernmental working group with a mandate to negotiate and submit a draft declaration. There were lengthy discussions before the vote, for some countries did not agree that the negotiations should be based on the declaration proposed by the Advisory Committee. Language was added to guard against bias<sup>20</sup> and the resolution was put to a vote. It was adopted by 23 votes to 9, with 15 abstentions.<sup>21</sup>

Note that the European Union countries and the United States voted against, presaging their future opposition. They were the only ones to do so. To explain their refusal to support the resolution, they argued that the Advisory Committee did not have a mandate to address the specific subject of peasants and other people living in rural areas, or at least that it should have first consulted with the member States to sound out their position on the matter. Yet, as we have seen, the Advisory Committee did have a mandate—indeed, it had two: the first was to conduct a study of discrimination in the context of the right to food – and peasants are one of the groups most affected by such discrimination; the second related directly to the rights of people working in rural areas. Further, in drafting its reports, the Advisory Committee had twice consulted with member States and NGOs. The Western countries' arguments were contradictory and betrayed a degree of bad faith on their part.

19 Evo Morales began his political career in peasant unions in the 1990s. He helped create La Vía Campesina in 1993. He was elected president for the first time in 2005, with the support of social movements, on a program of support for the poor, in particular peasants. Twice re-elected, he has not deviated from his original political agenda.

20 Human Rights Council resolution 21/19, 11 October 2012, §1 : "... on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals".

21 **IN FAVOR:** Angola, Bangladesh, Benin, Burkina Faso, Cameroon, Chile, China, Costa Rica, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Guatemala, India, Indonesia, Kyrgyzstan, Malaysia, Peru, Philippines, Russia, Thailand, Uganda, Uruguay. **AGAINST:** Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Romania, Spain, United States. **ABSTENTIONS:** Botswana, Jordan, Kuwait, Libya, Maldives, Mauritania, Mauritius, Mexico, Moldova, Nigeria, Norway, Qatar, Saudi Arabia, Senegal, Switzerland.

Fortunately, the advocacy work of the LVC, CETIM, FIAN, and indeed of Bolivia, bore fruit, and these opposing arguments did not affect the outcome of the vote. Peasants' rights' time had truly come.

### Negotiating the Declaration

Once the negotiations began, the Declaration was no longer in the hands of the peasants but in the hands of the States. Nonetheless, the peasants had no intention of leaving matters there. They were present at every stage of the negotiations, and indeed they were key players. Having gained a foothold in the Human Rights Council, they deployed a well-honed strategy to keep the discussions on track and ensure that the content of the Declaration would meet their expectations or, more particularly, their needs (section 1 below). However, though negotiations of this kind may well take place at the Palais des Nations in Geneva, it is national governments that take the real decisions, and the peasants and their allies, never short of energy, did all they could to persuade States to support the Declaration (section 2). Once the negotiations were under way, the Declaration went through several versions, analysis of which will help to understand the tenor of the discussions and, above all, what was at stake (section 3).

## 1. Negotiation strategies in the Human Rights Council

On 27 September 2012, the Human Rights Council, in its resolution 21/19, created an open-ended intergovernmental working group to negotiate a United Nations declaration on the rights of peasants and other people working in rural areas ("the Working Group"). The establishment of this mandate was a victory for the peasants and their allies because it meant they could be sure of getting a declaration. The fight over content could begin. Resolution 21/19 provided for the first session of the Working Group to take place in 2013 and it did so, in July that year. The second was held in February 2015, and the Group met again in May 2016, May 2017 and April 2018.

### *Working Group sessions*

The Working Group's sessions lasted five days, and all United Nations member States were invited to participate; it was not necessary to be a Council member. At the opening of each session, one State was elected chair-rapporteur. The appointment went to Bolivia each time. The Chair would then propose a program of work, to be confirmed by a vote of the States present. The Chair was also charged with presenting the new versions of the Declaration. While the sessions did not follow a set procedure, they all included a segment devoted to expert presentations and a segment for discussion of the text, though the latter took up the majority of each session. The Chair, in consultation with the other States, would propose the experts to invite and the topics to discuss. It was thus extremely important to have a very active Chair, and one who was aware of what was at stake for peasants - and Bolivia was.

The LVC, CETIM and FIAN had a good working relationship with the Bolivian mission, which meant they could make informal proposals as to resource persons, and some of those were invited to speak at the Working Group sessions. Thus peasants and representatives of other rural workers, as experts on their situation, were invited to speak from the podium. Over and above their purely informative role, they were then ideally situated to put forward their vision of the rights that the Declaration should contain. Further, they could respond to the objections of States that were hesitant or that opposed the project.

After these presentations, the floor was open for States' responses as well as those of civil society organizations and representatives of the peasants and rural workers. The Working Group had wisely decided that participation in the negotiations did not require ECOSOC consultative status, so the peasants could speak on their own behalf with no need for NGO intermediaries, unlike in the Human Rights Council, and they took full advantage of this platform to make their voice heard.

To ensure that these sessions bore fruit, the LVC and CETIM devised an elaborate advocacy strategy, as we shall see.

### *Peasant delegations*

Being allowed to speak directly had two advantages for the peasants. Firstly, they maintained their identity: they spoke on their own behalf and were heard without mediation. Secondly, the LVC could take the floor as often as it wished, as there was no need to share the slots of other NGOs. Peasant delegations were formed, with as many as 30 representatives from various regions of the world attending at any one time, though the average number was 25. In 2017, the LVC and its allied social movements spoke 60 times during the week of negotiations. With an average of 50 interventions per session, the peasants gradually laid out their positions and demands before the diplomats, illustrating them with descriptions of their daily life. CETIM and the peasant leaders organized these groups so as to maximize their effectiveness and exert the greatest possible influence on States. Technical training was provided by the LVC regional groups and in Geneva to prepare people to speak in the United Nations bodies and show with each individual presentation that, regardless of their diverse situations and geographical locations, all peasants around the world faced the same problems.

Because the LVC works on the principle of decentralization, it was particularly important to avoid the emergence of an elite of peasant leaders that would dominate the discussions of the Declaration. On the contrary, all LVC members had to learn the procedures and get involved. Not only did that keep the process in tune with the reality on the ground, it also paved the way for implementation of the Declaration in the future, for those involved in the negotiations could pass on their experience and knowledge.

The delegations were selected in such a way as to be the embodiment of, on the one hand, the diversity of peasants and, on the other, their single-mindedness in working

towards the Declaration; also for their daunting negotiating skill, contributed by a seasoned hard-core of particularly committed and well-prepared peasants.

Once the Working Group had been created, the peasants were joined by other rural workers, i.e., fisherfolk, nomads, indigenous peoples and agricultural and agro-industrial workers. CETIM, the LVC and FIAN worked with their representative organizations to develop a concerted advocacy strategy. The groups' own organizations took the lead on the issues and rights specific to them, and the peasants supported them. The negotiations were opened up to embrace all vulnerable rural populations and identify the reasons for their vulnerability. Throughout the process, all these organizations worked in harmony toward their common goal.

The LVC and CETIM always valued these allies, for civil society had to make common cause against States that did not always show good faith in their opposition to the Declaration.

#### **Other workers in rural areas**

The United Nations Declaration is not only a peasants' declaration but also a declaration for other people working in rural areas. Article 1<sup>(a)</sup> includes as other workers: livestock farmers, herders, fisherfolk, hunter-gatherers, craft workers linked to agriculture, indigenous peoples, transhumant communities and nomads, waged workers and migrant workers (regardless of legal status).

At the Working Group's sessions, fisherfolk were represented by the World Forum of Fisher Peoples, which represents non-industrial fishing communities, defending their rights and promoting fishing that respects natural resources and is mindful of future generations.

Herders and nomads were represented by WAMIP (World Alliance for Mobile Indigenous Peoples), which supports and strengthens mobile indigenous populations in maintaining their way of life, livelihood and cultural identity. WAMIP fights for sustainable management of communal resources and respect for nomads' rights.

Waged workers were represented by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), which defends workers' solidarity along the entire food production chain, international action within transnational corporations and workers' rights, including their human rights.

The indigenous peoples involved in the process were those represented by the International Indian Treaty Council (IITC), an organization of indigenous peoples of the Americas that focuses particularly on protection of their rights at the international level.

The International Federation of Rural Adult Catholic Movements (FIMARC) also took part. Promoting solidarity among rural people and peasants, it is their voice in the United Nations.

All these organizations shared the LVC's belief in the need for a strong declaration to counter the constant violations of the rights of people living in rural areas, violations committed in furtherance of private interests. They all helped support the Declaration, and drew attention to the clear need for such an instrument for the survival of rural areas.

The IUF, for example, helped develop the articles on the protection of workers, many of whom suffer inhuman working conditions, and child labor was addressed and included. One bonus of IUF participation was the sustained support of the International Labour Organization (ILO) for the Declaration. Similarly, the interventions by herders and nomads were decisive



in demonstrating the importance of the collective dimension of natural resources (water courses, pastureland etc.). In another example, indigenous representatives brought to the Declaration on Peasants' Rights their experience in negotiating the Declaration on the Rights of Indigenous Peoples.

But most of all, the involvement of all these organizations demonstrates rural people's solidarity and the common destiny that they share. Thus, the IITC representative came from a Mexican organization that represents both indigenous peoples and peasants without distinction, testifying to the similarities of their conditions and aspirations and the interdependence of the rights of all rural people.

**Notes:**

(a) United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 1: "...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. 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."

### *Taking the floor*

The statements made by peasants and their allies during the negotiations were coordinated thoroughly. The weekend before a Working Group session, the peasants, CETIM and FIAN would meet to decide who would speak and also to coordinate with the other rural workers. Naturally, before this final coordination exercise, a great deal of work had already been done to analyze the situation, prepare amendments and present a united front.

There were four types of intervention during the Working Group sessions. On the first day, participants made general statements on matters such as the latest version of the Declaration and why it should be supported, or the reasons for setting up the Working Group, or the need for the Declaration. The purpose of these statements was to bolster the negotiating framework. At each session, it was decided that five peasant leaders would speak, one per geographical region. Next came discussions on each article. Here, the interventions aimed primarily at supporting the articles – for example explaining the importance of the right in question for peasants – or proposing amendments to bring the draft more in line with the peasants' demands. It was very important to have persons from different regions of the world speaking on the same subject, for it provided complementary perspectives and showed how alike all peasants and their needs were.

It was also possible to make impromptu statements in reaction to another intervention. In this way States' questions and doubts could be answered, and other speakers' errors or inaccuracies highlighted. The idea was to counter any unfavorable position as soon as possible, before it could sway others. In this sort of intervention CETIM was an outstanding performer, alert as it was to State interventions that could cause real damage, as opposed to those that were innocuous. Then, at the end of the session, a joint statement was read out in the name of the LVC, organizations

of persons working in rural areas and their NGO allies. This final intervention demonstrated the cohesion and solidarity among civil society organizations involved in the process.

### *Building a common argument*

Besides public statements, the peasants and CETIM also held discussions with diplomats outside the official gatherings, in order to learn about their position and present the peasants' arguments. For this advocacy work, the peasants coordinated with CETIM and agreed a single line to take, with prepared arguments, to win States over. Together they worked out a detailed argument in support of the Declaration, with a list of reasons as to why it should be negotiated and adopted. While the conception owed as much to CETIM as to the peasants, the peasants had the last word. With the help of experts, and especially legal experts, legal arguments were developed in response to the most technical of questions and objections. The whole group, peasants and allies, thus had the same road map and could advance the same technical arguments. The peasants themselves became perfectly conversant with these legal points. In the end, though, the real strength of the advocacy exercise lay not so much in their coordination, or rather synchronization, as in their mastery of this technical discourse and their ability to make their situation understandable to persons who knew nothing of the reality of life in rural areas.

The strategy consisted then in raising awareness of peasants' situation by means of statements made during the official discussions. The peasants who came only for the negotiations were spokespersons for those who could not make the journey. Those who were involved in the longer term met with diplomats and presented the point of view that had been collectively worked out.

The peasants and their allies had also prepared a paper describing the structure of the future Declaration and the most important rights. For each right, a justification for its inclusion in the Declaration was given, along with its main components. The aim was to guard against evisceration of the text, for without certain rights (to land, to seeds, to a decent income, etc.), the Declaration would be meaningless and useless. Once the Working Group's first session was over and the peasants and CETIM knew the member States' positions and objections, they could prepare counter-arguments addressing them point by point.

### *Informal discussions and meetings with diplomats*

From 2014 to 2018, numerous informal bilateral and multilateral meetings took place, organized by Bolivia in its capacity as Working Group chair, in order to gather all parties' positions, as far as possible, and take them into account when drafting subsequent versions of the Declaration. Throughout the year, there were also informal exchanges between the LVC, CETIM and the Bolivian delegation. Regular contacts of this kind meant that there were no nasty surprises during the Working Group sessions. Such communication is beneficial to all parties, making for smooth cooperation and good coordination in the quest for the best declaration possible.

Naturally, Bolivia also kept in touch with States' delegations. For its part, CETIM was responsible for liaising with the permanent delegations to the Human Rights Council. As it follows the Council's activities all year long, it knew the delegates and could organize informal meetings to reach out to certain key States and resolve misunderstandings. This sort of behind-the-scenes diplomacy is crucial in keeping the process fluid. Anything that could not be said at the Working Group sessions could be brought up in such encounters, enabling delegates to set out the reasoning behind their public positions and to seek the information they needed to convince their governments.

Few diplomats stay long in the same post, and apart from the biggest missions, which can assign one or more persons solely to cover Human Rights Council matters, many delegations also represent their country at other Geneva-based international organizations. It was thus vital to keep missions informed and interested despite these constant diplomatic comings and goings. Further, as Ndiakate Fall from the Senegalese organization CNCR<sup>22</sup> points out, the African countries, for example, do not have large enough missions to cover all subjects, so it was necessary to do something to ensure that this particular issue became a priority for them. The fact that this is what happened shows that the information and support work of the peasants and their allies paid off. Ndiakate Fall adds that, most often, diplomats were quite open but were far removed from the realities of their countries. He therefore put them in touch with the peasants and with the LVC and its members in the field in order to bring them down to earth. In that way he managed to convince them of the need for the Declaration.

### *Side events: part reports from the field, part awareness-raising*

Another strategy applied by the LVC and its allies was to organize "side events" during the Working Group sessions. A sort of activists' forum, they allow civil society to make its case and invite diplomats to hear it. CETIM, the LVC, FIAN and other rural workers' organizations were the only ones to organize side events during the Working Group sessions. This not only confirmed their status as civil society contact persons on the subject but demonstrated their unity and solidarity. The aim was to set forth their arguments and explain the Declaration to the diplomats, point by point. All the most important rights were thus presented and discussed. The diplomats could ask questions and directly show their support for the peasants and other rural workers.

### *Experts and their role*

Having discussed the peasants' strategies at some length, let us now come back to the experts and their place in the process. Depending on the country, the subject of peasants' rights may be not well known, or may even be completely unexplored territory. Having experts in international law to articulate the subject was thus

crucial, and they became to some extent figures of authority. Moreover, agriculture is normally covered by other areas of international law than human rights law, so it was necessary to explain the rights already in place in order to understand where there were gaps. For example, seeds are dealt with in the International Convention for the Protection of New Varieties of Plants, a particularly technical instrument. The experts were law academics or specialists in subjects related to agriculture, people from NGOs working in the area, special rapporteurs, and peasants and rural workers themselves. With peasants' help, they elucidated the links between current international law and the experiences reported by the peasants and other rural workers. Their scholarly discourse could not be easily challenged by the States, which were thus obliged to review their own positions. Whenever they could, the peasants ensured that the experts chosen by the Working Group included some from their own ranks. In the end, no one who did not support the Declaration was ever invited to any of the Working Group sessions.

### *Countering fallacious arguments*

As we have said, the arguments against the Declaration were well known, and the hostile States always used more or less the same ones. Let us examine these positions in order to understand the negotiating strategies at work. Certain rights articulated in the Declaration were relatively new and, if properly implemented, could bring about substantial change. So they were worth discussing in detail. However, other arguments were put forth merely to hold up the process and reject the very idea of the Declaration. We shall discuss these objections here and look at the comments on the substance of the Declaration in part 2.

The main objection to the Declaration centered on recognition of peasants as a group. For a start, in the view of some States – Western for the most part – peasants did not constitute a population group homogeneous enough to permit a uniform definition of the beneficiaries of the rights in question. To them the term "peasant" was nothing more than a pejorative epithet and the group had no claim to any rights. Further, according to some States, granting rights to this group would amount to giving them more favorable treatment than the rest of the population, violating the principle of the universality of human rights. This argument was backed by another, namely the refusal to recognize collective rights, a concept still contested by some States. However, a number of well established human rights are by definition collective, such as cultural rights or the right to freedom of association. The argument that human rights are linked exclusively to the individual person is thus inadmissible. Further, not to recognize the existence of collective rights, i.e., rights that can be realized only through their exercise by a group, would be to deny a major dimension of peasants' culture and way of life, which are intrinsically collective. These critiques of the notion of peasants as a category of the population needing specific rights, were simply a devious way of denying peasants rights that would enable them to take back control of the tools of their trade and their lives. Not to recognize peasants as a population group with its own identity was, in a sense, to deny their existence and condemn them to disappear to make way for the industrial farmers touted by those same States as representing the future of agriculture.

22 Conseil national de concertation et de coopération des ruraux, Sénégal (Senegal National Council for Coordination and Cooperation among Rural People).

However, the aim of the LVC and the driving principle of the Declaration was to obtain recognition for peasants. As Ramona Dominicioiu, of the Romanian peasant organization Eco Ruralis, says of the purpose of the Declaration: "It is made for us, so that we can be proud to be peasants and be recognized." Removing the term "peasant" would void the whole Declaration process, and the peasants and those States that were not hostile to the Declaration did not permit that to happen.

