

## RESEARCH BRIEF

# SWITZERLAND'S FOREIGN POLICY AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS

## KEY MESSAGES

- The Declaration on the Rights of Peasants and Other People Working in Rural Areas (Declaration on the Rights of Peasants) was adopted by the United Nations in 2018. It aims to address the multiple forms of discrimination against peasants, who are primary victims of extreme poverty and hunger. The Declaration reaffirms the commitments that Switzerland has already made by having ratified the numerous international treaties on which the Declaration is based.
- Switzerland played a key role during the negotiation of the Declaration. It can and should now play a leading role in its implementation. In its foreign policy, Switzerland should support the implementation of the Declaration, through its development cooperation and its participation in, and support for, international organizations. It should encourage strengthening the mechanisms responsible for monitoring the respect, protection and realization of the rights enshrined in the Declaration, for example through the creation of a new mechanism by the Human Rights Council and the establishment of a fund to promote peasants' participation in the work of the United Nations.
- Peasants are insufficiently involved in making the decisions that affect them. Switzerland should promote their participation at all stages of decision-making processes that may affect their lives, land and livelihoods. Their participation should be ensured both in matters of human rights and in the design and implementation of policies and programmes relating to development, food, agriculture, biological diversity, seeds and trade. To that end, Switzerland should also encourage and support the establishment and development of strong, independent peasants' organizations.
- Switzerland is committed to trade liberalization. In this context it takes steps to protect Swiss agriculture, but does not ensure the protection of peasants and local food systems in the countries it trades with. A first step to that end would be to assess the impact of existing trade measures and agreements on peasants in Switzerland and in partner countries. The knowledge generated by such assessments would also make it possible to develop agreements that are more in line with resilience and sustainability objectives, consistent with the Sustainable Development Goals (SDGs).
- There are tensions between intellectual property and peasants' rights to seeds. Switzerland should make clear its support for the right to food and the rights of peasants at the United Nations and in its foreign policy as it relates to intellectual property.
- Swiss development cooperation is slated to strengthen market-based approaches and private sector involvement in the next few years. Development cooperation projects tend not to take sufficient account of the importance of customary land tenure systems in many countries. This raises fears that peasants' traditional farming methods and practices will be ignored or even undermined. Switzerland should ensure that all its international cooperation activities, whether implemented by the State Secretariat for Economic Affairs (SECO), the Swiss Agency for Development and Cooperation (SDC), or in partnership with private companies, are in line with its commitment to the rights of peasants.

AUGUST 2020 | CAROLINE DOMMEN AND CHRISTOPHE GOLAY

## INTRODUCTION

The United Nations Declaration on the Rights of Peasants was adopted in 2018. Switzerland voted in favour and played a central role in the negotiations. This positive role should now translate into clear, tangible support for the implementation of the Declaration, both nationally and internationally.

This Research Brief presents measures that Switzerland should take in its foreign policy to support the implementation of the Declaration in Switzerland and abroad. Switzerland already takes steps to protect the rights of Swiss peasants and seeks to strike a balance between their needs and international regulations. As host to some of the world's largest multinational companies, and as a respected partner in development and trade cooperation, Switzerland can have a real impact on the rights enshrined in the Declaration.

This Research Brief summarizes the main points of analysis and the recommendations of the authors' more detailed study 'La politique extérieure de la Suisse et la Déclaration de l'ONU sur les droits des paysan.ne.s et des autres personnes travaillant dans les zones rurales'. The full study lists the sources used for this Research Brief.

## THE DECLARATION IN BRIEF

The aim of the Declaration is to better protect peasants, fisherfolk, livestock breeders, gatherers and agricultural workers (hereinafter referred to as peasants), all of whom are disproportionately affected by hunger and extreme poverty. Their vulnerability notwithstanding, peasants play a key role in global food security and in the preservation of natural resources, biological diversity, and food systems. Peasants are thus key contributors to ensuring the resilience needed to cope with climate change and other crises.

The Declaration complements and reinforces other human rights instruments, and reaffirms the principle of international law according to which the obligations set out in the United Nations Charter, including those relating to human rights, take precedence over obligations under other treaties.

The Declaration thus affirms that States should elaborate, interpret and apply the international standards and agreements to which they are a party in a manner consistent with the rights enshrined in the Declaration

(Art. 2.4), and that they should ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of those rights (Art. 15.5). It also recognizes the importance of international cooperation in support of national efforts for the realization of the rights set out in the Declaration (Art. 2.6).

