

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

**Strategies for
implementation**

Training sheet No. 12



*"There is not one developed world and one underdeveloped world
just one maldeveloped world"*

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IMPLEMENTATION

Following the adoption of the Declaration on the Rights of Peasants in 2018,^[1] States, peasants' organizations, and other bodies and institutions responsible for and concerned with the promotion of peasants' rights must now join forces to launch the next phase: implementation. In this long-term challenge, the task is to put into practice what we have discussed, negotiated, and defended for many years.

The adoption of a legal instrument such as this is not an event in itself – unless it is backed up by an effective joint implementation strategy and the political will on governments' part to move forward. Otherwise the Declaration could remain a dead letter.

As already explained in training sheet No. 1, introducing the Declaration, rights holders (peasants and other people working in rural areas), along with all other sectors of society, need to be aware of the Declaration and to be proactive in seeking its implementation. In this way it will become a road map that can guide us towards more equitable and sustainable rural development, in harmony with the general development of our societies.



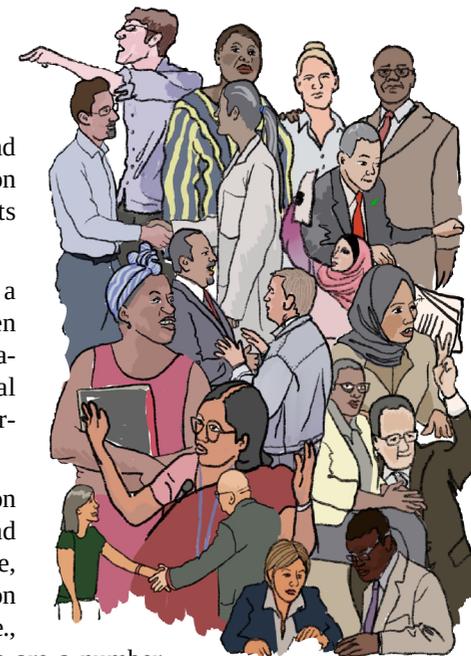
¹ Adopted by 122 votes in favour, 8 against and 54 abstentions, by the United Nations General Assembly on 17 December 2018, see A/RES/73/165.

STRATEGIES FOR IMPLEMENTATION

There is no ready-made, “one size fits all”, plan that will work in every country and applicable in all situations. Every rural organization, every network of organizations, must work out its own strategy depending on the needs and characteristics of the country and the situation on the ground. However, there are a number of points that will be common to all strategies.

As already mentioned, one of the keys to a successful strategy is good coordination between rural organizations, other civil society organizations and the authorities. Coordination is essential to any collective, effective and politically powerful implementation process.

The process may comprise various lines of action (see below), and these are interdependent and should be worked out collectively. To be effective, they should be developed through consultation between the holders of the rights involved – i.e., rural communities – and the authorities. There are a number of possibilities; the following list is not exhaustive or universally applicable. It is rather a suggestion, a general framework that can serve as inspiration for rural organizations, which can develop their own strategy by adapting it to their own context.



INFORMING AND EDUCATING

Informing is a task that involves devising strategies for publicizing the Declaration as widely as possible, so as to make its content known and show how it serves all sectors of society.

It is peasants and rural communities in general who need to take cognizance of the Declaration, of the rights it contains and of the course it charts. If this does not happen, there is a risk that it may not be put into effect. Knowing one's rights is highly empowering and can be a spur to join in the struggle for their realization. The rights contained in the Declaration are the outcome of peasants' struggle; it is therefore natural that they should be appropriated and defended by peasants.

Nevertheless, it is still vital to work at informing not only others who are interested, peasants' organizations and activists who are already working to promote the rights of peasants, but also a wider audience. This is not just a practical necessity, it is also a political one. Elected officials and authorities at all levels – national, regional, and international – must be familiar with the Declaration, because it will be up to them to implement it. Lawyers, human rights associations, trade unions, teachers, students and the general public should also be familiar with the Declaration so that the rights of peasants and the role peasants play in society are recognized by everyone.

To that end, advertising and militant action campaigns could be run, such as poster campaigns or radio spots promoting the Declaration and the rights it contains. There could also be newspaper articles and books on the subject. More direct action can be organized too, such as marches or peasant fairs with information stands.