Then there was the argument put forward by some States that international human rights law offered sufficient protection to peasants and other rural workers and that the problem was not one of gaps but of implementation. This argument was refuted by the very existence of the Working Group and its years of effort.

Another complaint was that the Declaration created new rights for which there was no international consensus. Yet it did not create rights *ex nihilo*: all the rights it contains appear in one form or another in international law. True, they are sometimes enshrined in technical instruments unrelated to human rights, or are recognized in non-binding instruments, but these are instruments that have been adopted at the international level and thus enjoy a consensus. They are also and above all derived from human rights already recognized internationally.

The rights had been rewritten and recalibrated to adapt them to the particular situation of peasants and other rural workers. At the same time, while it was true that none of the rights in the Declaration were completely new, some were relatively new. The negotiations were the place where an international consensus could be constructed to fill some of the gaps in international law, an institution that must evolve over time and continually adapt to changing populations and new demands.

The peasants and their allies had answers to every one of the objections. The advocacy strategy that we have described was effective only because strategic responses were made to all attempts to dispute the merits of the process. The peasants made sure that such objections did not overshadow the substantive negotiations. The discussions had to focus solely on the Declaration's content, not whether or not there should be a declaration at all.

All the strategies used in the Human Rights Council and around the Working Group were conceived to ensure that the negotiations would always be as constructive as possible and that the process did not get bogged down. However, no matter what efforts are made at the international level, they will never suffice if nothing is done at the national level. In other words, the international arena that we have been describing only works because of political decisions made at State level.

## 2. Getting States on board: advocacy at the national level

For the negotiations to advance and for the diplomatic missions to vote for the Declaration, their capitals had to be involved. Well aware of this, the peasants and their allies turned to the governments of the countries of their respective regions. Some strategies were applied with all the governments to which the LVC and its allies gained access.

### *Dialogue with governments*

The first step in all countries was making contact with the appropriate ministries: agriculture and foreign affairs. Depending on the country, it was one or the other of these that dealt with such matters. The purpose of this contact was to ensure that these ministries had reliable information. Many countries have neither the financial nor the human resources to follow all proceedings at the United Nations. And when foreign ministers were aware of the proceedings, the same could not always be said of the agriculture ministries. Thus, the LVC members made direct contact with these ministries, meeting with them to explain the process and its importance. In addition, senior civil servants, elected officials and diplomats sometimes had no idea of reality in the countryside, the life peasants lead and the difficulties they face and so, even when politicians supported the Declaration, it was essential to maintain contact to prevent them from wavering and ensure that they would be present at key moments in the process.

For example, Ndiakate Fall explains that the African governments were in favor of the Declaration and were a valuable source of support but that, lacking resources and with little experience of international negotiations, they kept fairly quiet about it. His role thus consisted to a large extent of keeping those States informed and encouraging their diplomats to take a more active part in the negotiations.

### *Other levels of decision making*

When governments were not inclined to support the process, the peasants and their allies did not give up. On the contrary, they kept asking for meetings and devised other means of persuading them. In some countries, members of parliament were mobilized, for those who came from agricultural regions might open doors leading to the decision makers. In countries without a strong central government, such as federal States, this approach was used to get through to central government, which was in charge of foreign policy, via levels that were often closer to the realities in the field and to the peasants' situation.

In another maneuver to win over States by going through levels already inclined to support the peasants, the LVC delegates to the Food and Agriculture Organization (FAO) raised the subject of the Declaration with diplomats there. They were familiar with peasants' situation and understood the need to protect them, having over the years negotiated FAO technical standards for just that purpose. They were thus potential vectors for the peasants' position vis-à-vis governments.

Knowing at what level the political decision as to whether or not to support the Declaration would be made, and who to contact first in order to influence the decision makers, was particularly tricky when dealing with the European Union countries. For most of the process they stood together. It was thus imperative to know how to reach the right ears, so to speak. The first strategy, applied primarily by the Western European organizations, was to knock on as many doors as possible within the European Union and EU member governments. At the EU level, the peasants contacted the European Commission's Directorate-General for International

Cooperation and Development, the European External Action Service, the European Parliament and the European Economic and Social Committee, one section of which had adopted a position in favor of the Declaration. As Geneviève Savigny, of the Peasant Confederation in France and the LVC's European Coordinating Committee, put it: "European institutions are so opaque that the European members of the LVC had to request an enormous number of meetings."

### *Inter-State influence*

States rarely make decisions at the international level without taking into account the position of their allies and rivals. There are also groups of States that adopt coordinated positions. The peasants and their allies therefore took advantage of such groupings.

Two groups within the Human Rights Council immediately agreed to support the process: the Group of African States and the Non-Aligned States.

The group of EU States, however, necessitated a great deal of creativity on the part of the peasants. One of their strategies, first used when LVC members from eastern Europe became more involved in the process, was to break down the EU's united front by nurturing other alliances between States. In this case, they showed the eastern European countries that, as so many of their inhabitants worked in rural areas, they had much to gain by rejecting the position of the western European countries, and that they could adopt their own position. The peasants reminded them of their human rights obligations to their own populations.

This approach bore more fruit in some Portuguese-speaking countries including, in the EU, Portugal, which withdrew from the European consensus and supported the Declaration. The Community of Portuguese Language Countries, at one of its international meetings in 2017, adopted a collective position in favor of the Declaration, thus illustrating the multiple influences that countries exert over each other.<sup>23</sup>

### *Mobilizing peasant forces*

Direct discussions with governments were only one of the strategies applied. The main goal was to garner the broadest possible support from peasants and other sectors of civil society. As Diego Montón, of the LVC's Latin American Coordinating Committee,<sup>24</sup> explains, "Mobilization and communication at the grassroots level are fundamental, because the hegemonic media conceal what big corporations do and the impact of agribusiness on the countryside and the cities."

To that end, the first step - this time at the regional level - was to train the peasants in human rights and in the Declaration process. Obviously, it was not merely a question of training, but of giving peasants a voice. Around the world, so many

23 Editor's note: Following the removal from office of Dilma Rousseff, Brazil retreated from this position. Neither Brazil nor Equatorial Guinea participated in the final vote.

24 Coordinadora Latinoamericana de Organizaciones del Campo (CLOC).

meetings, seminars and workshops were organized that it is impossible to list them all. One thing is certain: the LVC knew that the most important thing was that those most affected, i.e., the holders of the rights in question, had to make the process and, even before it was adopted, the Declaration, their own. An example was one of the most recent exercises, a grassroots forum in Ukraine organized in 2018 by a network of peasant organizations, NGOs and researchers. At the forum, consultations and round-table discussions on the Declaration rights were organized between members of the network, parliamentarians and members of the ministries concerned. At the end, participants adopted a resolution which was presented to the prime minister. On the basis of this exchange and the forum's conclusions, the Ukrainian prime minister committed to supporting the Declaration.<sup>25</sup>

There were other huge gatherings, for example in South Africa in 2017 for the English-speaking countries of Africa. In southeast Asia, in 2017, there was a rally of women's organizations. An even bigger event was organized in the same region in 2018, before the final session of the Working Group.

### *Social movements converge*

The Declaration and its content represented, in a sense, a distillation of the LVC's struggles, and as a result it was often incorporated into other, ongoing campaigns, which made more sense than setting up new support structures. For example, in 2015, the Global Convergence of Land and Water Struggles was founded in western Africa, bringing together organizations and movements for the defense of land and water rights. In 2016, the Convergence launched the West African Caravan for Land and Water, which traveled through Burkina Faso, Mali and Senegal. It visited towns and the countryside to inform, sensitize and mobilize peasants and other rural workers around land and water rights. Representatives from organizations in Gambia, Ghana, Guinea Conakry, Côte d'Ivoire, Mauritania and Sierra Leone also joined the Caravan. Its focus was not only the Declaration but also the overall struggle for land and water. However, it was an opportunity for training on the Declaration and a means of taking the measure both of peasants' grievances concerning two of the Declaration's fundamental rights and of their support. The conclusions from the Caravan's tour were sent to the governments of the countries concerned, contributing to their sensitization and support. This example of mobilization demonstrates how the LVC members managed to combine the campaign for the Declaration with their other initiatives and networks and show its value to other struggles as an instrument and rallying point.

This strategy of incorporating the Declaration into struggles already under way or that had a more specific focus, was often used. For example, the LVC's Latin American coordinating body integrated the question of the Declaration into regional campaigns on issues such as agrarian reform, indigenous seeds or violence against women. The idea was to present the Declaration as a response to their demands, a

25 Editor's note: Although Ukraine voted for the Declaration in the Human Rights Council, it abstained during the final General Assembly vote in December 2018.

first step for governments to take. It also acted, as we have pointed out, as a focus for all demands and struggles.

In Latin America, social movements have historically been well organized and firmly anchored, and have not been without influence on political decisions. For Diego Montón, the formation of such alliances was thus a “basic strategy”. And as La Vía Campesina is a social movement, this sort of mobilization suited it. In addition, in the same way as the demand for a Declaration became part of other, existing demands, it was also introduced into campaigns outside the peasant context. Alliances were thus forged to reinforce the struggle: first, of course, with other rural workers, such as indigenous peoples, herders and wage-earners, but also with other population groups less directly concerned. These groups were, as Diego Montón says, equally important: “It is essential to get young people involved: it is just as important as continuing the struggle against patriarchy or consolidating rural women’s participation.”

This solidarity across struggles and among groups is enshrined in the Declaration. It was thus logical to put it to use. It was pointless to invent new demands when the Declaration was there as an answer to demands already expressed. The procedure for promoting the Declaration was a tool that could be used in those struggles: it had never been conceived as an end in itself but as a means to an end. The campaign for the Declaration made it possible to raise particular demands and subjects in discussions under way at various political levels.

### *Other alliances*

In other circumstances, it is not social movements that are the most valuable allies but public figures or institutions. By institutions we mean entities created or recognized by public authorities, such as a research institute, or non-governmental organizations. Alliances of this sort were formed especially in countries where an “expert” carries greater weight than a social movement, or where it is harder to rally people to a cause. This was the case in France: the peasantry there declined markedly over the second half of the twentieth century, and even though today there are some prospects of renewal, they are still modest and have been weakened by the system now in place. While it is true that people generally are increasingly aware of peasants’ situation and acknowledge the need for change, that is still not enough to create a social movement.

However, when peasants asked them to, researchers and organizations defending human rights or the environment, or working for international solidarity, joined the call for a Declaration. This culminated, among other things, in an open letter to the French president in 2018, as the final negotiations were going on. Public support from the community of experts was intended as a demonstration of the significance of the Declaration and, in the view of Geneviève Savigny, who had approached the signatories, it also served as a “mechanism enabling as many sectors of society as

possible to take ownership of the Declaration, so that it becomes a tool for everyone to use”.<sup>26</sup>

## 3. States’ positions

Having discussed the strategies used to convince countries to support the process, it’s worth looking at their effect on States’ positions. One way to measure support for the Declaration and the evolution of that support is to analyze successive votes on the Working Group’s mandate and the positions taken in the negotiations within the Working Group.

### *African States*

Let’s begin with the group most favorable to the Declaration, the African States.

The Human Rights Council’s members are elected by geographical region, and as Africa is one of the two regions with the most States, it is one of the groups with the most seats, 13 in all.

The LVC and its allies were always able to count on these votes, which gave them a valuable advantage - the African States never opposed the procedure. In the vote on the first Working Group mandate, they were divided between abstentions and votes in favor. After that, except for a single abstention in 2014, they consistently voted in support of the Declaration.<sup>27</sup>

According to Ndiakate Fall, who followed the entire process for the African countries, they could not reject the Declaration, for the majority of their population still lives in rural areas.

### *Asian States*

The other main group, also with 13 Council seats, is Asia. This group, too, has been a major supporter of the process. Asia, like Africa, has a huge number of peasants, and it is also, in numerical terms, the continent most affected by hunger. Moreover, in the context of eastern and southeast Asia, one should not forget that the Declaration originated in Indonesia. La Vía Campesina is well established there, and its advocacy work with those States has been very effective. According to Henry Saragih, even though the Asian countries are obliged to adhere to Western orthodoxy in respect of international trade, they are politically independent enough to support this sort of progressive process.

Thus these States always voted for the Working Group mandates. Even highly influential ones such as China and India always supported it.

26 Editor’s note: Also worth noting, for example, was the stand taken by fifteen experts, among them former Special Rapporteur Olivier De Schutter, published in various newspapers the day before the final Human Rights Council vote.

27 Editor’s note: In the final General Assembly vote, Ethiopia, Cameroon and Lesotho abstained; Burkina Faso, Equatorial Guinea and Swaziland did not participate in the vote.

In eastern Asia, only two countries resisted, Japan and South Korea. The latter first voted against the resolution to extend the Working Group mandate in 2014 and then abstained. Japan has consistently abstained.

The Asian group also includes the countries of the Middle East and central Asia. But in those countries there are no LVC members. Attempts to win them over thus concentrated on their delegates to the Human Rights Council. All these States voted in favor or abstained in votes on the Working Group mandate and on adoption of the Declaration in the General Assembly.

### *Latin American States*

Throughout the process, and particularly during the period when the peasant question was first mooted at the United Nations, the Latin American countries were a major source of support. Of course, some countries, because of their domestic political situation, were unwavering supporters of peasants and the Declaration, not only voting for the mandate, but also taking the floor regularly during the negotiations to defend a declaration that would offer most to peasants. This was the case with Bolivia. The political situation that had prompted Bolivia to support the LVC did not change throughout the negotiations. Bolivia's support was thus firm and unwavering. Further, Bolivia held the Working Group chair from start to finish. Venezuela, Ecuador and Cuba also made positive contributions at all stages of the negotiations.

No Latin American State except Guatemala (see below) ever voted against the Declaration. However, some of the governments that from 2000 to 2010 were staunchly progressive were later replaced by ones that were economically more liberal and socially less progressive. So their support for the Declaration waned, some of them taking the floor during the final negotiating session in 2018 to call into question a number of articles of particular importance to the peasants.

### *Western States*

But by far the hardest to win over were the Western States. The United States of America and some of its allies were resolutely opposed to a declaration from start to finish. That included the United Kingdom, which, after the Brexit vote, broke away from the Europeans and voted against the process,<sup>28</sup> and Australia, whose sole contribution was to cast its vote against adoption of the Declaration. Mention should also be made of some of their satellites in the South, which attended purely so as to disrupt the negotiations, and notably Guatemala, which made a particularly hostile statement in 2017.<sup>29</sup> As for the United States representative, he only ever made one statement, during the final negotiating session, completely rejecting the Declaration.

28 Editor's note: On 17 December 2018, in the final General Assembly vote, Hungary also voted against.

29 Editor's note: In the 17 December final General Assembly vote, Guatemala voted against.

The European Union States at first formed a united front around a common position, though this shifted from opposition to abstention when cracks began to appear. Initially they voted against the project in the 2012 vote to set up the Working Group; then, from 2014 on, opposition became abstention – with two exceptions: Portugal, as we have seen, followed later by Luxembourg. In 2017, Portugal, then a member of the Human Rights Council, voted in favor of the final renewal of the Working Group mandate. At the 2018 Working Group session, its delegate very clearly expressed his government's position in favor of the Declaration, sitting just a meter from the delegate representing the European Union presidency, who continued to express doubts about the relevance of the whole process. And at the December 2018 General Assembly, both Portugal and Luxembourg voted for the Declaration.

Nonetheless, the EU members' shift to abstention was a real boost for the project, allowing the negotiations to proceed smoothly.

### *Russia*

Finally, Russia's influence deserves a mention. Every vote within the United Nations General Assembly counts, and Russia is no lightweight. From the outset it came out in favor of the Declaration. This may have been to set itself apart from the Western countries, or it may have been an expression of genuine support for the peasants, but in recent years Russian policy had been to actively support its own agriculture, and its backing was invaluable in the tussle for influence among the States. Even so, at the last minute, for reasons unknown, it abstained in the final vote in the General Assembly.

### **Switzerland**

In March 2012, the Human Rights Council's Advisory Committee submitted to the Council its final study on the promotion of the rights of peasants and other people working in rural areas. The study recommended that an intergovernmental working group be set up to draft a declaration on their rights. As noted above, this recommendation was a victory for rural workers. When it was presented, all the States seemed to accept its conclusions, not least because the matter of the actual mandate for such a group was to be left for discussion at a later session. Switzerland then took the floor and stated that it totally disagreed with the report's conclusions. In Switzerland's opinion, existing human rights were entirely adequate, and the real problem was a lack of implementation. This statement was not appreciated. Yet in the end Switzerland became a stalwart supporter. Its change of position is a case study in advocacy and democracy in action and is worth describing.

Immediately after this negative statement, the Swiss peasant union Uniterre (a member of the LVC), supported by three social solidarity charities,<sup>(a)</sup> reacted with a press release. It recalled that Switzerland itself did not implement all human rights and that it was host to one of the biggest seed companies in the world,<sup>(b)</sup> which blocks peasants' access to seeds. The press release was picked up by a journalist from Sunday paper *Matin Dimanche*. The article and the press release caught the attention of an MP from the canton of Fribourg, who contacted Uniterre's Valentina Hemmeler, the person dealing with the Declaration, with a view to passing a resolution in the cantonal parliament in support of the United Nations process.

Uniterre, with allied organizations,<sup>(c)</sup> decided to embark on a strategy of change from



below, and exploited the possibilities offered by Switzerland's federal structure to mobilize the members of cantonal parliaments. As a result, the parliaments of Fribourg, Geneva, Jura, Neuchâtel and Vaud passed resolutions.

They all noted the seriousness of the situation of peasants throughout the world and requested that the Swiss delegation to the Human Rights Council rapidly reconsider its position. The peasants' situation was one that bridged the left-right divide, the left being sensitive to issues of international and environmental solidarity and the right being committed to the preservation of traditions and lands. All the resolutions passed unanimously or near-unanimously.