The Declaration recognizes a significant number of rights, including the rights to food and food sovereignty (Art. 15), to an adequate standard of living (Art. 16), to land and other natural resources (Art. 17), to a safe, clean and healthy environment (Art. 18), to seeds (Art. 19) and to biological diversity (Art. 20). It stipulates that States should respect, protect and fulfil these rights (Art. 2), guarantee their enjoyment without discrimination (Art. 3) and ensure the elimination of all forms of discrimination against peasant women and other women working in rural areas (Art. 4). It also provides that international and regional organizations shall promote respect for and full implementation of the Declaration, and contribute to the full realization of the rights it sets out, including through the mobilization of development assistance and cooperation (Art. 27).

## IMPLEMENTING THE DECLARATION

The role that Switzerland played during the negotiations towards the Declaration was key to achieving an instrument that is so highly relevant to today's realities. Switzerland was also one of the first States to commit to the implementation of the Declaration. It has supported conferences and studies on the role of States, international organizations and human rights mechanisms in the implementation of the Declaration. For example, the Swiss delegation organized events in Rome on the role of the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP) in realizing the rights set out in the Declaration.

Efforts such as these are important to ensure that the Declaration becomes a living tool to guide policies towards better reflecting the needs and rights of peasants.

Switzerland can play a leading role in implementing and operationalizing the Declaration. The Swiss Federal Constitution (Art. 104) recognizes the multifunctional role of agriculture in terms of food security, of services to the environment and of upkeep of the countryside. Switzerland can set an example and support efforts to implement the

### **Peasants play a key role in world food security yet are primary victims of hunger and extreme poverty**

Declaration at the international level. It must do so as, in addition to its support for the Declaration, it has committed itself to respect, protect and realize human rights through having ratified all the key human rights instruments.

## RECOMMENDATIONS

Switzerland should ensure that the rights protected by the Declaration are taken into account in all relevant international fora, including Sustainable Development Goal (SDG) monitoring mechanisms, human rights protection mechanisms and international organizations concerned with food security and agriculture, labour, trade, intellectual property and development.

The Federal Administration should raise awareness of the content of the Declaration among all the actors of Swiss foreign policy. It is essential, for example, that all divisions of the Federal Department of Foreign Affairs (FDFA), the SDC, SECO and the Federal Institute of Intellectual Property (IPI) are made aware of the impacts that their activities can have on peasants' rights.

In its human rights work, Switzerland should support the establishment of new mechanisms to monitor the implementation of the Declaration. It should also encourage discussion on how existing mechanisms, such as the treaty bodies, the universal periodic review and the Human Rights Council special procedures, can monitor the implementation of the Declaration. The following sections of this Research Brief recommend other actions that Switzerland can take towards implementing the Declaration.

## ENSURING PEASANTS' PARTICIPATION

The right to participation, defined in Articles 2, 9 and 10 of the Declaration, is fundamental to its implementation. The Declaration enshrines the right of peasants to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects, and in decision-making processes that may affect their lives, land and livelihoods (Art. 10).

The Declaration identifies some of these processes, including the development and implementation of international standards and agreements and public policies

promoting the rights to food and food sovereignty and sustainable and equitable food systems, or relating to trade, seeds and intellectual property (Arts. 2, 10, 11, 15 and 19).

The Declaration also provides that peasants have the right, in order to protect their interests, to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing - such organizations to be independent, voluntary and free from interference, coercion or repression - and that they have the right to bargain collectively (Art. 9). It stipulates that States should respect and encourage the establishment and development of strong, independent peasant organizations (Arts. 9 and 10), and that international organizations should consider ways to ensure the participation of peasants on issues affecting them (Art. 27).

In Switzerland, peasants play an important part in the development of national laws and policies, but a much smaller part in the areas of Swiss foreign policy considered in this Research Brief. Trade-related agreements negotiated by Switzerland as a member of the European Free Trade Association (EFTA), for example, are generally negotiated without the participation of groups or individuals who may be affected. Consultations with public-interest stakeholders or members of parliament are rare. Surveys indicated that during the negotiations for the EFTA-Mercosur agreement, none of the eight negotiating countries consulted peasant or rural stakeholders or allowed them to participate. Given the impact of this agreement on peasants, the process should have allowed them to take part in the negotiations. The agreement should also have explicitly addressed their needs and rights, as is required by the Declaration, notably in Articles 2, 10 and 11.

