

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

Introduction

Training sheet No. 1



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

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INTRODUCTION TO THE UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS^[1]

WHY THIS DECLARATION?

Several decades of imposed structural adjustment programmes and the spread of the “market” economy as the sole model of development for the entire planet have resulted, among other things, in a real agrarian “counter-reform” on all continents. This model has reinforced “latifundias” (large landholdings), cutting off all State aid to peasants, and abandoning any kind of national policy on rural development. Privatization, liberalization of agricultural markets, dumping^[2] of agricultural products, commercial development of agrofuels, stock-market speculation in food products and large-scale land grabs are both the instruments and the predictable result of this development model, which pushes tens of millions of peasants into poverty, flight or exile, or even suicide, every year.^[3] It is also a source of conflict, and even armed conflict, due to the pressure on natural resources. It is this model that paved the way for transnational agrifood companies’ monopoly over the food chain.

As a result, peasants and food-producing families no longer have any control over processes or tools, or the marketing of their products. They are stripped of their resources (land, seeds, water bodies, pastureland, etc.), expropriated and often forcibly displaced. Moreover, they are excluded from decision-making processes that affect them. In short, they are the chief victims of neoliberal globalization, a process that has been the cause of discrimination of many kinds and numerous violations of peasants’ human rights, from, for example, the right to life and to food, through trade union rights, to the right to participate in decision-making.

Obviously the fate of peasants concerns us all: it’s not just about food production and their protection of the environment and biodiversity, it’s also about the essential contribution they make to humanity as a whole in cultural terms.



¹ Adopted by 122 votes in favour, 8 against and 54 abstentions, by the United Nations General Assembly on 17 December 2018, see A/RES/73/165.

² The commercial practice of selling goods in a foreign market at a lower price than in the domestic market, sometimes even below cost price. Cf. <https://economicsconcepts.com/dumping.htm>

³ Exclusive agricultural policies have driven thousands of farmers to suicide every year in India, cf. www.theguardian.com/world/2021/feb/12/farmers-protests-india-why-laws-caused-anger. In France, hundreds take their own lives, cf. www.thelocal.fr/20160226/french-farming-hit-by-600-suicides-a-year/



It is neither acceptable nor tolerable that they are treated less well than the rest of society. However, though peasants and their families still make up almost half of humanity and have demonstrated their abilities in many areas (strategic, organizational, mobilization...), they will never change the absurd food-production system we live in all by themselves.

What is needed is a “social contract” between peasants and other sectors of society to develop and implement new public policies and programmes. The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas could provide the basis for such a contract.

WHO IS IT FOR?

Art. 1.2

Article 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.



Article 1 of the Declaration defines the set of people who benefit from the rights it contains, namely, peasants and other people working in rural areas. It is intended as an inclusive definition, for the Declaration takes a broad view of rural workers (see box). It covers fisherfolk, nomads and indigenous peoples, as well as agricultural workers and migrant agricultural workers.

For convenience, the Declaration uses the term “peasant” to mean all workers in rural areas. We have adopted this convention in these training sheets.

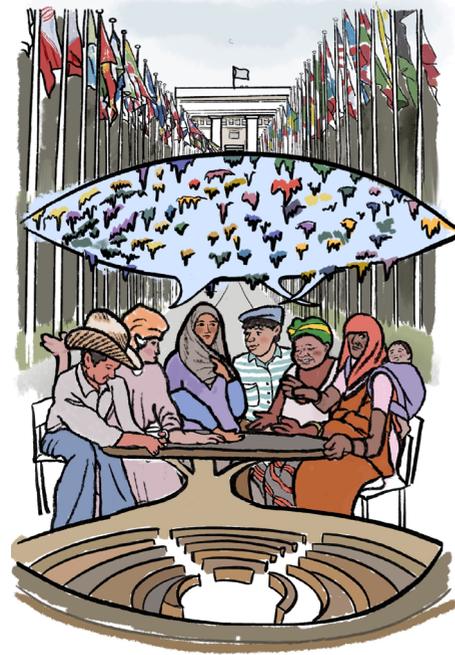
Peasants are distinguished from other farmers by the small scale of their production, the use of a family or non-monetized labour force and their special dependency on and attachment to the land. This distinction prevents the Declaration being manipulated to benefit intensive, highly mechanized and chemicalized agriculture, which is the model that has developed at the expense of family peasant farming.

The term “peasant” as opposed to “farmer” is used at the request of peasant organizations themselves as a means of restoring peasants to their rightful place in society rather than putting them down or ignoring them.

HOW DID IT COME ABOUT?