MPs at the federal level were also approached. Questions were put to the Federal Council (the national government) on the justification for Switzerland's position and, especially, on its compatibility with respect for human rights. In addition, 41 MPs from all parties signed a motion calling for a change of position.

At the same time, Uniterre and its allies continued to agitate. Their actions included an open letter to the President of Switzerland and, based on that, a model letter that anybody could send to the President asking her to commit to the project. More than a thousand letters were sent.

In barely six months, the political forces rallied were sufficient to make Switzerland change its position. Thus, in the September, in the vote on the Working Group mandate, Switzerland abstained, without comment. During their last exchanges before the vote, the Swiss delegation had assured the civil society organizations that it would play a constructive role in the project.

They were as good as their word. Once the Working Group mandate had been established, Switzerland not only supported the future Declaration throughout the negotiations, but, above all, in the negotiations on the Declaration's content it never stooped to political machinations, thereby distinguishing itself from the other Western countries that resorted to tactics of non-negotiation. Switzerland even co-sponsored the resolutions on renewal of the Working Group's mandate from 2014 on. Finally, in the Human Rights Council and the General Assembly, it voted for the Declaration.<sup>(d)</sup>

Switzerland was thus a noteworthy example of how a decentralized system can be used by civil society organizations and citizens to put pressure on a position that at first had toed the Western line in a far from encouraging way. It shows clearly how positions taken in the Human Rights Council are eminently political. The Swiss diplomats, thanks to civil society pressure, were given a clear mandate to negotiate the Declaration and do their best to bring the country's interests into line with those of peasants, which turned out to be entirely possible.

#### Notes:

(a) Swissaid, Pain pour le prochain and Action de Carême.

(b) Syngenta.

(c) Swissaid, Pain pour le prochain, Action de Carême, FIAN Suisse, CETIM, Eper, Longo maï (which is an experiment in communal living in rural regions of various European countries).

(d) Unsurprisingly however, expressing reservations concerning intellectual property rights, so as not to ruffle the seed companies' feathers.

## 4. Development of the Declaration

Now that we have presented the strategies used to ensure that the negotiations would progress along the lines desired by the LVC, we shall examine how the talks evolved. The ultimate goal was consensus on the content of the Declaration. After

each Working Group session, the text was reworked. Thus, it changed considerably between its first and its final drafts. The text adopted in the end was the fourth version, not counting the original LVC draft.

The Working Group chair produced three successive drafts. The first, done between 2013 and 2015, was discussed in 2015 and 2016; the text was redrafted a second time and discussed between 2016 and 2017; and a third time between 2017 and 2018.

On the diplomatic level, what was sought was a text that would be supported by the greatest number of States. We shall see that the peasants had to give way on some points to save others. The amendments proposed during the negotiations appear clearly in the 2015<sup>30</sup> and 2016<sup>31</sup> working group session reports and it is possible to see which were kept and which rejected by the Working Group. In some articles, the States quibbled over the smallest word. What may seem trivial to an outsider was crucial for the States. Every word was important. In law, there are no perfect synonyms. The talks leading to this text were real negotiations; they were a forum for achieving consensus while losing none of the initial draft's substance. Thus, the peasants and other rural workers succeeded in negotiating in such a way that the Declaration remained meaningful.

### *Amendments proposed by La Vía Campesina*

At each session the LVC representatives, like the States, presented the changes they wished to see in the Declaration, proposing amendments in the correct manner. They also presented the articles they deemed absolutely necessary and not subject to modification, or at least the substance of which should remain intact. Before the Working Group sessions, Bolivia would informally consult the parties on the text it intended to present, so that they could propose changes in advance of the official publication. The chair then published the version to be officially discussed. States and civil society could then prepare for the next round of talks in the Working Group.

For the LVC, this meant circulating the text among its members, shuttling back and forth between its various bodies. First, the group of peasants trained in peasants' rights<sup>32</sup> examined the text and discussed the changes to be made. Then the group's members went back to their regions, where the text and the new proposals were discussed. Finally, the comments from the regions were passed back to them and to the LVC International Coordinating Committee,<sup>33</sup> where the final decisions were made ahead of the next Working Group session. In this way a common position for the LVC as a whole was drafted in a collective, decentralized procedure. When an article touched on a subject being tracked by another LVC working group, that

30 A/HRC/30/55, [<http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/30/55&Lang=E>]

31 A/HRC/33/59, [<http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/33/59&Lang=E>]

32 The LVC has nine thematic working groups.

33 The LVC International Coordinating Committee comprises two representatives, one man, one woman, per LVC geographical region. It is responsible for overall coordination of LVC strategies.

group was consulted. This was the case, for example, in the matter of rural migrant workers. In this way, the peasants defined red lines that were not to be crossed, i.e., rights without which the Declaration would cease to be meaningful and which could thus not be modified. It was also during this “shuttle diplomacy” that proposed amendments were prepared.

CETIM’s role in reading over the new versions of the Declaration and the text of amendments was to determine what changes were just rewording or editorial tweaks and which ones presented problems of substance. With its experience of the types of language and procedure used, CETIM could spot any changes that would vitiate the substance of the rights. These then had to be explained to the LVC members in order to find a common response and alternative proposals. The reworked text was finalized with CETIM’s support so as to bring the LVC proposals into line with United Nations standards. In this regard, CETIM was effectively a technical adviser in diplomacy, the arbiter of what demands were possible and how to present them.

### *Language of the Declaration*

As we have seen, the Declaration developed by the LVC and presented in 2008-2009 to the Advisory Committee had been drafted so as to resemble as closely as possible a text the Human Rights Council could adopt. However, it could not be taken directly as a basis for the initial negotiations, for it did not meet the usual drafting standards for international instruments. Nonetheless, in 2012 the Advisory Committee proposed a text that was remarkably similar to the LVC’s.

Even so, tactical considerations had led to some cuts: the LVC text contained an introduction referring to violations of peasants’ rights, but also a condemnation of the consequences of neoliberal policies. Language of that kind could not be endorsed by the Human Rights Council, which is supposed to avoid political discourse. The preamble took the same tone and was thus not retained by the Advisory Committee. It could not present a text that would immediately arouse stiff opposition. Otherwise, the Declaration prepared by the Advisory Committee followed the LVC’s line, with the same rights and content, but in a language closer to that more often used in international organizations. By retaining the peasants’ choice of structure and content, the Advisory Committee managed to keep the innovative - and especially the militant - dimension of the LVC proposal.

That was as far as the concessions went, but, in respecting the *spirit* of the peasants’ draft declaration, the Advisory Committee had in fact done them the greatest of services. For although this version, which was very close to the LVC’s, gave rise to discussion during the vote on the mandate - since some States did not want it to be used as the intergovernmental working group’s initial working document—it also made it possible for the first negotiations to be based on the peasants’ demands. If the Advisory Committee had presented a different declaration, some of the peasants’ demands might have been left out.

At the same time, for the Declaration to be adopted with as little opposition as possible, it had to be similar to existing legal instruments. So subsequent versions

used terms from other previously adopted texts—what is known as *agreed language*. Because it is already enshrined in international law, such language cannot be contested. Thus, when in 2017 the Working Group chair presented a new version of the Declaration, she also listed all her sources: hardly any of the wording was new. Keeping as close as possible to what already existed facilitated the negotiations, and there was less disputing of the text on the grounds that the language was new. For example, one article of the Declaration dealing with non-discrimination against women draws in large part on the Convention on the Elimination of All Forms of Discrimination against Women.<sup>34</sup> For the most innovative rights, those not yet recognized as human rights, the language is drawn from so-called *soft law* texts - non-binding but with interpretive value.

The use of already accepted language allowed for a new articulation of human rights, adapting them to the situation of peasants and other rural workers. There also exist more specific, technical texts dealing with the situation of peasants and other people working in rural areas, for example FAO and ILO texts, and they were used in the drafting. Thus, on the right to seeds, which may affect intellectual property rights, a sensitive subject for some countries, a consensus was found by using wording already adopted within the FAO.<sup>35</sup> Applying the principle of *agreed language*, the Working Group chair amended the Declaration several times during the negotiations.

Some rights were discussed right up to the last minute. For example, throughout the proceedings the European Union opposed, often on no logical grounds, recognition of the rights to participation, to information, to land, to biological diversity, to seeds and to food sovereignty. So the formulation of these rights evolved to make them acceptable to as many States as possible.

The declaration drafted by the LVC was radical in its demands. One might think that, in the face of such opposition, negotiations would start from a milder basis so as to arrive at a consensus as quickly as possible. Yet the version presented to the second session of the Working Group, i.e., the one after the Advisory Committee’s version, was quite ambitious. As a result, although some aspirations were later toned down, the *essence* of the rights, as conceived by the LVC, is very much present in the final Declaration.

To take the example of the right to land, it is true that some of its most radical elements have disappeared, such as access to unproductive property or the right to refuse the commodification of land for purely commercial purposes. But the constitutive elements attributed to it by the LVC still exist in the final version of the Declaration. As the peasants demanded, the right to land encompasses the rights to agrarian reform, to recognition of collective land rights, to security of tenure, to

34 Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979, entered into force in 1981

35 Examples : The International Treaty on Plant Genetic Resources for Food and Agriculture, 2001 ; Principles for Responsible Investment in Agriculture and Food Systems, 2014.

protection from forced eviction and return in the event of arbitrary displacement, and to sustainable use of land, notably by means of agroecological practices.

### *Additions and developments*

Compared to the LVC version, the main formal differences resulting from the reworkings were in the structure and length of the text. It grew from 13 articles in the Advisory Committee version to 28 in the final version.

Much more important, having originally contained only peasants' rights, it now includes *obligations on States*. Thus we can see a shift, for example, from "peasants have the right to benefit from land reform"<sup>36</sup> to "States shall take appropriate measures to carry out agrarian reforms..."<sup>37</sup> In the first version, peasants may well have the right to redistribution, but there is nothing to say that it should be done by the State, unlike the second version. After redrafting, States are obliged to take action to guarantee peasants' rights, and not simply refrain from violating them and do nothing to realize them in practice. Explicitly expressed in this way, these obligations on the State are an essential addition that makes it possible to establish what States should do to guarantee the rights of peasants and other rural workers. Not all States will implement the same policies, yet none will be able to hide behind an absence of obligation. And these obligations provide an initial outline of what States, peasants and rural workers can expect. In other words, putting these obligations in writing moves us out of the purely declarative mode, which can turn into a trap it is hard to get out of once it is adopted by States.

Rights were also added to, or developed from, the LVC demands transmitted through the Advisory Committee. There are several examples. One was a major advance for peasants: *the right to social security*. This right was not in the LVC version or in the Advisory Committee's. The fact is that, most of the time, peasants are classed as independent workers and are thus excluded from contribution schemes and therefore from protection against social and climate-related risks. This article was proposed by CETIM and Christophe Golay,<sup>38</sup> who had both previously worked on the right to social security and were committed to changing the prevailing point of view on the protection of independent workers.

Another example, one that takes account of the concerns of "other rural workers", in this case waged workers: a *right to work* and a *right to health and safety at work*. The basic rights of workers were thus applied to the situation of peasants and other rural workers. A welcome addition in the context of the right to work was an injunction to States with high unemployment rates to implement labor-intensive agricultural policies that would encourage the creation of decent jobs. There are also important obligations on agricultural workers' health and the use of pesticides.

36 LVC Declaration, article IV : Right to land and territory.

37 Declaration, article 17, § 6. (The full text of the Declaration can be found in annex I.)

38 Christophe Golay, "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 of International Humanitarian Law and Human Rights, 2015, pp. 31-32.

Finally, the rights of *women peasants* and of *women rural workers* were developed and reinforced as the Declaration progressed. The LVC version had asserted equality between male and female peasants, and, instead of using only the generic masculine in French and Spanish, had used both the masculine and feminine forms. This language ensured that all the rights stated would benefit both women and men. However, in reverting to the more habitual usage of international relations, the Advisory Committee dropped the use of the feminine form in each article. Thus, albeit through no deliberate act of ill will, women were erased from the Declaration. To correct this while retaining a style reflecting accepted usage, a separate article was devoted to the rights of women peasants and women rural workers. The rights that women can enjoy on an equal footing with men, without discrimination, are now explicitly listed. It is of course self-evident that an article should be devoted to women peasants and women workers, knowing the discrimination they suffer despite doing the lion's share of agricultural work.

### *Rewording*

In the same way, some parts of the Declaration, those that gave rise to the most discussion, were redrafted and reordered many times before consensus was finally reached. One example is food sovereignty, which was discussed several times. In the LVC text food sovereignty was not defined. It was guaranteed by the rights to land, to seeds, and to freely determine price and market for agricultural produce. In the Advisory Committee's version, too, it was mentioned in the article on the freedom to determine price and market for agricultural production. It was also recognized in the article on the rights of peasants, where it was defined as the right to adequate food and the right to define their own food and agriculture systems. In the next two versions of the Declaration, drafted by the Working Group chair, food sovereignty was mentioned in the preamble, on two occasions. In the body of the Declaration, it occurs, in one version, in the article on the rights to sovereignty over natural resources, development and food sovereignty and, in the other version, in the article on the right to food and food sovereignty. In the final version, food sovereignty again figures in the preamble, and also in the right to adequate food, where it is given two paragraphs, with a definition close to that of the LVC. In the final draft, a compromise is reached insofar as the Declaration contains no article exclusively devoted to food sovereignty, but it is nonetheless recognized. As the concept of food sovereignty was at the heart of the LVC's demands, it was not possible to leave it out. And given that the concept is barely recognized by Western countries, its mere mention is a big step forward.

As with food sovereignty, some rights demanded by the LVC had to be reformulated and incorporated into other rights in order to be accepted. This was the case with the right to freedom to determine price and market for agricultural production, which became the right "to an adequate standard of living" and "to facilitated access to the means of production necessary to achieve [it]".<sup>39</sup> The LVC, and, later, the Advisory Committee, had envisaged a right that would allow peasants

39 Declaration, article 16.

to take back control of the pricing of their produce as well as the markets. One must not forget that one of the LVC's goals with this declaration was to protect peasants from international markets that distort prices and rule out fair remuneration. Through this right, they demanded the right to feed their families and communities first, and only then to engage in trade, let alone international trade. By transforming the demand for freedom to set prices into a right to a guaranteed income and adding an obligation on the State to support peasants' local markets, these demands were taken into account – not to the letter, it is true, but without modification they would never have got through. Although the LVC's radical demand is to some extent submerged in the rights recognized, it actually augments and concretizes certain existing general rights. By means of this repeated redrafting, building on already recognized rights, rights that seemed radically new and hard to accept could be incorporated into the Declaration.

Though some rights could be included, others were almost lost along the way. From version to version of the Declaration, rights were included or not – or completely lost their substance. Yet these were often rights that were absolutely fundamental to the Declaration. Take, for example, the definition of *peasant* in article 1 of every draft. In the 2015 proposal by the Working Group chair, the definition of peasants no longer mentioned their special connection with the land, whereas this had been a central element of the LVC and Advisory Committee proposals. It was a crucial part of the peasant identity that the LVC had spent years constructing in a collective process. Moreover, it is this definition that determines who benefits from the rights in the Declaration. Not to recognize this connection would weaken the notion of “peasant” and allow persons in a different situation to avail themselves of the Declaration. This does not mean that the definition aims to exclude – on the contrary, it is actually rather inclusive – but peasants are simply a category of the population with certain characteristics that must be fully taken into account. In the end, the link with the land was reintroduced and is mentioned in the final version.

### *Losses*

On the other hand, some rights demanded by the peasants were not retained in the Declaration. One in particular had been included in several rights in the LVC declaration, namely rejection of the industrial model of agriculture. It had been spelled out in so many words in the right to seeds. It was also included in the rights to a safe, healthy and clean environment, to biodiversity and to the protection of agricultural values. Its incorporation into the right to biodiversity made it possible to reject certification mechanisms established by transnational corporations, while as part of the right to environmental conservation, peasants could “reject all forms of exploitation which cause environmental damage”,<sup>40</sup> and under the right to the protection of agricultural values, they could reject any interventions that could destroy those values. Finally, in the right to land, there is no longer any mention of peasants' right to oppose the acquisition and conversion of land for purely economic purposes. To make up for the demands that could not be met, the States negotiated

a right for peasants to participate in decisions that affect their lives, their land and their income.

All this work, at every possible level of discussion, has yielded a declaration that is perhaps not exactly what the peasants and other rural workers would have wanted, but which is nevertheless a great success. As we have seen, the negotiations were never easy, and there were many setbacks along the way, but the result broadly reflects the effort made. Rightly, the peasants are proud of what they have achieved.

### **Interview with Henry Saragih – June 2018**

LVC general coordinator 2004 to 2013

***Henry Saragih, you are acknowledged as the originator of the idea behind this declaration. How was the project conceived? What personal history prompted you to get involved in it?***

The first discussions on the subject date back to the 1990s. At that time, in Indonesia, we were living under the bloody, pro-Western, authoritarian Suharto regime. Under this yoke, the most basic human rights of the Indonesian population, and in particular peasants, were systematically violated. In 1996, in reaction to this difficult situation, our peasants' defense organization moved gradually closer to La Via Campesina (LVC), and eventually joined it. I was subsequently appointed to the LVC's International Working Committee on Human Rights, where we discussed in greater detail the need for recognition of peasants' rights. In 2000 I was elected a member of the LVC's International Coordinating Committee, where I began to work on a possible procedure to follow.

From then on, in Indonesia and elsewhere, we began to organize conferences and seminars on the right to land and to seeds, and on agrarian reform, that would feed into discussions around the need to fill the gaps in this regard in international law.