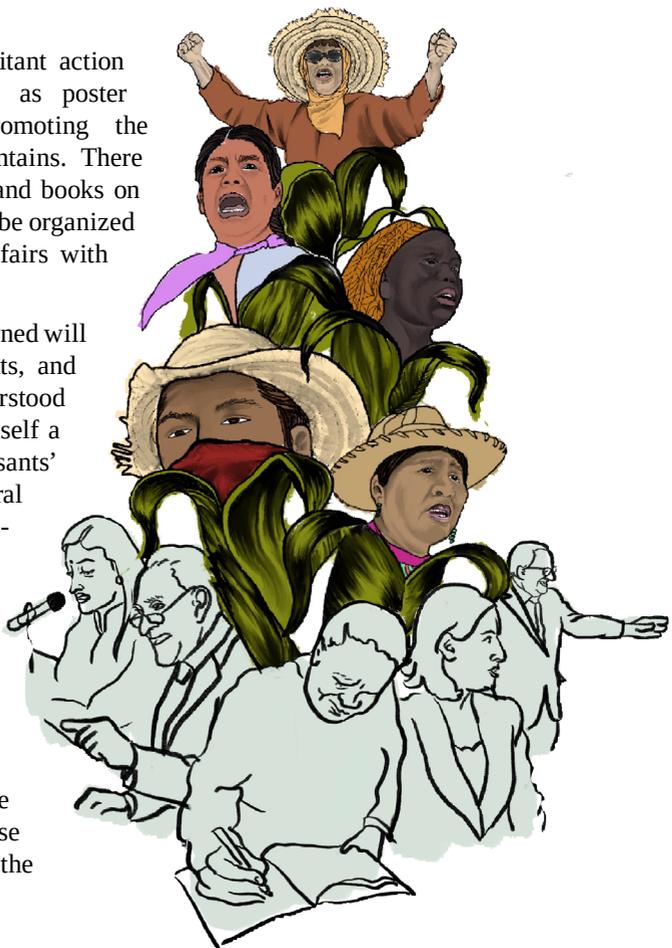
If there is no publicity, those concerned will not take ownership of these rights, and then their rights will never be understood or respected. The Declaration is itself a means of educating people on peasants' situation and the world's agricultural and food system. It is also an illustration of what peasants want for the future. It is the ideal vehicle for putting peasants and rural workers back in the centre of debates on agriculture, food, the environment and ecology.

Moreover, because the Declaration was written by and with the people concerned, it is an emblematic case of creating international law from the bottom up.

TRAINING

Informing, educating and training are key to raising the public's awareness of the crucial importance of peasants' rights. It is these activities that will make it possible to draw up a common road map in a collective and rational manner, and to stay up-to-date with the initiatives and legal instruments needed to protect and promote the content of the Declaration.

Workshops and training seminars should be organized on the content and scope of the Declaration, as well as on implementation, in the first instance for and by peasants' organizations, to enable them to take ownership of the Declaration, but also for and by other civil society organizations, others who are interested, and the political authorities responsible for legislating and for transposing the content of the Declaration into the national body of law.



ADVOCACY

Advocacy consists in speaking, or acting in other ways, to defend or promote a cause, in this case the rights of peasants and rural workers, the aim being to make the Declaration a key political and legal resource in each country.

Advocacy can reach out to members of the public in order to garner support, or to the authorities.

A benchmark for action by the State

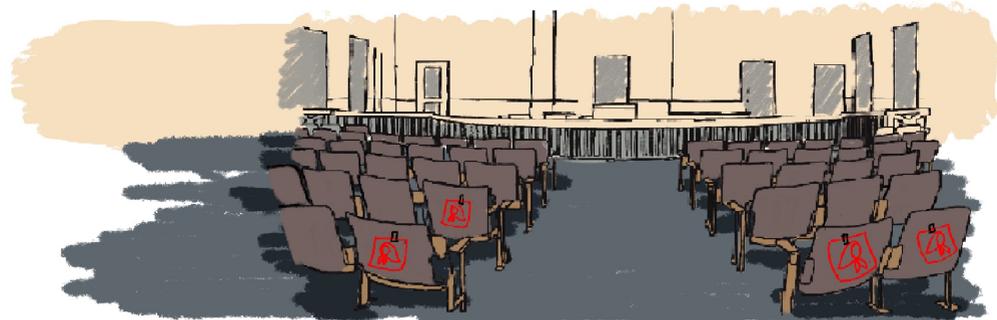
The Declaration sets forth the rights of peasants and other people working in rural areas, and the duties of States. To ensure compliance and implementation, these provisions must be reflected in each State's legislation, but also in its policies and practices.

Each State's domestic law should be reviewed in the light of the Declaration, and at the same time a study should be carried out of peasants' situation in that particular State. An assessment can then be made of the gap between what exists and the standards set by the Declaration. In this process the Declaration serves both as a gauge to assess existing law and as a model for future legislation.

For example, a law on seeds that prohibited the exchange of farm seed between peasants would contravene article 19 of the Declaration, on the right to seeds. That article can then either be invoked to demand the repeal or amendment of the law or be taken as a basis for a new one.

Rural organizations and their allies can thus develop concrete proposals for the authorities on ways of better implementing peasants' rights.