In the same way, peasants are sometimes forgotten, or even excluded, when decisions are being made on seeds or on development projects and policies. Government officials involved in development cooperation seem to have little awareness of the fact that programmes and projects in many areas other than food security and agriculture may concern

the peasantry. Yet action in areas as diverse as trade, migration, water, investment, services and climate change often impact peasants' lives, land and livelihoods.

In addition to being necessary from a human rights perspective, it makes sense to support peasants' organizations and facilitate their participation in decision-making processes that affect them, as policies that respond

**There is no evidence that any of the eight countries parties to the EFTA-Mercosur trade negotiations consulted peasants or rural stakeholders or allowed them to participate in the talks**

to their needs contribute to reducing poverty, maintaining agrobiodiversity and promoting resilient food systems. Peasants and their representative organizations, unions, and cooperatives are a rich source of knowledge. The participation of independent peasants' organizations is essential in defining the rules determining access to genetic resources, including seeds, given their unique expertise in the area.<sup>1</sup> They need to be involved in discussions on development and trade policies because they have a better understanding than anyone else of the structure of agricultural markets in the regions where peasants live, and are the only ones who can express their needs.

## RECOMMENDATIONS

Switzerland should promote effective participation of peasants in all decision-making processes that may affect their lives, land and livelihoods. It could encourage the establishment of a United Nations voluntary fund for peasants, to facilitate their involvement in the various activities of the United Nations and other international organizations, and contribute financially to this fund.

Switzerland should ensure the active and free participation of peasants and/or independent organizations representing them, at all stages in the development and implementation of trade-related agreements, in the design and implementation of international cooperation activities and in international discussions on intellectual property relating to seeds.

## MAKING TRADE POLICY CONSISTENT WITH THE DECLARATION

Trade can be a safety net against hunger by allowing imports when local harvests fail. The new opportunities for food sales that trade offers can create jobs in rural areas. But the international competition resulting from liberalization often puts pressure on natural resources, land, and food prices. This adversely affects peasants and other people working in rural areas, often with a disproportionate impact on women peasants and women agricultural workers. Trade rules also limit the policy space available to governments to support their peasant and rural communities.

## INEQUITABLE EQUALITY

The World Trade Organization (WTO), that started work

<sup>1</sup> G. Kastler, A. Onorati and B. Brac, 'Seeds and Peasant Autonomy', *Right to Food and Nutrition Watch* 2013, pp. 47-59.

in 1995, was supposed to establish a global level playing field for agricultural trade. In practice, the WTO system put unequally-matched countries and producers on the same «level playing field», thereby giving the strongest the upper hand, intensifying global competition in the agricultural sector, and undermining local food systems. As a founder member of the WTO and a party to numerous regional and bilateral trade agreements, Switzerland participates in this liberalized trading system. Yet it strives to protect Swiss agriculture from international competition.

Industrialized countries continue to subsidize their agricultural sectors, even though the WTO Agreement on Agriculture (AoA) was intended to put an end to the practice. Subsidies in EU countries, for example, allow European farmers to sell their produce abroad at prices that do not cover production costs, thus undermining peasant agriculture throughout the world. In Indonesia, for example, vegetables produced by Javanese peasants and sold in Jakarta and elsewhere in the archipelago have found themselves in competition with cheaper vegetables from Australia, China and France. This has resulted in local varieties being discarded, or peasant families being forced to sell them at too low a price, contrary to what Article 16 of the Declaration requires.

Trade agreements limit the policy space available to developing countries to support their peasantry. The procurement rules in these agreements, for example, may limit the ability of governments to purchase from local peasants. Yet local procurement is an important source of support for the peasant community, and for the local markets referred to in the Declaration, which are crucial for economic development and poverty reduction among both rural and urban populations.

## GLOBAL COMPETITION

In all regions, small-scale local production is being forced to compete with industrial-scale producers, some of whom receive subsidies. The structure of agricultural markets is characterized by «global value chains» (GVCs), whereby one or more companies organize the production, processing, transport and sale of a product. This facilitates the emergence of an industrial agricultural model skewed in favour of large agribusinesses.

Economic and agricultural policies have pushed developing countries to produce for export, confining them to the bottom of global value chains and making them vulnerable to fluctuations in world prices and markets, over which they have no control. Peasants are further penalized by the difficulties they encounter in gaining access to land

and natural and productive resources which would enable them to benefit from new market opportunities. Articles 11 and 15 of the Declaration point to the need for States to address this situation. International competition also works against agricultural workers, who are exposed to low wages and poor working conditions, in violation of Articles 13, 14, 16 and 22 of the Declaration.

