

The Implementation of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas: what is next?

By Luis Fernando Rosales Lozada*

Introduction

Two years and a half have passed since the adoption of the United Nations Declaration of the Rights of Peasants and other people working in rural areas (UNDROP) by the United Nations (UN) General Assembly in December 2018. It is not a long time to assess the impact of such a milestone achievement in international human rights law. However, it is timely for the international community for start thinking about how to encourage the implementation of the provisions of the UNDROP to accomplish its purpose, i.e. to improve

the living conditions of peasants around the world.

In the last years, the human rights of peasants and rural workers got more attention from the international community of human rights. Neoliberal policies, the globalization process, climate change, land grabbing, biodiversity loss and preservation affected them heavily and these are some of the areas in which the peasants' issues and the agricultural economy have a central role. According to the Food and Agricultural Organization (FAO), the vast majority of the world's farms are small or very small. Farms smaller than 2 hectares account for 84 percent of all farms

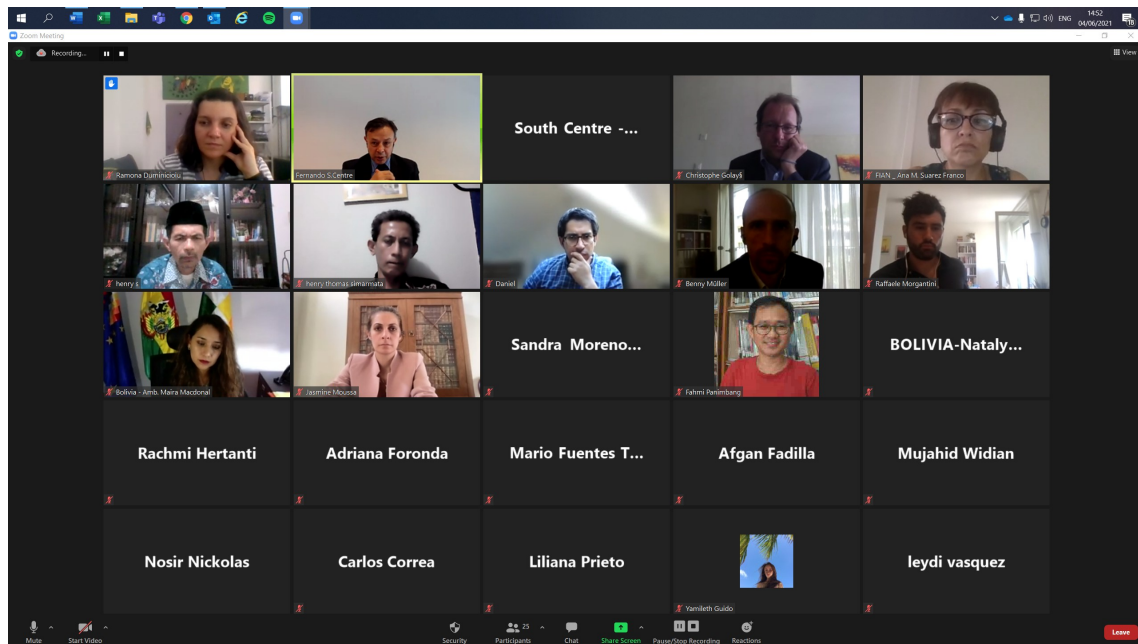
Abstract

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) was adopted in December 2018. However, its application seems challenging. The South Centre organized a virtual meeting to discuss the implementation of the UNDROP on 4th June 2021, aiming to promote a debate about future actions to move forward the implementation of the UNDROP. The meeting provided an opportunity to listen to the views of government representatives, peasants' associations, civil society organizations and academia. During the meeting, different questions were discussed such as how the current health and social crisis, caused by the COVID-19 pandemic, has impacted the situation of peasants, the role of the UNDROP in promoting and protecting peasants' rights, the latest developments in the realization of the rights of peasants under the UNDROP and what steps are needed to promote its implementation.

La Déclaration des Nations unies sur les droits des paysans et des autres personnes travaillant dans les zones rurales (ou UNDROP, son acronyme anglais) a été adoptée en décembre 2018. Cependant, son application semble difficile. Le South Centre a organisé une rencontre virtuelle pour discuter de la mise en œuvre de l'UNDROP, le 4 juin 2021, dans le but d'animer un débat sur les actions futures pour faire avancer la mise en œuvre de l'UNDROP. La rencontre a été l'occasion d'écouter les opinions des représentants du gouvernement, des associations de paysans, des organisations de la société civile et du monde universitaire. Au cours de la rencontre, différentes questions ont été abordées, par exemple, comment la crise sanitaire et sociale actuelle causée par la pandémie de COVID-19 a eu un impact sur la situation des paysans, le rôle de l'UNDROP dans la promotion et la protection des droits des paysans, les derniers développements dans la réalisation des droits des paysans dans le cadre de l'UNDROP, et quelles mesures sont nécessaires pour promouvoir sa mise en œuvre.

