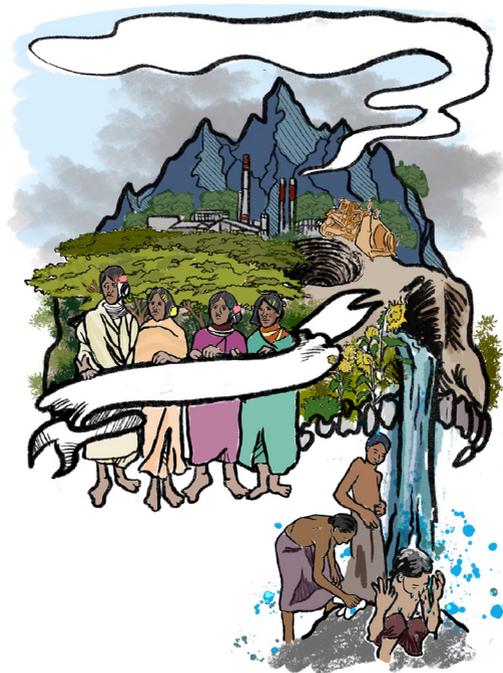


**UNITED NATIONS DECLARATION
ON THE RIGHTS OF PEASANTS
AND OTHER PEOPLE WORKING IN RURAL AREAS**

Right to the environment

(art. 18)

Training sheet No. 8



*“There is not one developed world and one underdeveloped world
just one maldeveloped world”*

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THE RIGHT TO THE ENVIRONMENT

The right to a healthy environment, unlike most of the other rights contained in the Declaration on the Rights of Peasants and Other People Working in Rural Areas, is not explicitly recognized in international human rights conventions. But for several decades now, it has been understood to be an indisputable fundamental right. Though in the first half of the 20th century governments did not give much thought to the environment, it has since taken on more importance, and is now a right in itself.

Environmental concerns have only intensified in recent decades and, given the current situation, there is a broad consensus that there is a right to a healthy environment. So much so, indeed, that in 2012 the UN Human Rights Council appointed a Special Rapporteur “on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”.^[1]

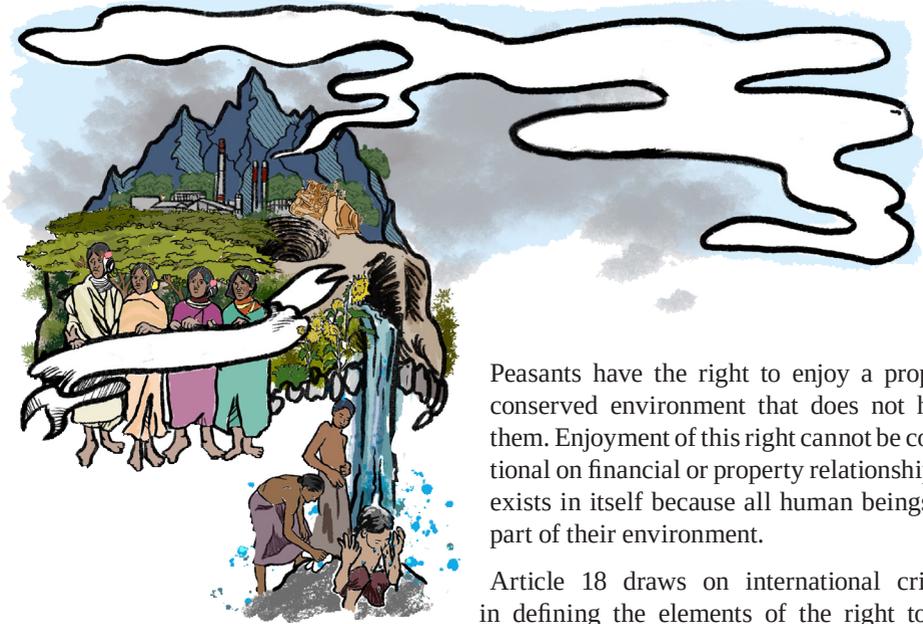
The Declaration establishes a right to a healthy environment, not contingent on other rights but a human right of peasants in itself. This recognition is also a step forward in international law, for it makes it possible to extend its scope to other population groups, and to all States.

It is essential to recognize the right to a healthy environment, for peasants are highly dependent on both the local and the global environment. A prime illustration of this, one that is unfortunately affecting more and more peasants worldwide, is the dramatic drop in the number of pollinating insects on which so many crops depend. What happens on farms never happens in isolation from the rest of nature and the environment. While industrial activities, for example, impact the environment, the environment impacts peasants just as much.

Peasants and rural workers have a symbiotic relationship with their environment, which is not only their place of work, but also the place where they live. It is thus vital to protect it. The same applies to the health and well-being of animals, for peasants work with a continuum of living beings.