### **FRAGILITY OF FOOD SYSTEMS**

Agricultural subsidies in rich countries, combined with underinvestment in agriculture and rural areas in many developing countries, have made developing countries dependent on food imports, to the detriment of local production. As peasants are the backbone of food production in many regions, this compromises food production and therefore resilience and food security in the medium and long term. The Declaration calls on States to ensure the protection and promotion of the rights to food and food sovereignty (Art. 15).

Any disruption of production and trade, such as that caused by the 2020 coronavirus pandemic, highlights the inherent fragility of the long, complex supply chains on which modern societies depend for their food. Such disruptions draw attention to the risks that our GVC- and international competition-based food system pose not only for peasants' rights but also for global food security.

### **LACK OF ASSESSMENT AND KNOWLEDGE**

Despite the increasingly evident shortcomings of the current trading system in terms of environmental sustainability, resilience, global food security and peasants' rights, trade agreements remain essentially unchanged. New agreements are concluded without adequate assessment of the impact of existing, similar, agreements. Virtually no attempt is made to ensure participation of vulnerable groups such as peasants, nor to anticipate and avoid possible adverse effects on these groups. The consistent lack of assessment of disaggregated impacts adds up to a series of missed opportunities to generate knowledge about how increased trade affects different groups. This in turn makes it difficult to adapt agreements under negotiation to the specific needs of peasants, or to introduce measures to address possible adverse effects of new trade rules on peasants.

## **RECOMMENDATIONS**

Switzerland should ensure that new trade rules or measures to which it is a party do not impair the rights of peasants and other people working in rural areas in any of the countries involved. To this end it should carry out or commission impact assessments of existing trade agreements and agreements under negotiation, making sure that the assessments pay particular attention to the rights of peasants and other people working in rural areas. Switzerland could also support the development of indicators on peasants' rights to gauge the compatibility of new agreements with the Declaration.

In order to bring its trade policy into line with the Declaration, Switzerland should ensure that new trade rules or measures to which it is a party give each country the flexibility it needs to develop and implement policies to support its peasants and strengthen local agricultural markets. Switzerland should ensure that the monitoring mechanisms for the trade agreements it negotiates with third countries as an EFTA member take into account the effects of each agreement as a whole on the rights of peasants and others working in rural areas.

Switzerland should ensure that trade agreements are accompanied by measures on the ground, within the framework of cooperation activities, to help peasants in developing countries to benefit from the advantages that free trade agreements can offer. These measures should pay explicit and specific attention to peasants' rights, and recognize their traditional - and often collective - systems of land rights or seed saving, for example.

## **RESOLVING TENSIONS BETWEEN INTELLECTUAL PROPERTY AND THE RIGHT TO SEEDS**

In voting for the adoption of the United Nations Declaration on the Rights of Peasants, Switzerland confirmed its commitment to the right to seeds. This commitment had already been expressed through its ratification of many international treaties that directly or indirectly protect this right, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on Biological Diversity (CBD) and its protocols, and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

## THE RIGHT TO SEEDS IN THE DECLARATION

The Declaration provides that States should respect, protect and fulfil the key elements of the right to seeds, including peasants' right to the protection of traditional knowledge, innovations and practices relating to seeds; their right to equitably participate in sharing the benefits arising from the use of seeds; and their right to maintain, control, protect and develop their own seeds and traditional knowledge (Art. 19). The Declaration also provides that States should support peasants' seed systems and agrobiodiversity (Art. 19.6) and promote a system for the evaluation and certification of peasants' seeds, with the participation of peasants (Art. 11.3).

According to the Declaration, other international instruments, including those relating to intellectual property, should not restrict but rather facilitate the realization of the right to seeds (Art. 2.4). At the national level, States should ensure the coherence of their agricultural, economic and development policies with the right to seeds and ensure that policies and laws relating to seeds, plant varieties and intellectual property respect and take into account peasants' rights, needs and realities (Arts. 15.5 and 19.8).

## INTELLECTUAL PROPERTY AND SEEDS

Switzerland has ratified several intellectual property treaties, including the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention). The TRIPS Agreement requires WTO members - including Switzerland - to recognize intellectual property relating to plant varieties, either through patents or through an effective sui generis system, or a combination of both.