La Declaración de las Naciones Unidas sobre los derechos de los campesinos y otras personas que trabajan en las zonas rurales (UNDROP) se adoptó en diciembre de 2018. Sin embargo, su aplicación parece un desafío. El South Centre organizó un encuentro virtual para discutir la implementación de la UNDROP, el 4 de junio de 2021, con el objetivo de promover un debate sobre las acciones futuras para avanzar en la implementación de la UNDROP. El encuentro fue una oportunidad para escuchar las opiniones de representantes gubernamentales, asociaciones de campesinos, organizaciones de la sociedad civil y el mundo académico. Durante el encuentro se discutieron diferentes cuestiones, por ejemplo, cómo la actual crisis sanitaria y social provocada por la pandemia de COVID-19 ha impactado la situación de los campesinos, el papel de la UNDROP en la promoción y protección de los derechos de los campesinos, los últimos avances en la realización de los derechos de los campesinos bajo la UNDROP, y qué medidas se necesitan para promover su implementación.

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South Centre virtual meeting to discuss the implementation of the UNDROP

and control only 12 percent of all agricultural land. More than 90 percent of the 570 million farms worldwide are managed by an individual or a family and rely primarily on family labor.¹ Despite this, peasants produce most of the food we eat. Some studies said that they produce about 70% of world food² yet they are among the poorest people in the world. In 2018, around 821 million people were living below the extreme poverty line.³ Nowadays, due to the economic and social crisis caused by the COVID-19 pandemic, around 124 million people have been added to this category.⁴ This means that we are close to one billion people living under conditions of extreme poverty for 2021 and peasants are among the most affected people if we consider that 80% of the extreme poor live in rural areas, as stated by FAO in 2018.⁵

Against this backdrop, the UNDROP was a milestone in the international human rights law aiming to provide tools to the international community in the struggle against poverty and towards the achievement of Sustainable Development Goals (SDGs) 1 and 2. The UNDROP established a legal framework providing a recognition to peasants as specific subjects of rights; the reaffirmation of existing standards tailored for the reality of people living in rural areas; and the development of international law to address existing gaps in the protection of their rights.⁶ However, its implementation remains uncertain.

In December 2019, nine UN special procedures – together with four members of UN treaty bodies urged States to implement the UNDROP in good faith, and to pay particular attention to the rights and special needs of women and girls and of those who live in vulnerable situations and/or who have historically been discriminated against, including older persons, youth, children, ethnic minorities and persons with disabilities. They

also called on the Committee on World Food Security and UN specialized agencies, funds and programmes to integrate the implementation of the Declaration in their work, and the International Monetary Fund (IMF), the World Intellectual Property Organization (WIPO), and the World Trade Organization (WTO) to take the UNDROP into account in their work. They added that the UNDROP should be mainstreamed into the strategies aimed at achieving the SDGs.⁷

Despite the efforts made at the international level, the rights of the peasants and other people working in rural areas are ignored or not fully implemented in different places around the world. This situation has led some governments, several organizations from civil society, such as La Via Campesina (LVC), and the academia to actively advocate for the implementation of the UNDROP.

In this context, on the 4th June 2021, the South Centre organized a virtual meeting to discuss the implementation of the UN Declaration on the Rights of Peasants and other people working in rural areas. The event aimed to promote a debate about future actions to move forward the implementation of UNDROP. For this purpose, the South Centre convened representatives of governments, peasants' organizations, notably La Via Campesina, academia, and civil society organizations (CSOs).⁸

Exploring ideas to promote the implementation of the UNDROP

In his welcoming remarks, Dr. Carlos Correa, Executive Director of South Centre, highlighted the contribution of the South Centre to the adoption of the UNDROP, in terms of process and substance. He also underlined that it was one of the major recent achievements in the field of human rights. Making reference to the research paper published by the South Centre⁹, he stressed that nowadays about 45% of the world's population still lives in

rural areas and in many places their rights are still ignored. In that sense, Dr. Correa stressed the importance of the Declaration because peasants as a group are recognized as a subject of human rights. Currently, he said, the challenge is the implementation of the UNDROP and this underlines the importance of the virtual meeting organized by the South Centre to explore further steps towards its implementation.