In 2001, at the World Social Forum in Porto Alegre, Brazil, I met the then director of CETIM. We discussed the matter, and I explained to him my idea of drafting an international convention on the rights of peasants. As you see, we were extremely ambitious, aiming at a binding convention, not just a declaration. The question we were asking was: why do workers, women and children have their own conventions while rural workers have no legal instrument to protect us? A year later, in March 2002, CETIM invited me to Geneva for the first time to take part in a side event held alongside the regular session of what was then the United Nations Commission on Human Rights. I still recall the title: “Peasants and neoliberalism”. At the meeting we explained the need for a legal framework to be created to protect peasants (one of the groups that would be worst affected by the economic crisis and the 2008 global food crisis). From 2011 onward, there were several meetings and conferences at various levels, national, regional and international (United Nations). The whole thing quickly snowballed. The last step was the submission of our proposed text to the Advisory Committee, which then presented its own proposal to the Human Rights Council, which created the Working Group mandate in 2012. It was a fortunate conjunction of events, and we were able to take advantage of it. I hope that we'll be able to continue our work.

***We hope the declaration will be adopted in 2018. What are your feelings after having devoted 17 years of intensive effort to the drafting of this historic document?***

There is, of course, a feeling of satisfaction, but the real work is only just beginning. This declaration will be a huge boost to the peasant movement, especially given the very worrying world economic situation. We hope that its adoption will make all peasant movements, as

<sup>40</sup> Declaration of Rights of Peasants (Women and Men), LVC, article XI, § 3.

well as non-peasant movements, aware of its importance. We must continue to fight for its implementation, and I am prepared to make a full contribution to this second phase of the struggle.

***How has this negotiating process reinforced the LVC?***

The process has undoubtedly strengthened our movement, not least because we played a leading political role in United Nations bodies and in our own regions. As a result, the LVC has grown into an inter-regional movement, for its position was developed on a regional basis. We must continue this work, at all levels, in order to ensure the full, effective implementation of the Declaration. The LVC must now further develop its purpose and its role in order to follow through and make the Declaration a tangible reality. At the United Nations level, that means engaging with the Member States to create monitoring mechanisms, protocols and binding instruments in the area of peasants' rights. This is a first step and the struggle for the recognition of our rights goes on. We will not stop here.

## 5. Final stages

With negotiations in the Working Group completed, in April 2018, it was the Human Rights Council's turn again. As the Working Group had been acting under a Council mandate, it was to the Council that the final text had to be submitted. It was up to the Council to adopt the Declaration, which it did, on 28 September 2018, by resolution 39/12.

The next step was for the Declaration to be approved by the United Nations General Assembly. The General Assembly brings together all the United Nations Member States and is therefore its supreme and most representative body. The Human Rights Council is itself a body of the General Assembly, which elects its members. Each year the Council submits a report to the General Assembly. It is accountable to and depends on the General Assembly.

General Assembly resolutions are decisions arrived at either by consensus or by a majority of States voting. Under the *Charter of the United Nations*, the General Assembly can make recommendations on subjects contained in the Charter. It is thus fully entitled to make recommendations to the international community on human rights.

By resolution A/RES/73/165, on 17 December 2018, the General Assembly adopted, by a vote of 122 in favor, 8 against and 54 abstentions, the *Declaration on the Rights of Peasants and Other People Working in Rural Areas*, as reproduced in annex 1. The States assembled at the United Nations in New York thus recognized the rights contained in the Declaration.

Annex II contains a complete list of the votes.

## Part II

### Use, role and struggles to come



Now that it has been adopted, the Declaration is at everyone's disposal. It is, of course, addressed to States, but it is up to peasants and civil society to make use of it in order to change the current agricultural model.

That requires first a thorough understanding of the Declaration from a technical point of view; then an appreciation of the prospects it holds out, including with regard to institutional change; and finally consideration of its value in terms of continuing the struggle.

## Owning the Declaration

This chapter will present the Declaration's key articles, those that are its *raison d'être* (1). As it is a legal instrument, we shall then explain its place in international law and its scope (2).

### 1. Key articles

As we have already shown, the peasants and other rural workers made substantial demands for equally substantial new rights. And they had good cause to demand such rights (see box).

The Declaration opens with a preamble presenting the concerns at the origin of the project. It also includes references to the other international instruments that informed it.

#### **Good cause**

To recap: around the world, people living in rural areas are those most affected by hunger and poverty, along with those living in slums. When hunger strikes the countryside, peasants head for the cities in search of work, only to find there, too, unemployment and poverty. The choice they make, to leave their land, is no choice at all: either they cannot draw enough income from their work on the land or they are simply expelled to make way for "economic development" projects. Today, rural workers do not earn enough and are under pressure from the cost of the inputs necessitated by the model of agriculture imposed on them. This reality benefits only the middle-men, who buy agricultural products cheap, process them at little cost, then sell them dear on the market.

The same players impose ever more standardized agricultural models and drive rural workers ever deeper into poverty by shackling them to their input products.

So the absence of agricultural policies in many countries places an enormous burden on peasants, who, with no State support, are in thrall to market forces over which they have no control. And even when there are agricultural policies, these usually benefit the major producers and only entrench competition and inequality.

Finally, most peasant protests about their situation are met with repression and violence.

To understand this scenario is to understand the urgent need to better protect the rights of peasants and other persons working in rural areas.

The first part of the Declaration contains the articles that must be taken into account in order to implement all the other articles: the definition of rights holders, States' general obligations, and the principles of non-discrimination and gender equality. Next come the civil and political rights of crucial importance to peasants and rural workers, for example the right of free association<sup>41</sup> and the right to freedom of movement,<sup>42</sup> a very important right for nomads and seasonal workers. Then come the articles on the newest rights, to land, to seeds, to biodiversity etc. The last part is devoted to economic, social and cultural rights.

The Declaration comprises 28 articles covering almost as many rights. It is not practical to discuss them all, so we shall stick to seven: the right to land and other natural resources; the right to seeds; the right to a decent income and livelihood and to the means of production; the right to adequate food and to food sovereignty; the right to social security; the right to participate in decision making; and, flowing from these rights, the general obligations on States.

There are several reasons for selecting these rights and obligations. First, their novelty: though it is true that recognition of these rights did not come out of the blue, some of them nevertheless had not often been mentioned in human rights instruments. Secondly, they were bitterly disputed, not only because they are new but also because they are absolutely fundamental to peasants and the effectiveness of the Declaration. Without them the Declaration would be meaningless. These are the rights that will allow peasants and rural workers to defend themselves and discuss the policies that will truly benefit them: in other words, they are the most transformational and the most "subversive".

#### *(a) Right to land and other natural resources<sup>43</sup>*

It is appropriate here to recall what is said in the LVC *People's Manual*<sup>44</sup> on the Declaration regarding land, namely that land is the basis of life for the producers.<sup>45</sup> It is not difficult to understand this notion. What can peasants do without the main "tool of their trade", their chief ally, the land? No land, no peasants; and no sea, no fisherfolk. The other natural resources are just as important for other rural workers: bodies of water, coastal seas, fisheries, pastures and forests. All these resources appear, as cited, in this article of the Declaration. These resources, and land in

41 Declaration, article 9. (The full text of the Declaration can be found in Annex I)

42 Declaration, article 7.

43 Declaration, article 17.

44 *People's Manual on the Drafting of the Declaration on the Rights of Peasants and Other People Living in Rural Areas* (La Via Campesina/European and Latin American Coordinating Committees, 2017). Note that this manual refers to one of the earlier versions of the Declaration under negotiation.

45 Ibid., p. 43.

particular, are the basis of life for those working in rural areas. They are also the places where their own cultures are expressed and developed.

Millions of peasants and rural workers have no access to the resources they need to live. The Landless Movement in Brazil well represents the struggle for land. These peasants have organized to take unused land from its owners and give it to families in need of land.<sup>46</sup> But the landless of Brazil and elsewhere are not the only ones lacking adequate access to resources, for the problem can also take the form of land that is itself inadequate, often marginal, or of poor quality. The average peasant holding in some regions is less than 1 hectare per household.<sup>47</sup> This is totally inadequate to produce what is needed for a family to live. Land is increasingly being allocated to other uses than food or agriculture, and millions of hectares each year are taken out of cultivation by the construction of infrastructure that does not benefit peasants and other rural workers (mines, dams, urbanization, tourism etc.). The land becomes a commodity with only a market value. Peasants rarely have legal title guaranteeing security of tenure on the land they work. They are thus easy to evict. Land grabs, the increasing scarcity of land, soil degradation and encroaching urbanization, all serve to further concentrate land ownership, already at historical highs in some parts of the world.

To meet these challenges, the right to land must fulfill two missions for peasants and rural workers: give access to resources and guarantee the use and management of those resources. Paragraph 1 of the article therefore establishes a general right to resources. This lays the foundation for the rest of the article and defines how the right can be exercised. The right to land is one of those rights that are intrinsically both individual and collective. The individual enjoyment of the right to land may take the form, for example, of a personal request for private ownership of a plot during a land redistribution exercise. Collective enjoyment of this right is a demand on behalf of a group for common access to resources. Collective enjoyment is not the sum of individual rights but a right granted to persons as a group. Paragraph 1 also stipulates what benefits the right to land should imply for peasants: "to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures."<sup>48</sup> The idea here is that land is the basis of a decent life for peasants. These two fundamental principles, that the right to land is a collective right and that it should provide access to other basic rights, were already set out in the initial LVC draft.

46 Marta Harnecker, *MST-Brésil: La construction d'un mouvement social*, Geneva: CETIM, 2003.

47 Report of the Special Rapporteur on the right to food to the 65th United Nations General Assembly, A/65/281, 11 August 2010, § 6: "As rural populations grow, plots cultivated are becoming smaller per capita and per household. In India, the average landholding size fell from 2.6 hectares in 1960 to 1.4 hectares in 2000 and continues to decline; similar evolutions have been documented in Bangladesh, the Philippines and Thailand, where the decline in the average farm size is combined with an increase in landlessness. The trend is not limited to the Asian region. In Eastern and Southern Africa, the amount of cultivated land per capita declined by half over the past generation, and in a number of countries the average cultivated area now amounts to less than 0.3 hectares per capita."

48 Declaration, article 17, § 1.

Having laid this foundation, the article looks in detail at how to guarantee the right to land. The first point to note is the mention of the social function of land in paragraph 6. Recognition of the social function of land is one of the basic demands of the LVC, who believe that our relationship with the land can in no way be conceived solely as a commercial relationship. “Social function” means that land should benefit society as a whole.<sup>49</sup> The concept of social function is not in direct opposition to private property, but neither does it assume that private property is king and the source of all rights. For example, unused land in a densely populated region is not fulfilling its social function. Agricultural land should serve to feed the population, not constitute a financial asset used only for speculation. The provision regarding the social function of land is intended to force States to take a look at how land is really used on their territory and not simply hide behind private property rights or market forces.

To guarantee this social function, land must be fairly distributed and peasants must have access to it, which is what this article protects. The first means of ensuring access to land is to share it out afresh. The LVC has been fighting since its inception for agrarian reform<sup>50</sup> in countries with highly concentrated land ownership. The reforms that they demand would allow an adequate allocation of land to peasants and access to the natural resources they need. But the most important thing is that the redistribution not be carried out on the principle of supply and demand. States can and should intervene so that the redistribution is fair. State intervention means at the very least pre-emption,<sup>51</sup> and at most expropriation. Paragraph 6 of article 17 thus obliges States to carry out redistributive reforms when the concentration of land impedes fair access to resources. It also stipulates that the landless and the young should be prioritized in land allocation.<sup>52</sup>

The right to land also covers persons who have lost access to it. When people are evicted or population displacements deprive peasants and rural workers of their land, they should be able to regain access to the natural resources necessary for their activities. Even if compensation is paid to those evicted, this is not enough, for the loss of natural resources makes peasants *de facto* non-peasants, whereas the purpose of the Declaration is to let peasants stay peasants.

49 Melik Özden, *The Right to Land* (Geneva: CETIM, Human Rights Series, 2016), pp. 93 – 96.

50 Fénelon, Paul, “Réforme agraire” [Agrarian reform], entry in *Dictionnaire d’Histoire et de Géographie agraire* (PUF, 1991). [Translation] “Series of laws and regulations changing the relations between owners of land and those who work it, either by changing the conditions of tenancy or by redistributing land among new occupants. It can also include reparcelling plots, depending on the agrarian structure, to favor better use of the land or a fairer distribution of agricultural lands. The reform can be total or partial, voluntary or imposed.”

51 The right of pre-emption allows a State body to acquire property before it is put on the market.

52 Declaration, article 17, § 6 : “Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.”

The second component of the right to land is security of land tenure. The first element of security of tenure is legal. Legal protection of the use of natural resources aims primarily to prevent, or at least to provide a defense against, forced evictions. Secondly, security creates a financial safety net.

Peasants rarely have full title to land, either because there is no formal recognition of land use on their territory or because their rights are provisional. However, formalization under a regime of private property is not a panacea. So the Declaration allows and encourages the recognition of many types and forms of right (collective ownership, right of use etc.), corresponding to all possible uses of natural resources by peasants and rural workers. The holding and use of natural resources in common can be highly beneficial and productive.<sup>53</sup> For example, peasant farmers and herders can use and manage land jointly. What is needed is to recognize and protect the great diversity of ways in which resource rights can be distributed, depending on what works best. Property regimes should allow for a diversity of modes of ownership and use. However, where the law upholds imbalances, it must be changed.

Thus, the Declaration stipulates the need to change legislation that perpetuates discrimination against women. As is well known, it is women who have the primary responsibility for agriculture. Yet in many cases, they have no rights over the “tools of their trade”.<sup>54</sup> Formal rights are still far too often granted systematically to the men of the household, giving women no say even though they are best placed to make decisions regarding the land.

As to natural resources, the final element of security is sustainability. The Declaration provides that States should take measures to guarantee the sustainable use of land. This article even mentions agroecology as a means of food production and environmental conservation. The dissemination and use of agroecological practices are also one of the LVC’s causes.

### (b) Right to seeds<sup>55</sup>

Seeds are the very foundation of peasants’ work. As with land and other natural resources, without them peasants cannot work and produce in harmony with their natural and cultural milieu. Yet *peasant seed systems* are threatened with extinction by fierce competition from *industrial seed systems*. Nowadays the industrial seed market is totally cut off from peasant production. The boom in seed companies has completely professionalized a sector previously based on multiple informal exchanges. Moreover, these companies are transnationals whose production is based

53 See Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (New York: Cambridge University Press, 1990) 270 pp.

54 “According to FAO, fewer than 2% of landholders worldwide are women, but figures vary widely. There is broad consensus, however, that even where land is registered as family or joint property between men and women, men still enjoy much wider powers over it than do women.” Grain, *Hungry for land: small farmers feed the world with less than a quarter of all farmland* (28 May 2014)

55 Declaration, article 19.

on a strict capitalist model. Their development can be linked to the rise of industrial agriculture and, more recently, biotechnology.<sup>56</sup>

Industry's tightening grip is also due to the tailoring of international trade law to its needs. Thus, under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, which is annex 1C of the Marrakesh Treaty creating the WTO, member States are required to put in place a system for the protection of *intellectual property* in respect of plants and animals, by means of patents or any other mechanism they deem appropriate, thereby favoring the privatization and commodification of life. In 1995, when the agreement entered into force, there was already a convention to protect new plant varieties,<sup>57</sup> which protected intellectual property rights in respect of plants. WTO member States often cite it as the basis for their fulfillment of the obligation to protect intellectual property rights in respect of seeds. The protection lasts 20 years and covers new varieties meeting the criteria of stability, uniformity and being distinct from those already protected. These varieties need not be new, but only unprotected. This means that peasants can find that the seeds they usually use have suddenly become the property of a corporation. This Convention has also inspired many of the clauses to be found in most trade and investment treaties.<sup>58</sup> And some trade agreements go even further, providing for intellectual property protection that stops peasants from re-sowing seeds from year to year rather than purchasing them.

Worse yet, some property rights cover genetic material, so genes identified and used can be protected as private property even when present in non-patented seeds.<sup>59</sup> Peasants must therefore buy seeds in order to comply with the law and may not save or re-sow them.

In this way, intellectual property rights often conflict with human rights. The notion of intellectual property was conceived to protect a creation appertaining to an individual. It was also intended to encourage creation and scientific research.<sup>60</sup> Yet

56 Special Rapporteur on the right to food, "Seed policies and the right to food: enhancing agrobiodiversity and encouraging innovation", A/64/170, 23 July 2009, § 2.

57 International Convention for the Protection of New Varieties of Plants, 2 December 1961, revised 1991.

58 Special Rapporteur on the right to food, A/64/170, 23 July 2009, §§16, 40, 41.

59 "... today's genetic technologies allow a patent to be placed on particular genetic traits (resistance to an insect, tolerance to a herbicide...). Such patents protect all plants and seeds that contain and show a particular trait that has been patented. This is the case with GMOs, and it is also the case with numerous plants derived from genetic technologies other than transgenesis, such as mutagenesis, for example. These patents allow industry to seize any farmers' seeds that have been contaminated by a plant with a patented trait or seeds which contain patented traits. Some of these patents even cover traits that occur naturally in plants that have been cultivated by farmers for generations; yet these too, one by one, become the property of seed multinationals." Grain and La Via Campesina, *Seed laws that criminalize farmers: resistance and fightback* (8 April 2015), p. 14.

60 Melik Özden and Simon Brunschwig, "Cultural Rights" (Geneva: CETIM, Human Rights Series, 2013), pp. 10-13; Committee on Economic, Social and Cultural Rights, General Comment No. 17, 12 January 2017, §§ 1, 3.

today, intellectual property rights over seeds protect only seed companies' interests, making access to seeds impossible.