A few States, such as Ethiopia, Malaysia, the Philippines or India, have chosen to develop their own sui generis systems, which enables them to protect both plant breeders' rights and peasants' rights. Some States have chosen patents. Yet the majority of WTO members have adopted the UPOV model of plant breeders' rights protection. Developing countries that have adopted this model, have usually done so as part of a trade agreement with countries such as the United States, Japan or Switzerland.

The UPOV Convention was first negotiated in 1961 by six Western European countries. It protects the rights of breeders who have created new, distinct, uniform and

stable plant varieties. The criterion of novelty here does not mean that the varieties were not already known or used (e.g. by peasants); rather it means that the varieties had not previously been commercialized or registered in an official catalogue. The requirements of uniformity and stability mean that peasants are excluded from seeking UPOV protection for their varieties, as peasant varieties are by nature unstable and constantly evolving.

UPOV grants intellectual property rights to breeders for periods of up to 20 years or more. The UPOV system prohibits peasants from selling protected seeds, and a 1991 revision of the Convention, which already applies to some 30 developing countries, also prohibits them from exchanging such seeds. Peasants in member countries of UPOV 1991

can now not save or reuse seeds of protected varieties, except on their own farms, in a limited fashion and with due regard for the 'legitimate interests of the breeder', and only provided their government has adopted an

optional exception to this effect.

## TENSIONS BETWEEN INTELLECTUAL PROPERTY AND THE RIGHT TO SEEDS

Intellectual property poses serious challenges to the protection of peasants' right to seeds. While there is no tension when peasants use only peasants' seed, there is tension when they use farm-saved seed from varieties or plants protected by intellectual property. In some countries that have adopted laws conforming to UPOV 1991, peasants face civil and, in some cases, even criminal penalties for saving, reusing and exchanging farm-saved seed from commercial varieties. In other words, peasants are penalized 'for conduct that should be deemed legitimate and which is functional to society's interest in a sustainable agriculture and the attainment of food security'.<sup>2</sup>

These tensions are exacerbated in developing countries where peasants make up a majority of the agricultural population. In such countries, sui generis systems of plant variety protection adapted to local specificities are better suited to protecting the right to seeds as established in the Declaration. Yet Switzerland and other States continue to put the UPOV 1991 model forward as if it were the only model for the protection of intellectual property relating to

<sup>2</sup> R. Andersen, *Some Considerations on the relation between Peasants' Rights, Plant Breeders' Rights and Legislation on Variety Release and Seed Distribution*, Input Paper for the 2nd ad hoc Technical Committee on Sustainable Use of Plant Genetic Resources for Food and Agriculture, Rome, 2015.

seeds.

After voting in favour of the adoption of the Declaration, Switzerland stated in an explanation of vote that it found certain provisions of the Declaration which relate to the right to seeds (Art. 19, paras. 1(a), 1(d), 4 and 8) problematic, particularly in relation to intellectual property, and that it would interpret these provisions in accordance with national and international law.

This explanation of vote is problematic, since the provisions in question protect central elements of peasants' rights to food and seeds. Switzerland's explanation therefore runs counter to its human rights commitments. Switzerland's interpretation also appears to disregard the international law principle under which it can, and must, formulate and implement its policy on intellectual property in a manner consistent with its commitments under human rights law, and not the opposite.

## RECOMMENDATIONS

Switzerland should support the protection of the right to seeds at the United Nations and in the implementation of the ITPGRFA, and ensure that the negotiation, interpretation and implementation of WTO, WIPO and UPOV instruments support the realization of the right to seeds. It should also stop promoting the 1991 Act of the UPOV Convention as if it were the only model for the protection of intellectual property on plant varieties.

Instead, Switzerland should encourage developing countries to use the possibilities offered by TRIPS to design sui generis systems of plant variety protection adapted to the agricultural and social specificities of each country, and which enable them to protect the rights of both plant breeders and peasants.

Through its international development cooperation, Switzerland should promote agrobiodiversity and the use of peasants' seeds. It should also support the strengthening of peasants' seed systems and ensure peasants' full participation in the design of these as well as in the design of sui generis systems.

When a new resolution on the implementation of the Declaration comes before the Human Rights Council or the United Nations General Assembly, Switzerland should withdraw or amend its explanation of vote, according to which it will interpret the Declaration's provisions on the right to seeds in accordance with national and international law, in particular as it relates to intellectual property.