The meeting was divided into two different panels. The first panel addressed questions such as how the current health and social crisis, caused by the COVID-19 pandemic, has impacted the situation of peasants. It also explored what could be the role of the UNDROP in promoting and protecting peasants' rights.

The first speaker was Henri Saragih from La Via Campesina (LVC), who was a key person since the inception in the 1990s of the initiative that led up to the UNDROP's adoption in 2018. He thanked the South Centre for organizing the meeting and gave some background information about the movement that started in Indonesia which ended up with the adoption of the Declaration in the UN General Assembly. Mr. Saragih recognized the support received by all the organizations and countries involved, in particular Centre Europe-Tiers Monde (CETIM), Food First Information and Action Network (FIAN) International and the office of Jean Ziegler¹⁰, where Christophe Golay (panelist in the meeting) worked at that time.



Mr. Henri Saragih: "The process for moving forward is simple, it is about good will."

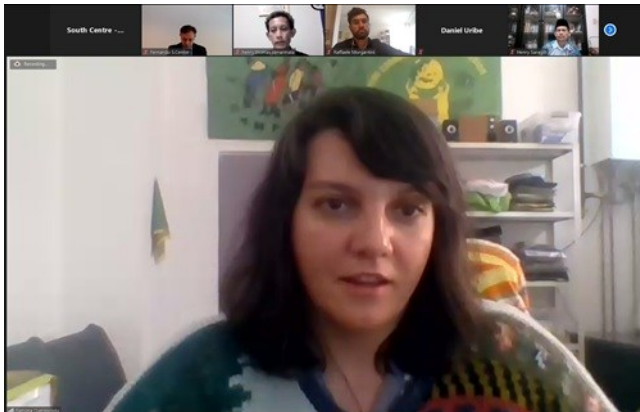
Raffaele Morgantini from CETIM provided a historical overview of the process of adoption of the UNDROP. He said that to properly understand the process, it is important to understand the situation of peasants in the 90's when the idea of the Declaration came up as a shield against neoliberal policies that deprived peasants from their resources, promoted their marginalization while favoring the development of the agribusiness sector and fostering land grabbing and other negative effects. He highlighted that the process was unique as the main actors, the rights holders, were at the center in all stages of the negotiation. Mr. Morgantini also emphasized that the creation of large alliances permitted to push for the Declaration at all required levels. The adoption of the UNDROP was an

important example of construction of international instruments from the bottom up. He added that at the beginning of the process most of the developed countries were against the Declaration, while most developing countries were in its favor. However, this situation did not remain for long thanks to the mobilization of rural organizations and their allies at all levels. In fact, at the moment of the adoption of the UNDROP in 2018, there was a large international consensus. In the opinion of Mr. Morgantini, the main legitimacy of the Declaration is based on the majority of States voting positively for its adoption (122 votes in favor, and only 8 votes against). For peasants however, the UNDROP is more than just a declaration, as it is about their human rights being internationally recognized. This is a huge step in legal terms. Hence, according to him, the implementation of the UNDROP should be an imperative for all.

Henry Thomas Simarmata, former advisor and coordinator of the LVC for the UNDROP negotiations, was the next speaker. He stressed the importance of the publications and analysis made after the adoption of UNDROP for its implementation. Recognizing that currently a number of Asian countries have established mechanisms of protection for rural populations, he underlined the importance of the Declaration to be incorporated and implemented in the "*corpus juris*" of countries and said that it is not a simple process, since there are different legal systems. In concluding, he highlighted that the "UN Decade of Family Farming"¹¹ offers a good opportunity for taking actions to secure the livelihoods of farmers and their families and promoting the implementation of the UNDROP.

Ramona Dominicioiu from LVC-Europe spoke from a regional perspective. She stressed that now more than ever, the implementation of the UNDROP in the international arena is necessary to fight against the crisis caused by the pandemic. The crisis affected everyone in the world, but peasants were among the hardest hit, she said. The crisis also showed double standards of governments because while in some countries local markets were closed, supermarkets were allowed to remain open. The crisis deepened poverty and marginalization of rural areas and showed social inequalities such as loss of jobs leading to unemployment, including in the distribution of public funds. Currently it is unknown how far and deep this crisis will affect peasants, as they might face many problems including the appropriation of natural resources through Intellectual Property Rights (IPRs) infringing peasants' rights. Similarly, the digital gap has impacted people in rural areas. Limited access to the Internet and information affects the communication between them and policy makers, which is an important problem during the ongoing pandemic. In terms of actions related to the implementation, Ramona said that peasants from Europe continue to fight for their rights and for the implementation of the UNDROP. One related action taken in this regard is farmers participating in the reform of the European agricultural policy, to modify the market-led approach for one based on human rights instead. She also announced they got a grant from FAO to support the imple-

mentation of UNDROP in Eastern Europe and Central Asian countries.