In international intellectual property law there are exceptions that make it possible to protect peasants. But some States decide, more or less freely depending on the country, not to apply these exceptions and instead to favor the big seed companies.

Some would say that peasants can themselves have their seeds protected, but it is rare that they meet the necessary criteria, precisely because the basic characteristics of a peasant seed variety are its variability and its capacity to evolve and adapt. To obtain seeds that will give a good yield, peasants do not simply buy and plant just any seeds: one part of their job is to select and develop seeds. The plant varieties we use today are nothing like their wild ancestors. This transformation is the result of the work of generations and generations of peasants in selecting, saving and swapping their seeds. This part of peasants' work has become impossible. And even if they met the criteria for obtaining property rights, they would find it very difficult to meet the financial cost of protection. But then they are hardly likely to resort to the very practices that have oppressed them.

Ultimately it is peasants' *freedom of choice* that is threatened by international law. Unfortunately, it is also threatened by other factors. Take the official catalogs and lists of varieties for sale. Seed varieties that are not listed there cannot be sold or grown by those in the business. These instruments are to be found primarily in Europe. They were no doubt very useful during the intensive development of agriculture after World War II, but now they hamper peasants' work and threaten biodiversity.<sup>61</sup>

Another impediment to the right to seeds is the control now exerted by seed multinationals. Three corporations (Monsanto,<sup>62</sup> DuPont Pioneer, Syngenta) control more than 50% of the international seed market. They can thus impose their seeds and – especially – their prices, which are often so high that peasants end up in debt.<sup>63</sup> Peasants often get caught in the seed-debt cycle when seeds are initially subsidized by governments. The subsidies do not last for ever, and peasants must eventually accept market prices. It is a real trap, for peasants come to depend not only on the

61 The website of Réseaux semences paysannes : [\[www.semencespaysannes.org\]](http://www.semencespaysannes.org)

"The work of selection carried out every year in their fields by peasants who continue to create their own varieties, necessitates regular and highly diversified exchanges of modest quantities of seeds or plants that will revive or broaden their genetic potential in passing from one field to another. Scientists have called this co-evolution. With each swap, the seed lots change: they cannot all be described and listed, for such a catalog would be so unwieldy as to be totally impractical."

See also: *La propriété intellectuelle contre la biodiversité ? Géopolitique de la diversité biologique [Intellectual property vs. biodiversity ? The geopolitics of biological diversity]* (PubliCetim No. 35, 2011).

62 Monsanto's buy-out by the German chemical and pharmaceutical giant Bayer was authorized by the regulators of the European Union and Brazil. Approved in June 2018 by the United States, it is now complete.

63 Bern Declaration magazine, thematic issue "Agropoly: A handful of corporations control world food production" (2011), p. 10; Public Eye website: [\[https://www.publiceye.ch\]](https://www.publiceye.ch)

seeds but also on the inputs they require - for the seeds are designed to be used with specific fertilizers and especially to resist the herbicides and insecticides specially produced by the same corporations.

Peasants thus find themselves isolated and threatened in their role as seed developers. They are up against transnational companies that sell their genetically modified seeds while claiming to feed the world, and whose word is law. Biodiversity loss among agricultural species is reaching an alarming level and there is an urgent need to protect peasants' seeds and especially their non-capitalist mode of production. The point of article 19, according to Guy Kastler, is to differentiate peasants from businesspeople: one group's rights must be protected by regulating the other. Let the businesspeople do business, but let them keep their hands off the peasants' seeds.

Article 19, which recognizes the right to seeds, first protects peasants' work with seeds. To that end protection extends to developing, saving, using, protecting, exchanging and selling seeds. All these activities constitute the work of *seed selection and adaptation* that peasants have always done. By safeguarding all these activities, this right permits the production of peasant seeds that are resilient to climate variations and restore biodiversity.

Apart from the seeds themselves, their genetic pedigree is also sought after. Exploitation of this material requires knowledge of its possible uses. This article therefore provides for the *protection of peasants' knowledge* in this regard. With the right to seeds, peasants also acquire the right to have the genetic material of the plants that they have developed and cultivated protected rather than appropriated. It is up to States to provide the means to ensure that these genes remain a common heritage for use by all. Also, according to this article, in any decisions to be made regarding this material, peasants will have the right to participate and will be entitled to a fair share of any resulting benefits.

We might add here, regarding peasants' knowledge, that this article on the right to seeds should not be read in isolation. Specifically, it should be read in conjunction with the *right to biological diversity*<sup>64</sup> and the *right to traditional culture and knowledge*.<sup>65</sup> The reason why peasants' seeds are now so valuable is that peasants have accumulated vast knowledge and know-how on seeds and on their natural environment. These two rights, which should be taken together with the right to seeds, protect this knowledge. First of all they prevent it from being lost to technology and similar "scientific" advances. They also stop it from being appropriated and patented by corporations. Without peasants' knowledge, companies have no way of knowing what can be derived from a seed. Even more so with intellectual property rights over genetic sequences. Protecting the right to biodiversity, and the knowledge associated with each component of this diversity, makes it possible for peasants to continue to work for the good of all in the natural environment they belong to.

64 Declaration, article 20.

65 Declaration, article 26.

Just as important are the obligations on States associated with the right to seeds. States must first not only respect peasants' choices as to which plants to cultivate but also allow them to implement their decisions. They must do everything possible to ensure that the necessary seeds and plants are available at the right time. To that end, their most important task is to support the *seed systems created by peasants*, which may include non-capitalist and non-monetary exchange schemes.

In order to redirect efforts toward peasants' seeds, article 19 provides that States should review a number of their policies in a range of areas. The first is research and development (R&D), where it must be the needs of peasants that become the priority; R&D cannot be geared solely towards high technology with no connection to peasant knowledge. In particular, R&D, which is such an important phase, should no longer be the preserve of scientists and multinationals with huge resources. Giving priority to peasants' needs requires, as specified in the article, a redirection of funding. Moreover, peasants should be involved in research and in guiding research.

Finally, to respect the right to seeds, policies and laws in this area and on intellectual property rights must clearly be changed. The right to seeds as articulated in the Declaration directly enjoins States to do this. And, as can never be said too often, peasants' rights are superior to other international standards, for they are human rights. For this reason, the other international trade norms we have mentioned should be ignored or amended to protect peasants' right to seeds.

### *(c) Right to a decent income and livelihood, and access to the means of production*<sup>66</sup>

The declaration drafted by La Vía Campesina included the right to a decent income. It appeared in the article devoted to the right to life and to an adequate standard of living.<sup>67</sup> An article was also devoted to the right to the means of production.<sup>68</sup> In addition, the draft contained another article on the freedom to determine price and market for agricultural production.<sup>69</sup> This was removed in the first redrafting by the Working Group. However, a part of its spirit survives in the Declaration, in article 16 on the right to a decent income and livelihood and to the means of production.

Amalgamating these rights was the means used to come as close as possible to the freedom to set prices and determine markets. The goal is to ensure that peasants and other rural workers finally receive fair remuneration, not only for their work but also for the services they provide to society as a whole. Linking the means of production with the right to a decent income illustrates how the right to an income can be attained. Put another way, the idea is to protect the right of peasants and rural workers to earn a living, and it is done by giving them access to the infrastructure necessary to reach their markets. And it is true that there is often a cruel lack of means

66 Declaration, article 16.

67 LVC declaration, article III.

68 LVC declaration, article IV.

69 LVC declaration, article VIII.

of production, and of infrastructure, whereby they can promote their products and access markets at all levels. The details given as to what means of production should be available to peasants are thus commendable.<sup>70</sup> For anything that brings peasants out of their isolation and draws them in from the margins of the system is welcome.

However, the purpose of the Declaration being not so much to integrate peasants and other rural workers into the dominant system of trade but to protect their way of life and mode of production, we should turn to the paragraphs that provide for support and for development of markets that are closer to peasants. In view of the power of multinationals and the lengthening of the food production chain, article 16 provides first for a decent income and then for a closing of the gap between food producers and consumers. Finally, and above all, national and international agricultural and trade policies should be reoriented to reflect this. It is undeniable that policies in this area in recent decades have completely neglected peasants and the countryside. They have encouraged the growth of capitalist farming operations that claim to be able to feed the world whereas in reality that is done by peasants and other rural workers. In the West, farmers' markets and farm shops are making a comeback, and there is a revival of interest in this kind of work, yet elsewhere in the world these activities have never stopped. Thus paragraph 5 provides that "States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas [...to] market failures". As already noted, international trade policies affect peasants. Thus there is an urgent need to amend them so that peasants and rural workers can finally be fairly paid and can live off their labor.

#### *(d) Right to food and to food sovereignty<sup>71</sup>*

As we have seen, this right was one of the main vectors for the introduction of the peasants' cause into the United Nations. The fact that food producers are the first victims of hunger was a major reason for States to recognize their rights. The right to food recognized in the Declaration refers to the international criteria of access, adequacy and availability, and most importantly adds a right to produce food to feed oneself.

But this right is of particular interest here because it includes *food sovereignty*. It is mentioned in paragraph 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."

Food sovereignty is also mentioned in the 24th preambular paragraph. There, States recognize 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."<sup>72</sup> This definition of food sovereignty, concise but accurate, will be a valuable aid to the implementation of the article, ensuring that the concept is not eviscerated.

The principle of a sovereignty of the people is difficult for some States to accept. This explains the cautious language used in this article in recognizing food sovereignty. Its inclusion in the right to food gives peasants and rural workers a solid basis for their demand. Peasants, in alliance with the rest of the population, will be able to make use of this article, most particularly to remind States that food production and the feeding of their population are sovereign duties and should never be handed over to transnational corporations, financial interests or other States. When States take back this sovereignty and exercise it together with their peoples, the rights of peasants and other rural workers will be protected.

#### *(e) Right to social security<sup>73</sup>*

Because peasants and many other rural workers are considered self-employed, they are rarely covered by a social security system. Indeed, when a social protection system exists, it is often linked to the status of wage-earner, and contributions are deducted from pay. Peasants and rural workers do not earn wages as such. However, they definitely need a *risk-sharing system* adapted to their situation. Peasants' working and living conditions expose them to many health hazards as well as to the risk of accident or loss of income (due to the vagaries of the weather). They cannot be left to fend for themselves when such problems arise. When they have to bear these costs alone, the situation can be so serious that they fall into debt and may even lose everything, including homes and land.

The Declaration thus provides for a right to social security that would put them on an equal footing with other workers. States must include peasants in their general social protection system or set up a special system for them. The coverage must be comprehensive, lifelong and affordable.

Further, this right to social security also extends to migrant agricultural workers. Often seasonal workers, they are particularly vulnerable and are often exploited or work in conditions that seriously harm their health.

#### *(f) Right to participation<sup>74</sup>*

As mentioned above, during the drafting of the LVC declaration, it was decided to include in several articles the right of peasants and rural workers to reject decisions concerning them. Similarly, it was decided to include the right to free, prior informed consent before any exploitation of resources that peasants depend on. The Declaration contains the right to natural resources, but refers only to access and use,

<sup>70</sup> Declaration, article 16. For example, §1: "technical assistance, credit, insurance", and § 2: "the means of transportation, and processing, drying and storage facilities".

<sup>71</sup> Declaration, article 15.

<sup>72</sup> Declaration, 24th preambular paragraph.

<sup>73</sup> Declaration, article 22.

<sup>74</sup> Declaration, article 10.

not sovereignty. In the interests of consensus, a right to participation was inserted. This means the right to participate in decisions concerning the resources peasants depend on and in the policies and programs affecting them. This has various political and technical implications, and there is no guarantee that it will be the peasants' position that prevails when the decision is made, for the States refused to be tied down in this regard.

Nonetheless, the peasants felt that a lot could be accomplished through this right to participation. All decisions that might affect their lives are covered by this article. Also, it allows for *individual and collective participation*. Collective participation means States have an obligation to accept, by virtue of the right of association, the creation or expansion of organizations of any kind to represent peasants during such discussions. States must also guarantee participation in the implementation of the decisions. If this right to participation is widely enough known by peasants and other rural workers, they will be able to assert it to obtain favorable decisions. In Ndiakate Fall's view, "this right is a way of giving peasants responsibility and making them see that they are in the majority [depending on the country – eds.] and can tip the balance." If peasants know their rights and exercise them, their participation will be decisive.

### (g) States' general obligations<sup>75</sup>

Defining the general obligations on States, independently of the articles on specific rights, means they can be put in a broader context. In other words, it makes it possible to tell States what they must do to implement the Declaration. The Declaration thus lists these obligations in article 2.

The first obligation has three components: *respect, protect and fulfill*. These are commonly stipulated in connection with States' human rights obligations. Thus, States must not obstruct the realization of the rights, must prevent third parties from violating them and must actively ensure they do not remain a dead letter. Also in fairly classic style, the Declaration adds that States must implement the rights under the Declaration taking into account the specific needs of the most vulnerable persons, in keeping with the principles of non-discrimination and the need to address multiple discrimination.

All the other obligations in this article emanate from the peasants' demands and the negotiations and there have been a number of advances in this regard. First, there is an obligation on States to inform and consult peasants and other rural workers whenever an action on the State's part could affect their lives.

Second, reference is made to States' obligation to enter into international agreements that, in their content and implementation, are in accord with human rights. International economic law has developed, as a matter of deliberate policy, a far more sophisticated set of constraints and sanctions than anything found in human rights law. It is therefore often asserted at the expense of human rights, for States have long chosen to favor economic considerations over human rights. Yet international

<sup>75</sup> Declaration, article 2.

law is clear: human rights must prevail. So it is good that the Declaration recalls this and, even if it does not explicitly cite the the most troubling of the trade and investment agreements, it is clear that they are the main targets.

In the same vein, to re-establish the *primacy of human rights*, paragraph 5 requires States to take all necessary measures to prevent entities that fall under their jurisdiction from violating the rights articulated in the Declaration. These entities explicitly include transnational corporations, for the extent to which they violate the rights of peasants and rural workers is well known.

The Declaration also details States' obligations regarding mutual cooperation. Beyond the traditional programs of development, scientific cooperation and technology transfer, States must cooperate in "improving the functioning of markets at the global level" in order to limit extreme price volatility and the attractiveness of speculation. Taking this obligation in conjunction with the one on international agreements that do not violate peasants' rights provides leverage for doing away with the current international policies that are so harmful to peasants.<sup>76</sup>

As noted at the beginning of this chapter, we cannot discuss all the rights in the Declaration even though they all deserve attention. None of them are simple copies of existing rights, and all are necessary for the protection of peasants and rural workers. Some are more important for particular categories of rural workers or particular regions, but the Declaration overall is an advance for all populations. As Geneviève Savigny has said, "The Declaration is good in itself because it is the peasants' Declaration."

We therefore reproduce the Declaration in an annex to this book, and we invite you to read it. Reading it will give a better understanding of the situation of peasants and other rural workers, for it genuinely reflects their conditions. Above all, even though it has been through the hands of legal professionals and diplomats, the Declaration remains specific and close to reality. It is in no way abstract, and it will surely provide an abundance of inspiration and ideas.

## 2. Scope

For objective reasons the LVC decided to fight for a *declaration* and not a *convention* as planned at first. A declaration is often more easily accepted when tackling controversial or new subjects. Being non-binding, it may be thought weak, but it has many strong points.

### *Declaration vs. convention*

The legal force of a declaration derives from the resolution by which it is adopted. In international law, a resolution, and therefore a declaration, is not legally binding.

<sup>76</sup> This was exactly the reasoning behind the Declaration on the Right to Development, adopted in 1986 by the United Nations, with regard to the complete recasting of international economic relations. See Tamara Kunanayakam, "Quel développement? Quelle coopération internationale?", PubliCetim No. 30, 2007.



That means States cannot be held legally accountable under it, unless they choose to observe it. If they do, they may incorporate the declaration or its substance into their domestic law and make it binding, as some States have done with the United Nations Declaration on the Rights of Indigenous Peoples.

Other human rights are contained in international treaties and conventions that are subject to ratification by States, whereupon the rights acquire the force of law. For example, the Convention on the Rights of the Child is binding on States that have ratified it. Legal instruments and declarations of rights each have advantages and disadvantages. Conventions are not ratified by States that do not wish to accept the obligations they contain, whereas declarations are “more easily accepted” but “carry no obligations”. Moreover, the implementation of human rights treaties and conventions and their use by the courts are rarely straightforward, for domestic courts regularly resist and some instruments simply remain dead letters.<sup>77</sup>

Thus the value of declarations in comparison with treaties and conventions should not be underestimated. After all, isn’t the best known and most often cited of all human rights texts the Universal Declaration of Human Rights?

### *A step forward in international human rights law*

The Declaration is the foundation stone of an structure of peasants’ rights. The recognition of the rights it sets forth triggers a “ratchet effect”: once the rights are recognized, there is no going back. After that, nothing less than these rights can be granted, and, for peasants, a decisive element that cannot be undone is their recognition as a specific group with specific rights. Thus, by establishing these rights in the Declaration, the ground is prepared for a potential convention on the rights of peasants and other rural workers.<sup>78</sup> The Declaration is the first step and, in particular, the first victory in the recognition and full protection of peasants’ rights.

A declaration is not only a very important step in the emergence of new human rights, it is also important in consolidating rights already recognized, which nudges human rights towards the status of international custom. The rights in the Universal Declaration of Human Rights, for example, are now generally deemed part of international custom,<sup>79</sup> hence a source of law and thus binding upon States. One can imagine a similar future for the rights in the Declaration on the Rights of Peasants. States that consider the rights in the Declaration an international obligation and

apply them regularly can incorporate it into law through custom and apply it both on their territory and in their international relations.