Another proposal that could be made by peasants and rural workers is for the content of the Declaration to be transposed into law to make it binding: judicial action could then be taken against any public or private entity that failed to observe the Declaration. However, it may be that the Declaration is not detailed enough to have a direct, tangible impact on the lives of peasants and rural workers. Therefore, once transposed, it may be necessary, depending on the country, to adopt other legislation, regulations or implementing decrees as well as an overarching policy on the implementation of the legal framework. Due attention should be paid to the financial and human resources aspects of implementation, otherwise it will not work in practice.





The Declaration should become the benchmark for rural development policies; that is, every reform that could affect peasants' situation should be reviewed to see whether or not it contributes to the realization of the rights contained in the Declaration. In this way it will come to be the definitive standard for the rights of peasants and other rural workers.

A weighty argument

As well as being a legal tool, the Declaration is also a political instrument and should be used as such. In the struggle for the recognition and realization of peasants' rights, the Declaration can be invoked as a powerful argument in the political debate. Human rights are not confined to the legal domain; on the contrary, they are closely bound up with the political and moral spheres.

By referring to human rights, it becomes possible to shift a political debate onto ground that is more favourable to peasants. By going beyond issues of mere profitability or economics and defining peasants as rights holders, the Declaration offers a new perspective and establishes a baseline for the debate on peasants in the wider sense. It then becomes more difficult for those hostile to peasants to brush aside the moral content of human rights and the Declaration can be used, for example, to denounce the actions of private actors such as transnational corporations, and to tilt the balance in favour of peasants' rights.

Of course, in a State where the Declaration has not been transposed into domestic law, a court could not necessarily directly order its implementation. However, it is quite possible to use it in court as an argument in favour of peasants' rights. In an individual case, the aim would be to ensure that the Declaration is taken into account in applying a law to a person, but also in higher courts with the aim to change the law for everyone.

In a hypothetical case of land grabbing, where a person has been denied access to land by some authority so that it can be put to non-agricultural use, article 17 (which recognizes the right to land and the social function of land) could be invoked in court to challenge the authority's decision by showing that it is not consistent with its duty to protect the public interest.

MONITORING

An important later phase of the implementation process is monitoring. Close, constant monitoring of the implementation of the Declaration will always be necessary, otherwise it will be impossible to identify all the deviations and violations. It is no good launching a process of implementation for form's sake: rural organizations, their allies and all organizations interested in the issue must keep a close eye on how the Declaration is implemented, to ensure that it meets peasants' needs. The purpose of monitoring is to ensure that the Declaration is not emasculated and, if that happens, to devise corrective strategies.

To that end, instruments and initiatives of various kinds could be developed:



- Regular reports documenting the situation of peasants' rights in each country, region or locality;
- Analyses of national policies and legislation on the protection of peasants' rights, in the light of the content of the Declaration;
- Concrete proposals to the authorities on ways of correcting or filling a gap in agricultural or rural policy.

United Nations monitoring mechanism

Monitoring should take place at all levels, in all countries, as appropriate to the specific circumstances and needs of the community concerned.

Monitoring should also be carried out at the international level, in order to complement and support national and local initiatives. In that regard, one aim for the future is to obtain a monitoring body for the Declaration within the United Nations. If that can be achieved, it will serve as a resource and an aid in implementing the Declaration, and can fulfil several functions. First and foremost it will be a forum for discussion and cooperation, coordinating implementation across countries by publishing papers on the interpretation of the Declaration and putting forward specific proposals on implementation at both the national and the international levels.

Secondly, it will receive complaints from those holding rights under the Declaration but whose rights are still being violated. Thus it will also be a mechanism for dialogue with the States in question. Where national protection mechanisms fail, the individuals and communities concerned can call on this body to hold their governments accountable.

Lastly, it will make it possible to keep peasants' rights on the agendas of UN bodies and procedures: under no circumstances should the UN Human Rights Council^[2] or its member States consider the question of peasants' rights to have been settled by the adoption of the Declaration. On the contrary, the issue should remain on the Council's agenda and the implementation of the Declaration should be a topic for debate and discussion.



² The Human Rights Council, a subsidiary body of the General Assembly, is responsible for promoting universal respect for and the defence of all human rights. One of its tasks is to develop international human rights law. For more information on this subject, see «The Human Rights Council and its mechanisms», Critical report No. 1, CETIM, Geneva, March 2008.

CONCLUSION

In conclusion, it is essential that implementation strategies should come from, or be developed in consultation with, peasants and other people working in rural areas.

They know best, and they can find the most appropriate answers to questions regarding the implementation of the Declaration and, when necessary, the prevention of violations. That is why it is important to promote peasants' participation in decision-making processes and ensure that they take the lead in the whole process of implementing the Declaration.



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 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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