Ms. Ramona Dominicioiu: “Peasants have been among the hardest hit due to the pandemic.”

The second panel addressed the latest developments in the realization of the rights of peasants under the UNDROP and was asked to deliberate about what steps are needed to promote its implementation.

The first speaker was Dr. Christophe Golay from the Geneva Academy.¹² He clarified that the Declaration is not a binding instrument, but that it has already been used to interpret binding human rights instruments. He added that since the Declaration is not a treaty, no treaty body can be created to monitor its implementation. In that context, it would be important to consider as a reference what has happened with the UN Declaration on the Rights of Indigenous Peoples, where a number of monitoring mechanisms have been created, notably a UN Special Rapporteur and a UN Expert Mechanism composed of seven independent experts. Further, a Voluntary Fund was created by the UN General Assembly to allow participation of representatives of indigenous peoples in international fora. According to him, for UNDROP, the creation of a Special Procedure by the Human Rights Council (HRC) and the creation of a voluntary fund to support the participation of peasants’ representatives in the UN system seem to be the obvious next steps. In his experience of working eight years with the first UN Special Rapporteur on the right to food, he noted that the creation of a Special Procedure to monitor UNDROP could make a huge difference towards its implementation.

Dr. Golay continued by presenting developments that have happened since the adoption of UNDROP in 2018. He mentioned that in December 2019, 9 UN Special Rapporteurs and 4 Members of UN Treaty Bodies issued a Joint Statement in which they committed to include UNDROP in their work, and in which they called for the creation of a new UN Special Procedure on the rights of peasants. He added that some treaty bodies have already included UNDROP in their work, such as the Committee on Economic, Social and Cultural Rights in its drafting of a General Comment

on Land. In its decision in *Portillo Cáceres v. Paraguay*, the UN Human Rights Committee also referred to UNDROP to protect the rights to home and to land of a peasant family. At the regional level, he mentioned that the Inter-American Court of Human Rights has referred to UNDROP in the case of *Lhaka Honhat Association v. Argentina* to protect the right to land. He also mentioned other notable cases where the UNDROP was useful.

The next speaker was Dr. Jasmine Moussa, Counsellor of the Permanent Mission of Egypt to the UN. In her presentation, she said that Egypt has adopted an inclusive and comprehensive approach to development which involves all sectors of society without any discrimination, including rural and urban populations, and that the protection of peasants is enshrined in Egypt’s constitution. Agriculture and agricultural workers are central for Egypt because agriculture is one of the largest sectors of the economy. She stressed that the recently adopted Egypt Vision 2030 document includes poverty eradication, education, and food security as priority areas for the country. She also mentioned that Egypt’s efforts to respect and protect the rights of peasants and other people living in rural areas are hampered by a major challenge which is water scarcity.

Dr. Moussa highlighted that the UNDROP addresses the right to water which includes access to water for personal and domestic use, as well as for farming and securing other water related livelihoods, particularly for women and girls. Egypt has made a lot of progress in its infrastructure to improve the use of water, through the treatment of wastewater and the modernization of their irrigation systems, which FAO considered one of the most efficient in the world. However, she continued, since Egypt is the furthestmost downstream country in the Nile Basin, access to water depends on what happens upstream, so the protection and promotion of the human rights of peasants must be considered by upstream riparians and it requires a sound management of transboundary water in accordance with the principles of international law. She said that the UNDROP provides that States must take measures to ensure that any exploitation of natural resources should be conducted through appropriate impact assessment, good faith consultations and ensuring that people living in rural areas have access to information. These elements are essential to fulfilling the Declaration, in particular in designing of dams or other infrastructure, she highlighted. In her view, the right to food sovereignty is also under threat because there is no sound mechanism available to ensure that the right to water is respected. In terms of the implementation of the Declaration, according to her it is important to promote monitoring mechanisms in treaty bodies as well as in the special procedures of the Human Rights Council. One step forward to increase the political will on the implementation of the UNDROP could be through elaborating a legally binding instrument which particularly addresses violations of peasants’ rights in transboundary contexts.