The fact that the Declaration contains rights already recognized in international human rights law gives the text greater weight. The right to food in the Declaration figures already in the International Covenant on Economic, Social and Cultural Rights,<sup>80</sup> but in the Declaration it is developed further. For example, as the right to produce one’s own food is included in this article, this right is recognized as part of the right to food of peasants and other rural workers. Constructing rights on the basis of others already recognized and binding on States means the additions have a solid base. It is possible to sue a State for violating these rights, and this will be the case for the rights in the Declaration. The fact that an already recognized right is contained in the non-binding Declaration does not mean that it ceases to be binding on States.

### *Diplomacy and respect for the Declaration*

As to the remainder of the Declaration, i.e., its most innovative elements, these will be respected by States on the basis of *good faith*, a political and moral principle that requires States to keep their word. In other words, States’ actions must not contradict their words; their rhetoric and undertakings on human rights must be matched by actions.

This may seem flimsy and ineffectual, and it is true that States do sometimes break their word. The answer to that is that we should not underestimate the importance of human rights in international relations. They are both a genuine concern of States and the focus of tussles for influence. Human rights are an arena where different regimes and ideologies meet. The issue of human rights and their observance is an issue of *diplomacy and power*. Certain States can allow themselves to violate human rights with no international consequences; others cannot. A country’s image, its reputation for observing rights, can be leveraged by rights advocates, in this case peasants and other rural workers. Public condemnation at the international level of violations of a declaration a State has voted for can have a decisive effect on the State’s behavior. A good international image is important to most States, and respect for rights at the national level can play into international relations in a major way.

Moreover, there are States that act in good faith and which sincerely negotiated the Declaration with the intention of better protecting the rights of their populations. These States can quite well incorporate the rights in the Declaration into their domestic law.

### *Legitimacy of the Declaration*

Another consideration that may persuade States to observe such a declaration is its legitimacy. Legitimacy derives from several sources. The first is the number of States that voted for adoption, and particularly at the United Nations General Assembly where all States can vote. To take the example of the Declaration on the

<sup>77</sup> For example, the Convention on the Elimination of All Forms of Discrimination against Women is one of the most widely ratified conventions but also one of the least implemented.

<sup>78</sup> The United Nations Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in 1992, was followed, in 2006, by the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>79</sup> International custom is one of the sources of international law, along with international treaties, according to the International Court of Justice’s interpretation of article 38 of the Statute of the International Criminal Court.

<sup>80</sup> International Covenant on Economic, Social and Cultural Rights, 1966, article 11.

Rights of Indigenous Peoples, only the United States, Canada, Australia and New Zealand voted against it, four States with much colonial baggage and with citizens identifying as indigenous who have substantial grievances. Canada, Australia and New Zealand have since reconsidered this decision, which became untenable following a public outcry.

The Declaration's legitimacy derives also from the negotiation process, or rather its range. As noted, this text is the fruit of years of intensive work and advocacy by peasants, other rural workers and their civil society allies. Because the Declaration emanates from the efforts of peasants, i.e., those who most need these rights, it can draw on the legitimacy of their demands, which grew out of their experiences and their daily lives. All the more so because the LVC represents peasants from around the world who have different experiences but a uniformity of analysis that results in common solutions. This unity in diversity is an additional asset. If peasants and rural workers are satisfied with the Declaration, if they agree that it does not betray their aspirations, its legitimacy is further enhanced, and clearly this is the case for the Declaration. It is an immense victory for peasants, who will continue to promote it. The LVC and its allies perceive the adoption of the Declaration as a step along a road. The task now is to give effect to the rights it contains.

Finally, States' participation in the negotiations is also a source of legitimacy. It was negotiated like an international convention, as measured not only by the length of the negotiations but also by their scope. It is the result of open discussions in which all could take part. The result is compromise or consensus, depending on the article considered, but in every case, the parties cannot claim that their positions are not reflected. They ought therefore to respect and implement what they have decided.

After all these arguments demonstrating the strength of the Declaration, let us add perhaps the most important one: more than a declaration, these are human rights. And human rights have their own legal and moral weight. From the legal point of view, human rights take precedence over other international norms, according to the official interpretation of Articles 103, 1 (3) and 55(c) of the Charter of the United Nations.

From the moral point of view, one might cite the slogan of the social movements: "Our lives are worth more than their profits!" Our lives and hence our rights.

Finally, the technical legal dimension of the Declaration is of secondary importance compared to the will, both of governments and of peasants and other rural workers, to see it implemented.

## New perspectives

Like a multi-purpose tool, the Declaration can have many uses and be used in many places. Provided it is used effectively, it can act as a common road map (1) and be a vector of major change at the national level (2) and the international level (3).

### 1. The Declaration as "common road map"

We have seen what the Declaration is and what its potential is. Yet implementation may well be just as much of a struggle as adoption was, and could even last longer if we are to ensure that – at all times and in all places – the rights of peasants and rural workers are respected, protected and realized. States may not want to recognize the rights in the Declaration or may take refuge in the "absence of obligation" in a declaration. The gap between speeches by some States at the international level, and their actions, is only too well known. Such dissonance between words and actions, and even between actions at different levels (national, regional, international) should make us even more vigilant when it comes to implementation.

It is possible that a State could simply set aside the Declaration and never implement it; that, having voted for it in the United Nations, it does not take it into account in its own law. To avoid this, we must take advantage of this historic moment of adoption, using the ripple effect it can generate to bring it to the attention of the general public and the groups directly concerned: peasants and politicians. We must take the long view. At the same time, there is an urgent need to change the paradigm and implement the Declaration rights as soon as possible.

Just as bad would be implementation that emasculated the Declaration. It must not be hijacked by other interests or twisted to justify projects running counter to the rights of peasants and rural workers. The Declaration and the struggle for its adoption make sense only if they retain their *transformational nature*.

It is only if populations, especially peasants and other rural workers, *make it their own* that the Declaration will live. All those questioned during the preparation of this book were unanimous: without ownership of the process, the goal and the content of the Declaration, then everything will have been in vain.

We must immediately take control of the Declaration and make it our constant guide in the quest for concrete improvements in the rights of peasants and other workers and in their situation. It is a comprehensive tool for a joint, concerted response to all violations of the rights of peasants and others working in rural areas; but also for the design and implementation of rural development policies and programs. It is the means as well as the end; it must be our common road map for the struggles to come.

The great thing is that the Declaration is *multi-purpose*, it can have many uses. And action may be taken at the national or the international level.

## 2. National level

### *Incorporation of the Declaration into national law*

At the national level, the first space to move into is the political arena. The Declaration can first be put to use in negotiating new policies or legislation on the rights it contains. It should be used not only in discussions specifically on the rights of peasants and rural workers but in particular as a means of ensuring that technical policy decisions and ostensibly neutral laws actually take those rights fully into account. For example, a law on agricultural land is always highly political, for it reflects a vision of what the future of agriculture ought to be. In ensuring that peasants and rural workers are properly taken into account by this sort of law, the Declaration is a powerful tool, for two reasons: first, it is a source of inspiration, second it is a strong argument during negotiations.

As we have seen, the Declaration's articles contain rights for peasants and rural workers and place obligations on States. The articles are well enough developed to give clear indications as to what a law on one of the Declaration rights should contain. As a source of *inspiration*, therefore, the Declaration can serve as a base, a frame, a model or a reference, depending on the purpose of the law. A law on the rights of peasants and rural workers will use the Declaration as a model, whereas a law on the tangible realization of those rights will rather use it as a reference. In all cases, the Declaration should be the framework for the development of laws on peasants and rural workers. Many areas are affected by these rights: food production, rural development, land law, access to seeds, land use, environmental protection, etc. The first goal of the organization Eco Ruralis in Romania, after the adoption of the Declaration, for example, is to have the terminology used in Romanian law changed to reflect the Declaration's definition of peasants.

In addition, the Declaration can play a key role as a *lever* in the discussion of future policy. Human rights, which it is difficult to dispute, are a weighty argument. Human rights are not limited to the sphere of law; on the contrary, they are a bridge between law and the political and moral spheres. During discussions, they provide arguments anchored as much in morality as in law.

Thus, political officials and representatives must be familiar with the Declaration. Advocacy work to inform them of its importance and content is fundamental. While all the governments of United Nations member States know of the Declaration since its adoption by the General Assembly, the process leading up to adoption was kept relatively confidential in some countries, and legislators may not be aware of its existence. Yet it is these lawmakers who have the task of transforming the Declaration into a tangible reality through legislation. They should therefore be a key target for information campaigns. Other sectors of the State must also be educated about the Declaration, agricultural ministries and their administrations, for example, and justice ministries and the courts that will have to take the Declaration into account in their rulings. Local communities can also take measures to ensure respect for the rights in the Declaration. They must also be targeted in these information campaigns.

### *A touchstone of national law*

While the Declaration can serve as a reference in devising policy, it can also be used in *evaluating* existing policies and laws. Evaluation from a human rights standpoint is essential; it is no good relying solely on reports on policies' economic or even social effectiveness. Respect for peasants' rights should be a criterion for the success or failure of a policy. Making compliance with the Declaration and the rights it recognizes a condition of success may bring about a much-needed inversion of priorities.<sup>81</sup> However, this paradigm shift will occur only if civil society organizations can produce reports in which these rights are presented as criteria of evaluation. Such evaluations will make it possible to question policies that openly violate peasants' rights, and also to reveal seemingly innocuous ones that are in fact quite harmful.<sup>82</sup> The goal is to get behind the façade and expose violations. Then it will be possible to propose alternative policies that respect peasants' rights.

The production of alternative reports based on a direct, committed understanding of the situation of peasants and rural workers, must be one of the main actions taken by civil society organizations.

All bodies responsible for monitoring policies in this area must be made aware of the Declaration. Civil society organizations, and especially peasant associations, are the experts: their knowledge must reach those in charge of policy implementation and evaluation. To ensure implementation of the Declaration, administrations can also be mobilized - in particular, of course, any departments dealing with agriculture. These *administrations* are the bodies best placed to ensure effective respect for peasants' rights. So they need to be trained, but also monitored, to make sure they properly implement the rights in the Declaration.

Finally, there is one public body that can be a valuable ally in this monitoring of State action, namely the *national human rights institution*. Over 100 countries have set up an independent agency for the promotion and protection of human rights. Such institutions, if they are really independent, can have a powerful, audible voice. Investing effort in making these institutions aware of the situation of peasants and rural workers and of the Declaration can pay off. Then, once they know of it, they can use the Declaration a benchmark in their own monitoring of States' actions.

The Declaration can be used in the courts. It can serve as a basis for *interpretation of the law*. In a court case, the Declaration can be used to back up a legal argument, either in order to apply a law to peasants' situation or as a quasi-legal moral argument. The potential weight of such an argument in litigation is not to be underestimated. Court cases are the best places to make law evolve. Having judges in the highest courts (those that set precedent) referring to the Declaration would be a major step

81 The purpose of agricultural policies nowadays is profit maximization, so they are geared towards agribusiness, not peasants. Though some countries protect peasants, most do not see their disappearance as inherently bad and may even consider it merely an aspect of economic development.

82 For example, a law allowing access to subsidized seeds but conditioned on the use of certain inputs, which would make peasants dependent on industrial corporations.

forward. It would amount to direct application of the Declaration by the courts. And that could lead to a change of law in favor of peasants and their human rights. Even without trying to establish precedent, the use of the Declaration in a court case can simply be a way of more effectively defending peasants' interests.

### *Accountability*

The Declaration on the Rights of Peasants should also serve in accounting for the activities of private companies, and more particularly agribusiness corporations. It should become a yardstick for evaluating their actions. To use their own terms, the Declaration must become an element of "corporate responsibility".<sup>83</sup> However, in using the Declaration, they must not be allowed to vitiate the rights it contains. Some corporations, perhaps, will be able to adjust to the requirements of the Declaration, but for many it will be impossible. Once again, it is above all the use of the Declaration by civil society organizations in producing reports on the respect of peasants' rights that will be the key to its implementation. The Declaration offers a *new basis for condemnation* of the harmful actions of these corporations. Moreover, it contains articles drafted in direct response to the actions of such companies, and is therefore the perfect tool to address them. To ensure its implementation by these companies, alliances must be forged with other organizations monitoring their activities. The Declaration can thus bring people together. Moreover, as international law evolves, it tends more and more to hold transnational corporations responsible for their human rights violations. It will be interesting to build on these developments and make sure that the Declaration is on the list of rights incumbent on these firms. Developments include the obligation to draw up oversight plans, or at least to have a policy on accountability in respect of their impact on human rights. Provision should be made for the Declaration to be part of these plans and policies, and for ensuring its proper use.

In addition to its use in influencing the authorities and the private sector, the Declaration in itself can be a tool for civil society. It must first become a reference for organizations in the field of international solidarity and cooperation. It is absolutely essential for the activities financed by foreign organizations in rural areas to be based on it. In defining a mission's objectives and means, peasants' rights must be included. Much has been written about "North-South aid". A good way to stop reproducing the same schemes of domination and exploitation<sup>84</sup> is to use the Declaration as a guide. The same applies to public development agencies.

<sup>83</sup> Corporate social responsibility is embodied in voluntary standards that companies undertake to apply in order to reduce their impact on the environment and human rights. However, very often these commitments are mere public relations exercises aimed at improving their image and attracting investors and consumers.

<sup>84</sup> "Efficace, neutre et désintéressée ? Points de vue critiques du Nord sur la coopération européenne" [Effective, neutral, disinterested ? Critical voices from the North on European cooperation], PubliCetm No. 33, 2009.

### *Democratization of the Declaration and its contents*

Finally, for all the above-mentioned actions to work, the Declaration must become widely known. Information and training are necessary. The Declaration must join the ranks of the other human rights instruments. *Human rights education* is done in schools and by civil society organizations. The first step could therefore be to inform teachers so that they can incorporate the Declaration into their syllabuses. University courses - till now somewhat removed from the process - come to mind also. It is, of course, imperative for future lawyers to be familiar with the Declaration and be able to draw on it in their work. It would also be an interesting topic for university research.

However, law students are not the only ones concerned. Students aiming to move into agriculture, either as peasants themselves or with a view to some other type of work in rural areas, should be informed of their rights. For the Declaration to be implemented directly by peasants and workers, and over the long term, the younger generations must know about it.

Today, enormous efforts are being made around the world, on the recommendation of the United Nations, to provide children with training in human rights. The Declaration should be taught in the same way as other human rights instruments, even if the children do not come from a rural area or a country with a significant rural population. Human rights education is a way for children to learn about the world in general, and about the world of peasants.

But the Declaration should not only be taught in classrooms. It is of interest to *all sectors of a country's population* - though primarily peasants and rural workers, of course, and there it should be taught by peasant organizations and trade unions. Peasant and rural organizations already play a role in organizing and supporting struggles. Armed with the Declaration and well-informed members, great battles can be fought.

Human rights activists and others with an interest in human rights - or environmental and food issues, for that matter - can be allies in the implementation of the Declaration. In the West, town dwellers are increasingly aware of the need to change their eating habits, which are currently based on supermarkets and agribusiness, at peasants' expense. Equally, economic policies on agriculture in the countries of the North have a disproportionate impact on peasants and their rights. Changing these policies requires the mobilization of a large proportion of the population, going well beyond peasants. The fight for peasants' rights is bigger than peasants. Violations of their rights usually go hand in hand with assaults on the environment and health, or other areas: deforestation, destructive oil drilling, pollution, excessive construction, etc. The fight for these rights is thus also a fight for a livable future for all. On that basis, if we want to ensure the best possible implementation of the Declaration, we need to mobilize.

### Interview with Aleyda Aragon – June 2018

Delegate, Coordinadora latinoamericana de organizaciones del campo (CLOC) and La Vía Campesina

#### **Can you explain the main problems Latin-American peasants face?**

Generally speaking, peasants on our continent are the victims of systematic persecution, which mainly takes the form of physical violence, but also judicial, political and ethnic violence—for example indiscriminate confiscation of our lands and means of production. The level of violence and discrimination is such that access to justice for us is well-nigh impossible. As peasants we have no access to any mechanisms that would allow us to recover what is ours by law. Consequently, we are now one of the most vulnerable populations. The violence used to evict us and discriminate against us is not casual. It is necessary and forms an integral part of the elitist policies favoring the major international agribusiness and mining corporations as well as the big landowners in the local oligarchies.

#### **How will a declaration on the rights of peasants help to put an end to these abuses, and will it help you gain access to effective and comprehensive justice?**

Those are the questions that must guide the work of the LVC at the local level, with grass roots communities: how to use this legal instrument? I think the Declaration is above all an instrument that the various communities must make their own. They must take it and invoke it to force the authorities to respect our fundamental rights. It is an instrument with political and legal weight that we must assert, a United Nations instrument that sets out our rights and stipulates what the authorities and private bodies should do to respect and protect us. Finally, it's a political instrument that gives us the power to fight injustice so that we can continue to work our land and live as we have lived throughout our history.

#### **Could you tell us about your work with the LVC and in the Declaration process? What was it like to be a regional LVC delegate in these negotiations?**

My organization is a member of the Nicaragua branch of the LVC. As a member of a commission on the rights of women, my first experience in the LVC was working on the problems of access to land for rural women. It's a problem that affects me personally for, when I was just a child, my family was forcibly displaced by the authoritarian Somoza regime. Somoza stole our land. So I know the value of being able to produce from the land and enjoy the fruits of one's labor. After that we had to go to the market to buy goods we had previously produced ourselves, but which the oligarchy did not want us to grow any more, so as to make us slaves in our own country.

In personal terms, it was a unique experience to be an LVC delegate. Just think, it was the first time I'd been outside my country. Going to another continent, not knowing the language, landing in huge airports... it was like discovering a new world. The experience was fruitful in that it allowed me to add my little grain of sand to the great judicial structure that we are putting together. And then, attending these sessions at the United Nations, getting to know the beautiful city of Geneva, it was like a dream. It was also enriching in human terms: we have worked with LVC representatives from different regions, whose language, customs and culture we don't necessarily share, but who we've worked with to find solutions to common problems that face us all, to help build a future of peace, dialogue and social justice. This is the common denominator that identifies us as peasants. In the four corners of the world, our struggle is the same.