¹ See Human Rights Council resolution 19/10, adopted by consensus on 22 March 2012.



Peasants have the right to enjoy a properly conserved environment that does not harm them. Enjoyment of this right cannot be conditional on financial or property relationships. It exists in itself because all human beings are part of their environment.

Article 18 draws on international criteria in defining the elements of the right to the environment: clean, safe and healthy. These

three qualifiers together describe an environment that permits the realization of human rights, an environment that poses no risk to the people who live in it and allows them to lead a life of dignity.

This includes the absence of air, water or soil pollution; the absence of preventable natural disasters (for example, flooding in a town that has been located in a flood or earthquake zone); and protection from industrial and health disasters.

Industrial pollution is widespread and must be prevented by public authorities. If prevention is not possible, they must ensure that the damage caused is repaired by those responsible and that compensation is paid to affected communities.

As noted above, peasants and other rural workers depend on the environment they share with the rest of the population. Their environment should not be negatively impacted by third parties (for example by mining).



CONSERVATION AND PROTECTION OF THE ENVIRONMENT (ART. 18.1)

Peasants have the right to have their environment protected and conserved. Under article 18, paragraph 1, this also includes the conservation of the land's productive capacity and of natural resources.

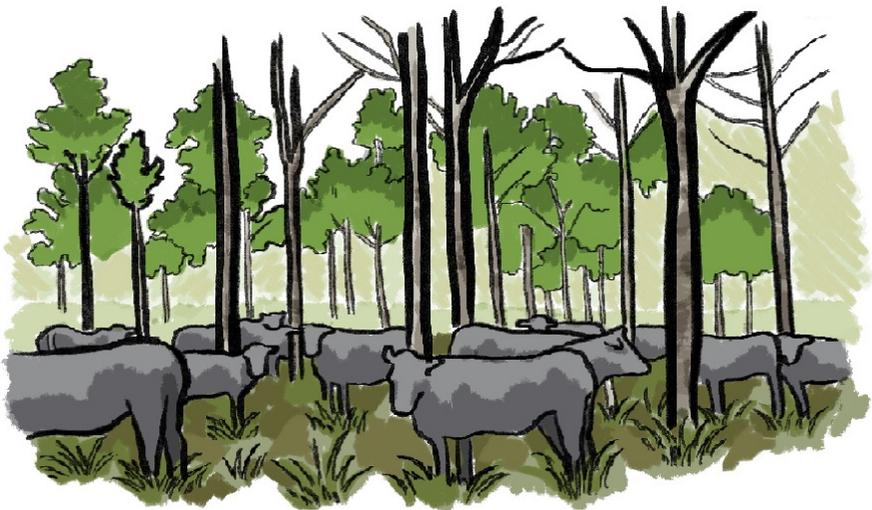
Conservation of an environment means allowing its natural cycles to continue to take their course. Protection means not allowing any external interference that would prevent its continued existence. Conservation and protection are the responsibility of the State, but also of peasants and rural workers, as the group chiefly concerned. They must be involved in the decisions and actions that impact their lives, and that includes decisions on conservation and protection of the environment.

Art. 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.”

A State's environmental policy is not a mere technical formality. On the contrary, a protection policy may in fact result in the eviction of peasants and rural workers from the natural space they depend on. Or it could cause damage to an area. Environmental conservation and protection policies must always respect human rights in general and the rights of peasants and other rural workers in particular.

In all cases, States' environmental policies should include the conservation of the land's productive capacity and of natural resources. Conservation must be multi-generational, which means that, to preserve the land's capacity, any agricultural and fishing practices that place too much pressure on the environment (monoculture, intensive use of chemicals, dam building, etc.) must be halted. The land and natural resources peasants and other rural workers depend on are thus part of this environment to which they have a right.



DEVELOPING POLICIES ON CLIMATE CHANGE (ART. 18.3)

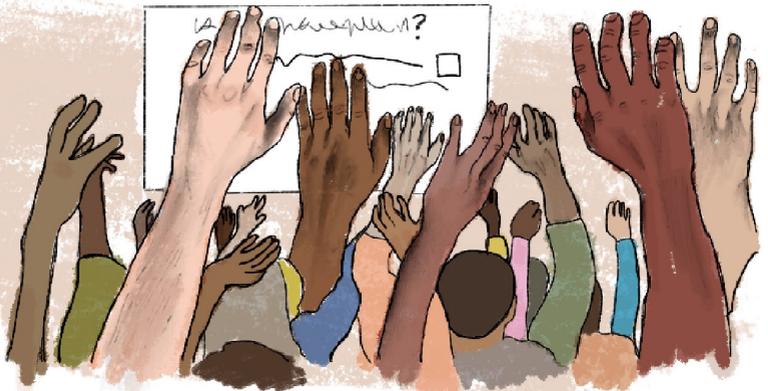
Article 18, paragraph 3, incorporates climate change into the right to the environment, by giving peasants and rural workers the right to “contribute to the design and implementation of national and local climate change adaptation and mitigation policies”.