## PROTECTING PEASANTS' RIGHTS IN DEVELOPMENT COOPERATION

Through its development assistance, Switzerland can promote and support the creation of conditions conducive to the realization of the rights recognized in the Declaration in other countries, and thus make a significant contribution to its implementation.

The Federal Council's Dispatch on Switzerland's international cooperation strategy<sup>3</sup> defines its development cooperation priorities, stating that the *raison d'être* of international cooperation is poverty reduction. The Dispatch includes positive points for peasants, in particular as it gives an explicit mandate to the SDC's Global Food Security Programme to integrate the right to food and peasants' rights in. However, peasants are not mentioned in other parts of the Dispatch. Greater attention should be paid to peasants' rights and on the sustainable development of rural areas in all Switzerland's development cooperation activities, both within the Federal Administration and in the context of bilateral cooperation and the multilateral development agencies in which Switzerland is involved.

Development cooperation activities can impact peasants and other people working in rural areas, either directly or indirectly. Even activities directly aimed at reducing poverty in rural areas do not in and of themselves protect the interests of marginalized groups. Inclusive rural transformation is far from automatic; it must be made to happen.

Peasants can be affected by activities in a wide range of areas, not just by programmes relating to food security and agriculture. Activities in areas as diverse as trade, migration, water, climate change, emergency aid, or infrastructure have an impact on peasants and others in rural areas. Yet, whilst carrying out the research for the study that this Research Brief summarizes, many of the requests we addressed to the various SDC programmes were forwarded to the Global Food Security Programme, suggesting a lack of awareness of the impact that other interventions and global programmes can have on peasants.

It is also important to monitor and raise awareness of compliance with the Declaration in countries where Swiss international cooperation is implemented by SECO, such as South Africa, Colombia and Indonesia. The fear is that in such countries Swiss international cooperation will favour a market-based approach and sideline peasants' interests and concerns such as their traditional relationship with the

<sup>3</sup> Swiss Confederation, [Dispatch on International Cooperation Strategy 2021-2024 \(IC.Strategy 2021-2024\)](#), 19 February 2020.

land and other resources.

## **MARKET-BASED APPROACHES: AT THE EXPENSE OF LOCAL MARKETS?**

International cooperation priorities for the next few years emphasize a market-based approach and private sector involvement, with the risk that peasants' traditional farming methods and practices may be ignored or even undermined. For example, the desire expressed in the Dispatch to promote integration into regional and global value chains (GVCs) in several regions could preclude the realization of the rights to food and to food sovereignty, making peasants dependent on international markets and the players that dominate the GVCs. This would weaken local markets.

'Conventional' approaches to value chain development have been found to produce unsatisfactory results for peasants' rights and sustainability, due in part to weak linkages between the most marginalized peasants and other players in the value chain. For instance, the need for costly inputs makes GVCs inaccessible to the most vulnerable peasants, who lack the necessary capital, which further marginalizes them.

In addition, the GVC-oriented «commodity» approach often found in projects supported by Switzerland favours commodities deemed to have high added value. This has in many cases proved to be unsuitable to peasant farming, given its multifunctional nature. The coronavirus pandemic in 2020 has brought to light what peasants have long known: an approach based on GVCs rather than on local markets is highly fragile if events occur that constrict international trade.

## **PRIVATE SECTOR**

The Dispatch gives the private sector a major role in the implementation of the international cooperation strategy, but fails to define any criteria or conditions for the involvement of private actors. Swiss development cooperation has worked in partnership with private entities for many years. This kind of collaboration, also known as «public-private partnership» (PPP) is in line with the philosophy of Agenda 2030, which calls for cooperation with the private sector to achieve the SDGs.

PPPs offer benefits but also bring risks, not least for

peasants. Recurring criticisms include the inadequacy of PPP governance mechanisms, the fact that governments often end up shouldering unexpected costs, and the lack of consultation with local communities. Also, large companies and multinationals are often the partners of choice. Local small and medium-sized enterprises (SMEs) are less often involved in PPPs, despite the fact that it is they that offer the greatest potential for job creation in rural areas.

Private companies often ignore the rural world, except to extract resources of monetary value. It is therefore essential for the protection of peasants and other people working in rural areas that collaboration with the private sector is in line with Switzerland's human rights commitments, and in particular with Article 2.5 of the Declaration, whereby States should ensure that non-State actors respect and strengthen the rights of peasants.