Dr. Jasmine Moussa: “Protection of peasants is enshrined in Egypt’s Constitution.”

Benjamin Mueller, former Swiss negotiator of the UNDROP, explained the reasons that motivated Switzerland’s active involvement in the process of the elaboration and adoption of the UNDROP in the HRC. He highlighted the importance of the work of CSOs from 2012 and even before. The self-identification of Switzerland as a country of small-scale farming was part of the rationale of the Swiss Parliament to support a constructive engagement in the UNDROP negotiations. Switzerland assumed the role of a bridge-builder to bring positions of countries together. He recognized that the process was very enriching, with the involvement of different ministries that required broader domestic coordination.

Mr. Mueller said that he was glad Switzerland supported the Declaration but also sad that Switzerland was among only few Western countries favoring the process from the beginning and voting in favor of its adoption. According to him, it was so because many countries believed that a new declaration was not necessary for a specific group and that therefore there was no need for the recognition of peasants’ rights. He clarified that in Switzerland’s explanation of vote at the HRC, it was highlighted that the adoption of the UNDROP was an important political signal for peasants, and the Swiss commitment nationally and internationally with this issue was also stressed as well as the fact that the Declaration got a balanced outcome which considered different positions. The Swiss explanation of vote also expressed concerns regarding certain provisions such as those related to intellectual property which should be interpreted in line with current national and international obligations of Switzerland. He added that in general, the UNDROP can shape policies, for example on development cooperation, and that it can also lead to better regional or national laws. He continued saying that Switzerland supports the multilateral mainstreaming of the UNDROP and is also active at the bilateral level to bring the Declaration to life. On the issue of latest developments, he mentioned that Switzerland has adopted several guidelines which are also key in this regard, such as one on human rights defenders and one on business and human Rights,

among others. He concluded by reiterating Switzerland’s commitment to the implementation of the UNDROP.

Ana Maria Suarez-Franco from FIAN International noted that it is still too early to assess the implementation of the Declaration, as only two years have passed from its adoption. Nonetheless, Ms. Suarez-Franco recognized that a big movement from peasants’ organizations is pushing towards its implementation. She stressed that some activities are currently ongoing, notably raising awareness linked to capacity building which is about people knowing their rights and how to defend them in different parts of the world, including how to apply UNDROP in judicial decisions.

Ms. Suarez-Franco emphasized the participatory methodology they are using to conduct capacity building initiatives, where peasants are a part of the knowledge building process. She highlighted the materials published by FIAN, which includes participatory research and processes, such as the “cooking pot” for rural women. Other interesting initiatives include reports from Latin America on pesticides and transition to agroecology, among others. In that regard, she stressed the example of Sri Lanka, which prohibited the importation of all agrochemicals. However, the concern of peasants there was about how this would affect their production capacity without the adequate support for the transition to agroecology from the government. States shall take measures to support peasants in transition to agroecology, which go hand in hand with UNDROP and other relevant international standards. She also highlighted the activities of monitoring that have been conducted citing the example of a report by Colombian rural women to the *Committee on the Elimination of Discrimination against Women* (CEDAW) written by more than 70 women’s organizations and some other reports from European States in which the UNDROP was included, including its extraterritorial dimension. In terms of advocacy, she mentioned that some of the special rapporteurs are beginning to include UNDROP in their works, but others have not done it. This was the case of the Special Rapporteur on the Right to a Healthy Environment, but after a consultation with rural social movements on his coming report on Food Systems and Environment we expect him to also be active in supporting UNDROP implementation.

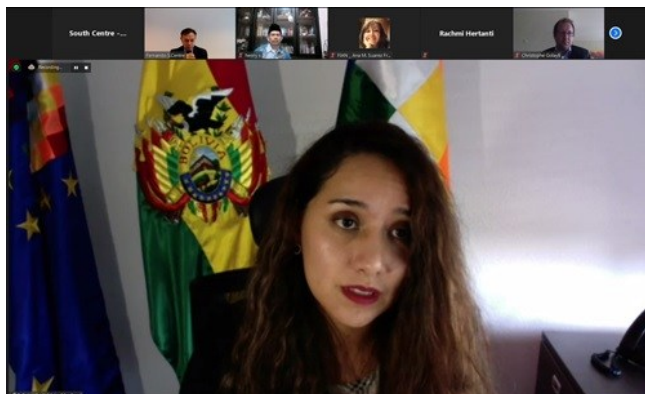
On the question about what to do in the HRC, she said LVC is clear that they want a special procedure but need to prepare the political terrain. According to her, some steps that could help are: First, conform a group of States supporting an initiative. She highlighted the need for the involvement of some Member States which can be active, not only Bolivia, to have a group position. A second step could be to promote a Resolution aiming to create a Panel in which countries can report on the implementation and the challenges they are facing on the implementation. She agreed with other speakers on the need to work with the existing human rights mandates. She also mentioned that there are calls for the creation of a special rapporteur for climate change, and that efforts shall be taken to include