#### **Now the Declaration has been adopted, the implementation process begins. What will your role be? What are the challenges yet to come?**

I'm always positive. But as you say, the work of implementing this instrument in our own countries is a process in itself and is only just beginning. In our communities, we are already working on it collectively. But how to use this instrument strategically to satisfy our needs? We must see it as a new way of keeping up the dialogue with our governments. We must make them understand that in this Declaration we are asking nothing more than what we have always asked. The only difference is that there is now an international legal instrument that codifies our rights, and which the authorities must comply with. This is the basis for our continuing fight for our rights and against discrimination. With this new struggle, we will need to launch a capacity-building campaign at the grassroots level to make the Declaration an instrument for all. Before anything else, our first task must be to make the Declaration known to our own organizations. But that's not all. We must also ensure that movements and communities take ownership of this text and work out their positions on the basis of its principles.

### *An instrument for peace*

Too often, armed conflicts, particularly internal conflicts, are seen as arising from ethnic or religious issues. However, when we look at the deep underlying causes of these conflicts, we can see that at their root is the question of access to natural resources. Land, specifically, is often a major subject of disagreement. Establishing who has a right to land is an undeniable source of tension and conflict across continents and through time. Having an instrument that facilitates dialogue based on human rights and specifically addressing the issue of access to natural resources may pave the way to conflict resolution. Thus, the Declaration is also a *practical tool for peace*. Diego Montón of the LVC Latin-American Coordinating Committee believes that "its adoption by the United Nations will send a message of peace and justice to peasant communities, and a clear signal to States that they must commit themselves to practical policies. The Declaration will be an important contribution to national discussions and a tool for dialogue between sectors in every country and region." At all levels, access to resources can create tensions and conflict. The Declaration can help in seeing situations from the perspective of those who depend on those resources, and that will enable the authorities and the people to defuse and resolve conflict.

At the State level, the possibilities for using the Declaration – and thus to promote its implementation—are many and various. Once it has been thoroughly assimilated, it can be an inexhaustible resource for advancing peasants' rights.

### **3. International level**

The Declaration is a tool created by the international community, for use by the international community. It sets new standards to which States must conform or risk international opprobrium. It is particularly pertinent to the United Nations human rights mechanisms and specialized agencies as well as regional bodies.

### *The Human Rights Council and its subsidiary bodies*

The Declaration is a creation of the Human Rights Council, and there it has a central role to play. The Council offers many opportunities to raise the subject of the situation of peasants and rural workers and of the Declaration's implementation - the *Universal Periodic Review* (UPR), for example, that all member States undergo, or the independent experts on the situations in specific countries, who can incorporate the Declaration and the rights it contains into their analyses.

But it is above all the other subsidiary bodies of the Council, the special rapporteurs and the independent experts on specific rights, that can be leveraged.

The *United Nations special rapporteurs* who, as we have seen, have been valuable allies to the peasants, will continue be so, especially the Special Rapporteur on the right to food, but there are others: on the right to adequate housing, the right to water, the rights of indigenous peoples, cultural rights, the rights of migrants and on human rights defenders. The rights these experts are responsible for are all enshrined in the Declaration. Now these rights are not simply copied from existing instruments but have been adapted to the situation of peasants and rural workers, so, using the Declaration, the experts can develop new interpretations, bring them to States' attention and request their application in line with the Declaration. They can do this in their annual reports and recommendations, in the context of individual communications or during country visits.

While these existing mechanisms are a vector for the dissemination and implementation of the Declaration, one of the LVC's future objectives is to have a *monitoring mechanism* for the Declaration in the United Nations: the indigenous peoples, for example, have obtained several mechanisms<sup>85</sup> to monitor their Declaration. If this aim is achieved, the mechanism will be a resource and an aid to implementation, and it can have several functions. First it will be a forum for discussion and cooperation to coordinate interpretation and implementation across countries, by means of reports on interpretation and implementation. Next, it will receive complaints from beneficiaries of the Declaration whose rights are still being violated, i.e., a mechanism for dialogue with the States concerned. Those affected will be able to address the mechanism to report violations and hold governments to account where national protection mechanisms have failed. Finally, it will make it possible to keep the subject of peasants' rights on the United Nations agenda. The Human Rights Council and its member States must not be allowed to consider the matter of peasants' rights as having been settled by the adoption of the Declaration. On the contrary, it must remain on the Council's agenda, and its implementation should give rise to discussion and debate, which is what a monitoring mechanism would encourage.

<sup>85</sup> The Expert Mechanism on the Rights of Indigenous Peoples, set up in 2007 by Council resolution 6/36; the Special Rapporteur on the rights of indigenous peoples, whose mandate was renewed by the Council in 2007 by resolution 33/12; the Permanent Forum on Indigenous Issues, set up by the United Nations Economic and Social Council (ECOSOC) in 2000 by resolution 2000/22.

### *Treaty bodies*

Some international human rights covenants and conventions have what are known as treaty bodies – there are nine at present. Their role is to monitor compliance with, and implementation of, the instrument each is responsible for. Depending on the body, and the undertakings made by States – which must recognize their competence – they have a certain amount of discretion. First of all, they can issue general comments on any of the rights they are responsible for, to clarify interpretation and scope. In addition, States must submit periodic reports on their implementation of the human rights that the bodies are responsible for. These reports must cover not only the absence of violations but also measures taken to realize the rights in question, and each treaty body then issues recommendations. Individual complaints can also be submitted to some bodies, which then contact the government concerned to obtain information, put a stop to the violation and, if the violation is confirmed, request compensation.

The treaties these bodies monitor cover the major categories of human rights and, accordingly, the rights contained in the Declaration on the Rights of Peasants. Thus, in their future work, these bodies could take account of the Declaration and include its implementation in their consideration of States' policies.

### *United Nations specialized agencies*

There are other international bodies that could be interested in the Declaration, notably the Food and Agriculture Organization (FAO), the International Labour Organization (ILO), the International Fund for Agricultural Development (IFAD)<sup>86</sup> and the Committee on World Food Security (CFS).<sup>87</sup> These organizations already include representatives of the LVC and other rural workers, and that offers the possibility of persuading them to *incorporate* the Declaration into their systems. What this means is that they would use the Declaration as a reference in devising policies and organizing activities on the rural world. The ILO and the FAO are important sources of international law in their respective areas of specialization. More specifically, they are important sources of non-binding norms that nonetheless constitute international standards. Since, in their areas of competence, the situation of peasants and other rural workers is a particularly important subject, it would be a good idea to try to get them to take the Declaration on board. It is highly likely that they will be favorably disposed towards it. Both bodies participated in and supported the Declaration process. However, they are intergovernmental organizations and their political decisions are dependent on member States.

<sup>86</sup> This United Nations specialized agency functions as a development bank whose role is to provide financial aid, as donor and organizer, for agricultural and rural development in developing countries and in countries in transition.

<sup>87</sup> This Committee is an open-ended international and intergovernmental platform bringing together all stakeholders to work on matters of food security and nutrition. It is currently the main forum for international negotiations on these subjects. It reports to the United Nations General Assembly and the FAO.

### *International campaigns*

Also at the international level, the Declaration could form the basis of campaigns to mobilize populations in support of peasants' rights and against anything hindering their realization, such as the whole legal arsenal on international trade and investment. International economic and financial players enjoy rights that thwart the realization of human rights. To *tip the scales the other way* and ensure that the latter take precedence over the former, there will have to be a major shift in the political orientation of big international institutions such as the World Bank, the International Monetary Fund (IMF) and the WTO, but to achieve this from within is unrealistic. As campaigning against the WTO is the very *raison d'être* of the LVC, it goes without saying that the Declaration will be used in this fight. The rights contained in the Declaration offer a different vision of globalization and of the relationship between agriculture and food than the paradigms these institutions are built on. Recognition of the Declaration holds out hope of change; its implementation will be crucial in reversing priorities. Rallying for its implementation at the local level will be a practical response to these institutions, and campaigning for its implementation at the international level a political one. The Declaration is thus an instrument for all international movements that combat neoliberal policies.

### *Regional bodies*

Finally, at the regional level, too, there are places where the Declaration must be made known. One example is the *regional human rights courts*: the Inter-American Court of Human Rights, the European Court of Human Rights, and the African Court on Human and Peoples' Rights. They do not all work in the same way: the Inter-American Court, for example, is more open to other sets of rights than the European Court; the African Court is still fairly new. Nonetheless, there is work to be done to inform these three courts and their parent institutions.<sup>88</sup> The regional human rights courts will surely develop in the future. They will be called upon to judge States' actions not only under their own conventions but also in respect of the rights of peasants and other people working in rural areas. In this way the regional bodies will develop their own interpretations and means of protecting the rights of peasants and other rural workers. Future additions could be envisaged, just as the Council of Europe negotiates and proposes conventions and protocols to supplement the European Convention on Human Rights.

One regional organization that could greatly benefit from the implementation of the Declaration is the European Union, which devotes a considerable part of its budget to its Common Agricultural Policy (CAP). Its strategy of agricultural export subsidies and grading of food for the market have destroyed agricultural diversity, including for peasants and rural workers.<sup>89</sup> As Geneviève Savigny, of the LVC's European Coordinating Committee, puts it "The Europeans are doubly to blame, because of the

<sup>88</sup> Respectively: the Organization of American States and the Inter-American Commission on Human Rights; the Council of Europe; the African Commission on Human and Peoples' Rights.

<sup>89</sup> See [<http://www.arc2020.eu>]

aggressiveness of their agricultural policies and the imposition of their agricultural model." Geneviève Savigny was behind the resolution supporting the Declaration that was adopted by the agriculture section of the European Economic and Social Committee. She reports that, at the presentation and subsequent discussion, those present immediately perceived the opportunity it offered to change the CAP. Even before it was adopted, it was obvious that it could bring pressure to bear and provide a strong argument for changing a policy that peasants and rural workers see as so important and emblematic.

There are as many ways of working towards implementation of the Declaration as there are ways of actually applying it in practice. No one way forward is better than another. Nonetheless, actions at the international level cannot be separated from those at the national level. The international organizations may well have independent mechanisms, but their decisions still depend on the wishes of their member States. Thus, the battles waged at the international level are also played out among governments in their capitals. The Declaration's implementation will inevitably involve the national level and local action. What is needed now is to bring these rights back down to the peasants and rural workers.

By rallying all these forces, working at all levels and gathering together diverse sectors of society it is possible to put the Declaration's content into practice. If all actors rally behind it and take it as their common road map, the journey can only be fruitful and lead to change.

## **A process to pursue, expand, reproduce**

The process that led to the Declaration's adoption is a victory in itself. As we have seen, the initiative came out of a peasant movement. We can imagine the hours and hours of work, strategy meetings, public events and meetings with officials, required to achieve this result. But these were also hours of lively discussion, of knowledge acquired and shared, of alliances and friendships formed. Ultimately the Declaration is subsidiary to what goes on around it, it is just a stage in the great surge of the international peasant movement. Let us now look at all the benefits already accrued that we must hang on to.

### *International recognition*

As a result of the Declaration, peasants and other rural workers have made their mark on international law. Their existence is now explicitly recognized in international law. Before this, they were workers no different from any others. However, they knew that, to survive, their existence and their trades needed to be known and recognized. Henry Saragih, who initiated the project, puts it clearly: "The purpose of the Declaration is to give peasants their pride and dignity back."



Peasants and rural workers and their families still account for nearly half the world's population, yet nobody – or almost nobody – used to give a thought to their needs. A huge sector of the world, forgotten, and quite unaware of its own power.

Putting the word “peasant” into international law is a minor revolution in itself. Of course, international human rights law has recognized population groups for some decades. Objective categories, such as children and women, have been recognized as having specific rights. But now specially-defined groups are appearing. First the indigenous peoples, and now peasants, are categories in law. Through the declaration of their rights, not only is their existence recognized but also their value, whether by virtue of their feeding of populations, conserving of the environment and biodiversity or preserving of a rural way of life. Our leaders, town-dwellers and even some peasants had lost sight of all that. To write peasants and rural workers into international law is to take note of the necessity of their existence for humanity.

As a result of the Declaration process, the situation of peasants has become known. Diplomats and ministries are forced to consider it. By working at the international level, the peasants short-circuited the usual way of getting a hearing. Rather than trying to be heard only by their own governments, they went up a level and told the whole world of their situation. The impact was all the greater because they managed to demonstrate their mutual similarity and their interdependence. Further, all through the process, the peasants showed that their ills were everybody's ills and that there was an urgent need to correct their situation. By coming out of the shadows in this way, and by highlighting the important opportunity offered by the Declaration, they have ensured that their lives will never again be marginalized.

To keep their struggle alive, their major achievement has been to introduce their own concepts into international law, the prime example of course being food sovereignty: getting the term “food sovereignty” into the text was a victory in itself, but it will be even more of a triumph if it comes to replace the discredited concept of “food security”.<sup>90</sup> Because they came along with their own language, their concepts already thought through, discussed and, above all, assimilated, the peasants were able to impose them as the best concepts to protect them. The peasants did not look to governments to give them rights, they asked governments to recognize the rights that they had already defined for themselves. The right to land, the right to seeds, the right to income were developed by the peasants. They have been in peasants' vocabulary for decades and the peasants needed no help to grasp them. They were part of them before they were ever part of international law. The Declaration and the process have allowed everyone to benefit from ideas the peasants developed to defend themselves.

A process leading to recognition in international law of transformational and militant thinking will undoubtedly go down in the annals of the United Nations

<sup>90</sup> François Houtart, « Souveraineté alimentaire plutôt que sécurité alimentaire » (CETRI, Analytical note, 2010, in French): 6 pages on the difference between the two concepts. See also Solon L. Barraclough, « An end to hunger? The social origins of food strategies », report to the United Nations Research Institute for Social Development (UNRISD), 1991, 284 pages on what food security could have looked like.

and of social struggle. These battles - social, political and cultural - are an indication of yet further progress towards international solidarity among the oppressed, and improvements in modes of action. The way the peasants were able to organize themselves, forge alliances and gain entry to seemingly inaccessible arenas provides inspiration for future struggles. Their example shows that a movement can act if it has the will and determination, but also, more practically, if it adopts some of the same strategies. Like the indigenous peoples before them, the peasants were able to exploit the mysteries of international organizations and the law to their own benefit. These developments reveal a *reappropriation* by the people of the international bodies that are supposed to protect their basic rights. And when we say “the people”, we must remember that the LVC represents some 250 million peasants around the world. The appropriation of human rights by this social movement is a form of struggle one might wish to see reproduced by and for others.

#### Interview with Elizabeth Mpofu – June 2018

LVC International Coordinator since June 2013

#### ***As the LVC's International Coordinator and especially as a rural woman, can you tell us about your experience in these negotiations?***

Well, as a peasant woman, I found myself drawn into this process, and committed to it, in a quite natural way – I could hardly avoid it. Global agricultural policies are discriminatory and contrary to our values, our cultures and our way of life. They don't recognize in any way our basic rights as peasants. This Declaration is the LVC's baby, conceived with practical, political and technical support from our partners, CETIM and FIAN. In that sense it is a real source of pride. It's an extremely important instrument. We need it to help us get into discussions with our governments, and we also need it to ensure that the perpetrators of violations against us are held to account. Really, we are redefining what is necessary and fair, so that we can build a better world.

#### ***How do you see the future of this process – the future challenges?***

Once the Declaration has been adopted, we will start following up and implementing it in our own countries. As a global peasant movement, we have a major role to play, for we know already that the authorities will not give an inch. We must make sure that the implementation process is transparent and effective. We must also make sure that the standards set forth in the Declaration are transposed into national law. The Maputo Declaration provides for 10% of African countries' budgets to be spent on agrarian development, but we know that is not the case, partly for lack of political will and partly because of the strong pressure on African peasants to move to modern industrialized agriculture, at the expense of peasant farming. So we must expect the same pressure and the same difficulties. However, I am convinced that, if we stick together and have a well thought-out common strategy, we can overcome these obstacles and move forward.

#### ***As a rural woman in a patriarchal world where discrimination against women is institutionalized and systematic, what do you see as the added value of the Declaration? How do you see the interface between the peasants' movement and the women's movement?***

The Declaration was drafted in such a way that it would address the challenges faced by rural women, who are particularly discriminated against by reactionary and neoliberal agricultural policies. It's really important to protect rural women, for they form the vast majority of food producers and are the backbone of peasant families. So rural women's rights are one of the central pillars of the Declaration. The Declaration will naturally be a weapon in the fight for recognition and protection of the rights of women, who experience so much discrimination and whose conditions are so precarious. The joint work of the LVC and the World March of Women shows that peasants' rights and women's rights are intimately linked, and that is at the heart of all LVC's action.

We're now embarking on a new phase, the implementation of the Declaration. To win recognition of our rights, which is an inherently political and legal battle, we must work together, making common cause with all concerned sectors.

### *Strengthening of the LVC movement*

Apart from what the Declaration itself has yielded, the lessons learned and future prospects also include the power and promise of peasants' rights. The Declaration process has only strengthened the peasants and their allies, and that must continue.

An élite could have been created in the LVC and cut itself off from its activist base. But no such thing happened, and every effort was made to avoid it happening. News from the proceedings was disseminated as widely as possible, sensitization and training were developed. People were trained and took part in the process. All decisions on the amendments to the Declaration were made after regional consultations, never by a select few. Thus, the process leading up to the Declaration involved as many people as possible. Counting only those who participated directly, including all levels and every stage, that means several hundred people. Yet they represented all the members of their own organizations and reported their experiences back to base, shared them and spread the knowledge of the process. Little by little, the existence of the fight for peasant's rights became widely known, reaching hundreds of thousands of people.