## **An approach based on global value chains and private sector involvement runs the risk of ignoring or even undermining peasants' traditional farming methods and practices**

To this end the SDC should issue guidelines on cooperation with the private sector. The guidelines should be subject to public consultation before their adoption. They should, inter alia, include the obligation to have a

public tendering procedure for a partnership and criteria for the selection of partners that promote the strengthening of the local private sector, particularly SMEs. The guidelines should also include the condition that private companies must observe national and international human rights law in all their activities.

## **LAND TENURE SYSTEMS**

In many countries, Swiss cooperation projects do not always take into account the importance of customary land tenure. Failure to respect these regimes results in the loss of rights in local communities, increased poverty among already marginalized people, and conflicts due to overlapping or unclear land tenure regimes. It can also pave the way for land grabbing. Yet rural communities whose land rights are secure tend to experience lower rates of deforestation and soil degradation and are better able to manage the resource systems on which they depend, as well as maintain the biodiversity and the ecosystem services their lands provide.

## RECOMMENDATIONS

Swiss cooperation should support institutional capacities of governments, peasants' organizations and civil society in partner countries, as well as the generation of knowledge necessary for the respect of the rights protected by the Declaration. Some of the possible interventions have been mentioned in previous sections of this publication.

Swiss cooperation should encourage and support the formation and development of strong, independent peasants' organizations. It could support the creation of national councils on peasants' rights, with representation equitably shared among peasants' organizations (including women peasants' and indigenous peasants' organizations), workers' representatives and government departments, with a mandate to implement the Declaration.

It is important to raise the awareness of all international cooperation players, both in the SDC and in SECO, of the potential impact of their activities on peasants' rights. It would also be useful to begin developing a tool to assess that impact.

Swiss cooperation should define the criteria and conditions for collaboration with the private sector in a clear, transparent manner and in conformity with the Declaration. The criteria and conditions should be set out in binding guidelines, to be submitted for public consultation before finalization. It is important to ensure that the private actors with whom Switzerland collaborates respect all human rights in all aspects of their activities.

## CONCLUSION

Switzerland's role during the negotiation and adoption of the Declaration was decisive in the adoption of an instrument that is so highly relevant to the realities of today's world. The Declaration is a robust tool for addressing the discrimination and vulnerabilities faced by peasants in all regions of the world. It is also important because peasants are vital custodians of the biological and food diversity on which humanity depends for the future of its food supply.

Experience with other international instruments shows that they are most effective when efforts are undertaken to promote information and awareness-raising of their objectives. Switzerland can and should now play a leading role in such efforts. An important step in the operationalization and implementation of the Declaration

will be to ensure that all those involved in Swiss foreign policy are made aware of the content of the Declaration, as well as of the potential impact of their policies and activities on the rights of peasants and other people working in rural areas. Another step will be to reiterate initiatives that Switzerland has already taken in various international fora, such as the Human Rights Council and the FAO, with a view to drawing attention to the best ways of implementing the Declaration.

Greater participation by peasants in the design and implementation of projects and programmes affecting them is needed, along with impact assessments. We invite Switzerland to support such initiatives and thus bring the Declaration to life, and contribute to the sustainable realization of the rights it protects.

## ABOUT THE AUTHORS

**Caroline Dommen** is an independent researcher in human rights, economics and sustainable development. Her work focuses on the impacts of trade and investment policy on different groups, with a particular focus on women, and impact assessment methodologies.

**Le Dr Christophe Golay** is a research fellow and strategic advisor on economic, social and cultural rights at the Geneva Academy of International Humanitarian Law and Human Rights, where he is in charge of teaching and research on peasants' rights.

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## THE GENEVA ACADEMY

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The Coalition of Friends of the Declaration on the Rights of Peasants was created in Switzerland in 2019 to promote the implementation of the Declaration. It brings together peasant organizations and non-governmental organizations working in the fields of human rights protection, development and cooperation, including Action de Carême, CETIM, FIAN Suisse, HEKS/EPER, Pain pour le prochain, SWISSAID and Uniterre.

### **The Geneva Academy of International Humanitarian Law and Human Rights**

Villa Moynier  
Rue de Lausanne 120B  
CP 1063 - 1211 Geneva 1 - Switzerland  
Phone: +41 (22) 908 44 83  
Email: [info@geneva-academy.ch](mailto:info@geneva-academy.ch)  
[www.geneva-academy.ch](http://www.geneva-academy.ch)

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