The Declaration is of course a United Nations instrument, i.e., a normative framework codified in international human rights law. More than that, however, the Declaration is an idea, a project that has grown out of peasant communities as a defence against violations of their rights and in reaction to their inability to meet their own needs in an international system created for the benefit of large transnational agrifood enterprises. But how did this idea actually germinate and grow into a set of international rules to protect peasants?

In 1996, at the Second International Conference of La Vía Campesina (LVC), the peasant movement raised the issue of systematic violations committed against peasant family farmers around the world and expressed its concern at the lack of legal mechanisms and standards to protect them and give them access to justice. It was from this concern that the idea of using international law to codify their rights arose.



They then carried out research and consultations at various levels to explore how best to take this ambitious project forward, and it became clear that the protection and promotion of peasants' rights would require the development of special provisions of international human rights law, in the form of a UN Declaration.

Eventually, the LVC discovered CETIM, an organization familiar enough with the UN system to be able to open the right doors and get the issue of peasants' rights put on the table. To make that possible, a long-haul advocacy strategy was devised to raise awareness among the UN's member States and mechanisms about peasants' situation. As a result, a large number of UN member States, as well as various experts and bodies, accepted the peasants' demands and proposed that the Human Rights Council should address the issue, one they felt to be of fundamental importance for the defence and promotion of human rights as a whole.

After lengthy lobbying in the Council, by 2012 enough political support had been garnered to permit official negotiations to start within the UN, with an inter-governmental working group mandated to negotiate and draft a Declaration on Peasants' Rights. Under the guidance of the Plurinational State of Bolivia, which had decided to take charge of the matter, and the leadership of representatives of peasant communities, other rural organizations and several NGOs, the process successfully culminated, after seven years of negotiations, in the formal adoption of the Declaration by the Human Rights Council and its endorsement by the United Nations General Assembly in December 2018.^[4]

⁴ For more information on the collective effort behind the scenes in the UN, see *The UN Declaration on Peasants' Rights. A Tool in the Struggle for a Common Future*, Coline Hubert, CETIM, Geneva, 2019.

CONTENT AND SCOPE OF THE DECLARATION

With its 28 articles and almost as many rights (rights to land, seeds, means of production, etc.), the Declaration represents a major legal step forward. First of all, it makes it impossible to go back on the rights it contains, for the Declaration on the Rights of Peasants and Other People Working in Rural areas now forms part of the body of international human rights law.

Secondly, the majority of the rights it contains – civil, political, economic, social and cultural – are already enshrined in international law, but are here “revisited” from peasants' perspective. So they must still be respected by States, but now also in the light of the Declaration.

States are bound by the principle of good faith,^[5] which means that once they have adopted the Declaration at the international level, they must implement it in their territories. Lastly, if the Declaration is to realize its full potential, it must above all be used and defended by everyone, as a political and legal lever.



STATES' OBLIGATIONS

States have a fundamental obligation which falls into three parts: to respect, protect and implement the rights contained in the Declaration. To meet this obligation they must therefore refrain from interfering with the realization of those rights; prevent third parties from violating them; and adopt the measures necessary to implement them. Lastly, they must fulfil these obligations while observing the principle of non-discrimination.

The obligations of respect, protection, implementation and non-discrimination are already established in international law and apply to all human rights.

Article 2 adds other obligations to those already cited. Article 2 obligations are general ones relating to the implementation of the Declaration; the remaining articles contain specific obligations. States must consult peasants and other rural workers in good faith before making decisions that may affect the rights contained in the Declaration. They must also ensure that all their international agreements are compatible with the Declaration.

Art. 2.4

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 This point derives from article 26 of the 1969 Vienna Convention on the Law of Treaties, which states that: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.” This means that parties to a treaty must meet their obligations. This principle also means that States parties to a treaty cannot invoke impediments arising from their domestic legal order as a way of shirking their international obligations.



Article 2 of the Declaration recalls that human rights prevail over all other rights, including the right to international trade. States have an obligation to cooperate with each other to ensure compliance with the Declaration. This is a fairly

classic obligation but it is enhanced here by the provision that such cooperation must also aim to improve the functioning of markets. Lastly, States also have an obligation to regulate the activities of private entities such as transnational corporations with the aim of ensuring respect for peasants' rights.

A NEW BENCHMARK IN INTERNATIONAL HUMAN RIGHTS LAW

No sooner had it been adopted than the Declaration was already setting legislative standards at various levels. There are specific examples that demonstrate that the implementation process is well under way. At the national level, the Declaration is being used in ongoing legal proceedings in some countries to protect the rights of peasant communities. Internationally, it is used as a reference by UN human rights mechanisms, as the following examples show.