This was obviously not the case in the West, where peasants are a tiny minority, but elsewhere, where peasants still account in some places for the vast majority of the population, the work of educating reached huge numbers. The first outcome of that was numerous new members.

The facts speak for themselves. At each of its international conferences, La Vía Campesina welcomes new members. In 2017, 29 organizations joined. In 1996, at its second international conference, the LVC had some 80 members. Today, there are 182. The whole Declaration process at the United Nations was a significant boost to the LVC and confirmation of its status as a movement representing the expectations and the ideas of peasants throughout the world. Unquestionably, the peasants who took part in the process, led by Henry Saragih, believe that the LVC has gained in legitimacy through this process. During all those years, the LVC did its utmost to ensure that the process was a process for all peasants. As a result, more organizations got to know of the LVC and joined it. At the same time, from a strategic point of

view, it was important for the LVC to encompass organizations representing as many countries as possible so as to reach as many governments as possible and thus facilitate the negotiation and adoption of the text - and above all to ensure its implementation in as many countries as possible. The LVC was already well known for its presence and determined stance at anti-WTO summits and the World Social Forum. Now it is also well known to those whose interests and energies are geared more to human rights and the United Nations.

### *Galvanizing member associations*

But the project has not only strengthened the LVC; its member associations have also benefited. For the project to succeed, all the member organizations had to get involved, and some even had to be specially restructured and reinforced. In some cases the price was a considerable increase in the time devoted to national organizations, at the expense of farm work and family. In return, they gained unprecedented access to the international level. They had to learn very fast to navigate in the waters of diplomacy and human rights. Organizations that had previously met only with local and national leaders suddenly became international experts. They thus acquired considerable status in the circles they had moved in before. An organization with members who have taken part in the process reaps long-term benefits. Of course, it is not a matter of financial riches but human and intellectual wealth. Such individuals have acquired knowledge and experience that can be put to use within their own organizations. Imagine what sort of people they must be, to be capable of coming from a small peasant organization to forcefully claim their rights and protection in the United Nations. The peasants that took part are without doubt rather remarkable, showing self-sacrifice, strength of will and courage. When peasants are considered second-class citizens in their own country, they must be very brave to come and assert that very identity at the highest levels.

### *Gains in experience and competence*

As some of the peasant leaders themselves said, they became reference sources for political and diplomatic leaders whose knowledge of peasant life was in the end rather sketchy. For this reason, the peasants and rural workers involved in the process, whether closely or not and regardless of level, ended up both sharing their own knowledge and experience and acquiring new knowledge and competence. The competence was of various kinds, and had to do with both form and content.

There is no doubt that peasants are experts on their own situation, and are perfectly capable of describing it or explaining the needs of their communities. All peasants understand the benefits of peasant seeds and the importance of access to natural resources, to say the very least. But what the process did was to allow some of them to gain status as experts and reference sources, including on the structural causes of their problems, for the alliances formed with researchers and specialist organizations refined and supplemented their knowledge. They became experts on the rights that they demanded and on the international human rights system. Nobody can claim to know the rights in the Declaration better than those involved

in drafting and negotiating them. What is more, the structure of their organizations prevents concentration of their knowledge in the hands of a few and encourages its dissemination.

Finally, those who participated in the negotiations are now experts in politics and diplomacy as well as in what we call advocacy. To make this project a success, they studied the positions of most States, and not just as regards the Declaration but also what kind of influence States exerted over each other. The peasant issue was not well known, so States had to be made capable of forming an opinion, then the peasants needed to know that opinion and understand the motivations underpinning that position. The patient, systematic gathering of data on States' positions made some peasants into real strategists, and we saw in part I how veritable battle plans and strategies were devised in order to reach the States. This made the peasants repositories of valuable geopolitical knowledge. With the support of organizations that know the workings of the United Nations, such as CETIM, they were able to master that institution's codes and idiosyncrasies and use them to their own ends. For peasants, the United Nations was not, and now never will be, an ivory tower, but a place where they feel at home, synonymous with potential and power.

The LVC's ability to organize, with allies, in order to acquire and communicate new competencies was remarkable. They learned very fast.

### *Toward peasant democracy*

By participating in the development of international law for the common good, peasant organizations have demonstrated their value to the democratic and progressive functioning of the international order and of their own countries. The term *food sovereignty* has often frightened States, yet their own sovereignty is States' most valuable asset. Because they are sovereign, they are independent and have a unique identity. Food sovereignty and the Declaration as a whole do not seek to weaken this sovereignty. On the contrary, their purpose is actually to reinforce it. It is the transnational corporations that undermine a State's sovereignty, imposing laws in their own interests while evading State control. An authoritarian State is the last thing peasants and rural workers want, but a weak State at the mercy of transnational corporations is equally a threat to their rights. The text of the Declaration shows that peasants and rural workers need a democracy, or some other form of government representative of the people, capable of honouring its obligations vis-à-vis their rights. In the interests of implementing the Declaration, therefore, peasants will work to reinforce democracy. Implementation of the Declaration will even automatically reinforce democracy, first because it provides for the participation of peasants and workers in making and implementing policy, thus ensuring genuine cooperation between State and people; and second because the decision-making power in terms of food and agriculture, having become again a matter of public interest, will revert to States and no longer be in the hands of the transnational corporations.

The strengthening of peasants and rural workers triggered by this process will only reinforce those States that are struggling to recover their sovereignty. In a

virtuous cycle, peasants and States will be able to plan a common future that is just and democratic.

### *Toward a common future*

At the final session of the Working Group, in April 2018, the Bolivian diplomatic mission, joined by those of Ecuador and the Vatican, organized a side event for International Mother Earth Day, recalling the Earth's fragility and the urgent need to take care of it. The Declaration is not only a tool for ending violations of the rights of peasants and other rural workers, it is also conceived for the very long term. It is conceived in such a way as to allow those who care for "Mother Earth" to continue to do so. The world's current industrial agriculture and food system is an ecological monstrosity. Peasants are its front-line victims, but all humanity is its victim in the long run. We should do well to heed the words of the FIMARC representative: "We need peasants and rural workers for the future of humanity."

The Declaration outlines a potential common future, a future where peasants and other rural workers are no longer on the margins of society, where town-dwellers who have forgotten what nature is are no longer the norm. Henry Saragih believes this focus on urban culture, and the commodification of nature, have turned nature into a luxury. He believes that, by giving peasants back their pride and putting them at the center, nature will once again be accessible. A relationship with "Mother Earth" will once more be possible for all.

Regardless of each individual's relationship with nature, peasants and rural workers, aware of the need to conserve nature for humanity, just want to be allowed to care for it for our common future.

## Conclusion

The Declaration process has resulted in the recognition of two sets of legitimate and, most importantly, influential, partners, first the LVC and its member organizations, and second, peasants themselves. It is difficult to ignore or look down on an organization able to achieve such a declaration. As we have already noted, at the turn of the century many thought of peasants as a thing of the past, even in the countries of the South. Yet, again and again, the LVC and its members have proved that false. Not only because peasants have shown their numerical importance to society, but also because they are willing to join battle anywhere and can win significant victories. At the international level La Vía Campesina is a player that is taken seriously in the corridors of power.

Amid the clamour of voices seeking better protection of human rights, peasants have truly managed to make theirs heard. They have taken what little power the human rights system gave them and used it for the benefit of us all.

## ANNEXES

## Annex I

### **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas<sup>1</sup>**

*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,

*Taking into account* the principles proclaimed in the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 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, 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, 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

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<sup>1</sup> Resolution A/RES/73/165 adopted at New York on 17 December 2018 by 122 votes for, 8 against and 54 abstentions. The text of the Declaration may also be downloaded at [www.un.org](http://www.un.org) or [www.cetim.ch](http://www.cetim.ch)

right to adequate food and food security, which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

*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, 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 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,

*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, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 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,

*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.
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;
- (d) 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;
- (e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;
- (h) 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;
- (i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;
- (j) 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 pre sent 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.

Annex II

The United Nations General Assembly Vote and Its Demographic Representation

The 193 United Nations member states comprise over 99.5% of the world’s population.

The 122 countries that, on 17 December 2018 in New York, voted for the Declaration on the Rights of Peasants are home to almost three quarters of the world’s population (exactly 74.63%, according to the latest demographic statistics available<sup>2</sup>); the eight governments that voted against represent only slightly more than 6%. Taken together, the 54 member states that abstained from voting and the nine that did not participate in the vote represent 19%.

Further details:

Representativeness in terms of population		% World pop.
Total world population	7 500 539 969	100,00%
Population of United Nations member states	7 469 871 715	99,59%
Population of countries voting for	5 597 710 802	74,63%
Population of countries voting against	465 762 046	6,21%
Population of countries abstaining	1 371 479 027	18,29%
Population of countries not taking part in the vote	34 919 840	0,47%
Population of territories with no right to vote	30 668 254	0,41%

Legend of the table on the following pages:

- YES = countries voting for (122)  
NO = countries voting against (8)  
ABS = abstentions (54)  
000 = countries not taking part in the vote (9)

2 Source : Wikipedia, List of countries by population, consulted 10 November 2018.

Afghanistan	YES
Algeria	YES
Angola	YES
Antigua and Barbuda	YES
Azerbaijan	YES
Bahamas (The)	YES
Bahrain	YES
Bangladesh	YES
Barbados	YES
Belarus	YES
Belize	YES
Benin	YES
Bhutan	YES
Bolivia	YES
Botswana	YES
Brunei	YES
Burundi	YES
Cambodia	YES
Cape Verde	YES
Central African Republic	YES
Chad	YES
Chile	YES
China	YES
Comoros	YES
Congo (Democratic Republic of the)	YES
Congo (Republic of the)	YES
Costa Rica	YES
Cuba	YES
Djibouti	YES
Dominica	YES
Dominican Republic	YES
East Timor	YES
Ecuador	YES

Egypt	YES
El Salvador	YES
Eritrea	YES
Gabon	YES
Gambia (The)	YES
Ghana	YES
Grenada	YES
Guinea	YES
Guinea-Bissau	YES
Guyana	YES
Haiti	YES
India	YES
Indonesia	YES
Iran	YES
Iraq	YES
Ivory Coast	YES
Jamaica	YES
Jordan	YES
Kazakhstan	YES
Kenya	YES
Kuwait	YES
Kyrgyzstan	YES
Laos	YES
Lebanon	YES
Liberia	YES
Libya	YES
Luxembourg	YES
Madagascar	YES
Malawi	YES
Malaysia	YES
Maldives	YES
Mali	YES
Mauritania	YES
Mauritius	YES

Mexico	YES
Moldova	YES
Monaco	YES
Mongolia	YES
Morocco	YES
Mozambique	YES
Myanmar	YES
Namibia	YES
Nepal	YES
Nicaragua	YES
Niger	YES
Nigeria	YES
North Korea	YES
Oman	YES
Pakistan	YES
Panama	YES
Papua New Guinea	YES
Peru	YES
Philippines	YES
Portugal	YES
Qatar	YES
Rwanda	YES
Saint Kitts and Nevis	YES
Saint Lucia	YES
Saint Vincent and the Grenadines	YES
Salomon Islands	YES
São Tomé and Príncipe	YES
Saudi Arabia	YES
Senegal	YES
Serbia	YES
Seychelles	YES
Sierra Leone	YES
Somalia	YES

South Africa	YES
South Sudan	YES
Sri Lanka	YES
Sudan	YES
Suriname	YES
Switzerland	YES
Syria	YES
Tajikistan	YES
Tanzania	YES
Thailand	YES
Togo	YES
Trinidad and Tobago	YES
Tunisia	YES
Uganda	YES
United Arab Emirates	YES
Uruguay	YES
Uzbekistan	YES
Venezuela	YES
Viet Nam	YES
Yemen	YES
Zambia	YES
Zimbabwe	YES
Australia	NO
Guatemala	NO
Hungary	NO
Israel	NO
New Zealand	NO
Sweden	NO
United Kingdom	NO
United States	NO
Albania	ABS
Andorra	ABS
Argentina	ABS
Armenia	ABS

Austria	ABS
Belgium	ABS
Bosnia and Herzegovina	ABS
Brazil	ABS
Bulgaria	ABS
Cameroon	ABS
Canada	ABS
Colombia	ABS
Croatia	ABS
Cyprus	ABS
Czech Republic	ABS
Denmark	ABS
Estonia	ABS
Fiji	ABS
Finland	ABS
France	ABS
Georgia	ABS
Germany	ABS
Greece	ABS
Honduras	ABS
Iceland	ABS
Italy	ABS
Japan	ABS
Kingdom of the Netherlands	ABS
Kiribati	ABS
Latvia	ABS
Lesotho	ABS
Liechtenstein	ABS
Lithuania	ABS
Malta	ABS
Montenegro	ABS
North Macedonia	ABS

Norway	ABS
Palau	ABS
Poland	ABS
Republic of Ireland	ABS
Romania	ABS
Russia	ABS
Samoa	ABS
San Marino	ABS
Singapore	ABS
Slovakia	ABS
South Korea	ABS
Spain	ABS
Turkey	ABS
Tuvalu	ABS
Ukraine	ABS
Vanuatu	ABS
Burkina Faso	000
Equatorial Guinea	000
Federated States of Micronesia	000
Marshall Islands	000
Nauru	000
Paraguay	000
Swaziland	000
Tonga	000
Turkmenistan	000

**Note:**

“China announced that it had not participated in the vote on the United Nations Declaration on the Rights of Peasants and Other People Living in Rural Areas, whereas it had voted in favor of the text in the Third Commission. It specified that it was for the draft resolution.”<sup>3</sup>

3 Extract from : Meetings Coverage, General Assembly plenary, Sixty-third session, 55th & 56th plenary session – morning & afternoon. AG/12107, 17 December 2018. Accessed at : [\[https://www.un.org/press/fr/2018/ag12107.doc.htm\]](https://www.un.org/press/fr/2018/ag12107.doc.htm)

## Annex III

### Books by CETIM on agriculture and peasants

- L'aide alimentaire : Un marché de dupes* / Jonathan FRYER (1982, PubliCetim N° 9)
- Pesticides sans frontières* / David WEIR et Mark SCHAPIRO (1982, DB/CETIM et al.)
- L'empire Nestlé* / Pierre HARRISSON, préf. Suzan George, 1983, (Collection CETIM aux éd. P.-M. Favre)
- La civilisation du sucre* / Al IMFELD, 1985 (Collection CETIM aux éd. P.-M. Favre)
- La biotechnologie & l'agriculture du tiers monde : Espoir ou illusion* / Henk HOBELINK (1988)
- La sève de la colère : Forêts en péril, du constat aux résistances* / Susanna HECHT, Philip HURST, José LUTZENBERGER, Vandana SHIVA, préf. de Michel Beaud (1990, PubliCetim Nos 18/19)
- La nature sous licence ou le processus d'un pillage* / Vandana SHIVA et al. (1994, PubliCetim N°s 20/21)
- Via Campesina : Une alternative paysanne à la mondialisation néolibérale* / Coll. (2002, PubliCetim N°s 23/24)
- MST-Brésil : La construction d'un mouvement social* / Marta HARNECKER (2003, CETIM). Available in English on: [\[https://epdf.pub/building-a-social-movement.html\]](https://epdf.pub/building-a-social-movement.html)
- La propriété intellectuelle contre la biodiversité ? Géopolitique de la diversité biologique* / Coll. (2011, PubliCetim N°35)
- Hold-up sur l'alimentation : Comment les sociétés transnationales contrôlent l'alimentation du monde, font main basse sur les terres et détraquent le climat* / GRAIN (2012, CETIM). Translation into French of “The great food robbery” (2012). See : [\[https://www.grain.org/en/article/4501-the-great-food-robbery-a-new-book-from-grain\]](https://www.grain.org/en/article/4501-the-great-food-robbery-a-new-book-from-grain)
- Terre et liberté ! À la conquête de la souveraineté alimentaire* / Coll. (2012, PubliCetim N°36)
- The right to land* / Melik ÖZDEN (2014, Human Rights Series). See: [\[https://www.cetim.ch/product/the-right-to-land/\]](https://www.cetim.ch/product/the-right-to-land/)
- Hold-up sur le climat : Comment le système alimentaire est responsable du changement climatique et ce que nous pouvons faire* / GRAIN (2016, CETIM). Translation into French of “The great climate robbery – how the food system drives climate change and what we can do about it” – (2015). See: [\[https://www.grain.org/en/article/5354-the-great-climate-robbery\]](https://www.grain.org/en/article/5354-the-great-climate-robbery)
- La souveraineté au service des peuples [suivi de] L'agriculture paysanne, la voie de l'avenir !* / Samir AMIN (2017, PubliCetim No 41).

## Collection PubliCetim (most recent publications)



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104 pages, PubliCetim 41, 2017.

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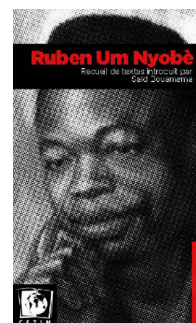
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184 pages, PubliCetim 40, 2016.

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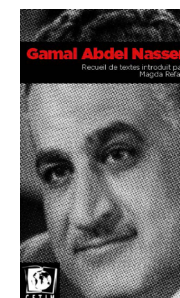
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## Coline Hubert

Coline Hubert is a young lawyer specializing in international human rights law. After completing a double bachelor's degree in law and philosophy and a master's degree in international law at the University of Paris 1 Panthéon Sorbonne, she took a second master's degree in human rights at the University of Paris X Nanterre La Défense. Her dissertation for her second master's was on the right to land and the United Nations Declaration on the Rights of Peasants. Hence her passion for the subject.

After working for CCFD-Terre Solidaire on matters related to human rights defenders, she joined CETIM in 2017, first as an intern then as the author of the present book.

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