Incorporating climate change is fundamental. It has been clearly established that climate change threatens us all and has already begun to cause considerable, sometimes irreversible, damage. Peasants, by the very nature of their work, are highly susceptible to the vagaries of the climate and the first to be affected.

Climate change has a damaging effect on the environment, and peasants are dependent on ecological and climatic equilibrium. It is therefore essential for them to be involved in decisions that impact their work and their lives so strongly.



This paragraph also states that they may contribute “through the use of practices and traditional knowledge”. Peasants’ practices are appropriate to each individual ecosystem; they have evolved and adapted to it, which has made them more resilient to change, unlike industrial agriculture, one of the main causes of global heating. This clause also implies an acceptance that not all solutions are technology-based, but may also emerge from environmentally friendly practices such as those used by peasants.



Biological diversity (art. 20)

The Declaration also contains a special article (art. 20) on biodiversity. This is a key component of peasants' environment and therefore of this right. Without biodiversity, most peasants cannot carry on working. Biodiversity is a condition for the realization of the Declaration rights.

Article 20 centres around the obligations of States, which are required to act to prevent the depletion of biological diversity and ensure its sustainable use. To that end States should promote and protect the practices of peasants and rural workers that are of relevance to biodiversity. They must also prevent any risk of violation of the Declaration "arising from the development, handling, transport, use, transfer or release of any living modified organisms".

OBLIGATION TO CONSERVE AND PROTECT THE ENVIRONMENT (ART. 18.3)

The first and main obligation of States is, of course, the conservation and protection of the environment, which is what makes it possible to realize the Declaration rights. But article 18 does not stop there. It imposes specific obligations on States to safeguard the right to the environment.

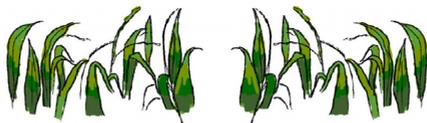
Thus paragraph 3 reminds States of their international obligations in combating climate change. Countering global heating means abandoning practices such as the exploitation of fossil fuels, that underpin the wealth of the majority of States, notably the so-called "developed" countries. These countries make international commitments on environmental protection but do not always honour them.

Thus all populations need to get involved to ensure that all States take action against climate change and give due consideration to the opportunities offered by traditional peasant practices.

HANDLING OF HAZARDOUS MATERIALS (ART. 18.4)

Article 18, paragraph 4, deals with dangerous materials, substances and waste. States have an obligation to take "effective measures" in this area and to work together to avoid cross-border damage. The obligation also covers former storage and waste disposal sites. A State cannot allow a peasant to settle on polluted land.

The article deliberately does not specify particular materials; the point is simply that they are dangerous. However, it is also important to act on a potential risk as though it was a confirmed danger. It is sometimes hard to be certain that a substance is dangerous, but with the health of people working on the land and damage to the environment at stake, the precautionary principle – acting as if the danger were confirmed – must apply.





Art. 18.4

States have an obligation 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.”

PROTECTION FROM THIRD PARTIES (ART. 18.5)

This paragraph obliges States to protect peasants “against abuses by non-State actors.” These may be industries that spill polluting materials, property developers concreting over agricultural land or natural areas, industrial farmers using pesticides and other chemical inputs, or mining companies.

The State can pollute or destroy the environment and should of course refrain from doing so. However, it is private actors that have by far the strongest grip on the environment, and when they destroy it they violate the rights of peasants and other rural workers. States therefore have an obligation to stop them and to take steps to prevent such destruction.

These activities are devastating to the environment on which we all depend. States must do all they can to prevent abuse of the environment peasants depend on, including by enforcing laws that protect the environment and safeguard peasants’ rights. An effort should be made to apply existing laws and draft new ones if necessary.



SUMMARY

Key points on article 18

- Peasants have the right to enjoy an environment that is well conserved and protected.
- They are also entitled to participate in the development of policies on climate change.
- Peasants must be protected from abuse of the environment by non-State actors.
- States must take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on peasants' land.
- They must also work together to avoid cross-border environmental damage.



For more information, go to
www.cetim.ch/factsheets-on-peasants-rights

See also the text of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas on the UN website,
<https://undocs.org/en/A/RES/73/165>



United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: 12 training sheets

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