Legal protection of peasants

In her report entitled “Critical perspective on food systems, food crises and the future of the right to food”,^[6] the **Special Rapporteur on the right to food** welcomes the adoption of the UN Declaration on the Rights of Peasants, which she sees as providing significant legal protection for peasant family farmers.

Violation of the right to life following exposure to agrototoxic products

The **UN Human Rights Committee** referred to the UN Declaration on the Rights of Peasants in 2019 in finding Paraguay guilty of violating the right to life of Mr. Portillo Cáceres. This was a 26-year-old peasant who died of poisoning from exposure to agrototoxic products used by the agro-industrial sector on land adjoining his farm in the extensive mechanized cultivation of genetically modified soybeans.^[7]

Participation of peasants in scientific progress

In its general comment No. 25 on science and economic, social and cultural rights,^[8] the **UN Committee on Economic, Social and Cultural Rights** refers to the UN Declaration on the Rights of Peasants in stating that:

⁶ A/HRC/43/44, § 15, 21 January 2020, submitted to the 43rd session of the Human Rights Council.

⁷ Decision adopted by the Human Rights Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2751/2016, CCPR/C/126/D/2751/2016, §§ 7.5, 7.8 and 7.9, 20 September 2019.

⁸ General comment No. 25 (2020) on science and economic, social and cultural rights (art. 15, paras. 1(b), 2, 3 and 4, of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/25, §§ 64 and 65, 30 April 2020.

“the right to participate in and to enjoy the benefits of scientific progress and its applications in agriculture should preserve, not violate, the right of peasants and other people working in rural areas to choose which technologies suit them best.”

The Committee also says that:

“States parties should 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 determination of priorities and the undertaking of research and development, taking into account their experience and respecting their cultures.”

Environment and peasant rights

In his report entitled “Human rights depend on a healthy biosphere”,^[9] the **UN Special Rapporteur on human rights and the environment** refers several times to the Declaration on the Rights of Peasants in support of his analysis. Here are some excerpts:

“There is growing recognition of the links between human rights and the health of the biosphere. It is acknowledged in recent United Nations declarations that indigenous peoples and peasants have rights “to the conservation and protection of the environment and the productive capacity of their lands.”

“States have particular obligations to indigenous peoples and local communities and peasants. The top priority involves recognizing their land titles, tenures and rights, acknowledging the existence of different customs and systems, including collective ownership and governance models. [...]States must ‘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.’ ”

Peasant debt

In his report entitled “Private debt and human rights”,^[10] the **UN Independent Expert on the effects of foreign debt** expresses concern about the indebtedness of peasant family farmers, who ought to be protected under the UN Declaration on the Rights of Peasants:

“As land is sometimes collateral against loans contracted by small farmers, the risk of livelihood loss in the event of debt default is clear when they face a natural disaster, a bad harvest or dropping commodity prices, even though they should be protected in such situations by the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.”



⁹ AA/75/161, §§ 62 and 72, 15 July 2020, submitted to the UN General Assembly.

¹⁰ A/HRC/43/45, § 54, 3 January 2020, submitted to the 43rd session of the Human Rights Council.

Prohibition of forced eviction

In her report entitled “Guidelines for the implementation of the right to adequate housing”,^[11] the **UN Special Rapporteur on adequate housing** refers to the Declaration on the Rights of Peasants in stating that:

“(a) Forced evictions as defined under international human rights law must be prohibited in all circumstances, regardless of ownership or tenure status of those affected. Victims of forced evictions must receive adequate compensation, reparation and access to housing or productive land as appropriate...”

Non-discrimination against rural women and girls

In its report entitled “Women’s human rights in the changing world of work”,^[12] the **UN Working Group on discrimination against women and girls** refers to the UN Declaration on the Rights of Peasants in recommending:

“Ensure women’s equal rights to own, control and access land, credit and other productive resources and the enjoyment without discrimination by peasant women and other women working in rural areas of all the human rights and fundamental freedoms set out in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, including decent employment, equal remuneration and social protection benefits, access to income-generating activities and freedom from all forms of violence.”

¹¹ A/HRC/43/43, § 38, 26 December 2019, submitted to the 43rd session of the Human Rights Council.

¹² A/HRC/44/51, § 67.d, 16 April 2020, submitted to the 44th session of the Human Rights Council.



For more information on the Declaration and the 12 training sheets, go to www.cetim.ch/factsheets-on-peasants-rights

For a full analysis of the Declaration, see Coline Hubert’s book, *The UN Declaration on the Rights of Peasants: A Tool in the Struggle for a Common Future*, CETIM, Geneva, 2019.

See also the text of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, 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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