the implementation of UNDROP as part of its mandate. Finally, Ms. Suarez-Franco highlighted on the need to keep working with treaty bodies to get UNDROP included as sometimes this point is missed.

In the Q&A section, other elements towards promoting the implementation were also underlined, such as:

- Further involvement with States and other relevant stakeholders is important.
- The process of awareness raising, information dissemination and training and monitoring as part of the implementation process would be important as well.
- The need for more monitoring and gathering information about the situation of peasants around the world should be a priority to document the progress and other situations.
- Also, it was suggested that the implementation should be done in two ways: one could be the promotion of the whole Declaration; and the other could be the focus on specific provisions of the UNDROP such as the right to seeds, the right to land and so on.
- Another possibility is to explore the establishment of a like-minded group of countries, which can have a more regular exchange with the view to coordinate some further steps in the HRC.
- An incremental approach was also suggested as prudent to move forward, not only in the HRC but also in UN in New York. Recommendations in this context on the Universal Periodic Review processes could be also useful.

The closing remarks were made by the Ambassador of Bolivia, H.E. Maira Macdonald Alvarez. She highlighted the rich composition of the panel, which had the participation from civil society organizations, peasants' representatives, academia and representatives of Member States. She noted the gap of information related to the impacts of the crisis caused by the COVID-19 pandemic on peasants and others who work in rural areas. In conclusion, she emphasized the need to take further steps towards the implementation of the



H.E. Maira Macdonald Alvarez: "Bolivia supports the implementation of the UNDROP."

UNDROP and expressed the willingness of the Plurinational State of Bolivia to further explore actions with this goal in mind.

Conclusion

From the rich debate held, we can draw some takeaways for future work. In the current times of the pandemic and beyond, the implementation of UNDROP will be critical for the promotion of the rights of peasants and other people working in rural areas around the world and also for the achievement of SDGs 1 and 2. There are several ways that can be explored to promote the implementation of the UNDROP. Some steps can be taken at the domestic level and others in the international context. Domestically, States can incorporate the UNDROP in their legal architecture or create mechanisms for monitoring its application at different levels, such as through the institution of an Ombudsperson or by including it in the domestic human rights monitoring mechanisms. On the other hand, in the international arena, some activities can be envisaged in the short term to promote UNDROP's implementation. One of them could be raising awareness among different stakeholders through activities of promotion/dissemination. Other actions, such as workshops or seminars in the context of the HRC's activities, could help to nurture the field for the creation of a special procedure towards the monitoring of the implementation of the UNDROP. It is a welcome step that nine special procedures are going to include the UNDROP in their work to promote the human rights of peasants. However, the creation of a special monitoring mechanism would be, among other actions, extremely important.

Endnotes:

¹ FAO, Family Farming Knowledge Platform. Available from <http://www.fao.org/family-farming/background/en/> (accessed 24 June 2021).

² Jan Douwe van der Ploeg, "The Importance of Peasant Agriculture: A Neglected Truth", Wageningen University & Research (The Netherlands, Wageningen, 2017), p.4. Available from <https://edepot.wur.nl/403213>.

³ N. Pacheco and F. Rosales, *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: One Step Forward in the Promotion Human Rights for the Most Vulnerable*, Research Paper, No. 123 (Geneva, South Centre, 2020), p. 1. See also Ana Paula de la O Campos, Chiara Villani, Benjamin Davis and Maya Takagi, *Ending Extreme Poverty in Rural Areas*, (Rome, Food and Agriculture Organization of the United Nations, 2018), p. 3.

⁴ C. Lakner *et al.*, "Updated Estimates of the Impact of COVID-19 on Global Poverty: Looking Back at 2020 and the Outlook for 2021", World Bank Blogs. Available from <https://blogs.worldbank.org/opendata/updated-estimates-impact-covid-19-global-poverty-looking-back-2020-and-outlook-2021> (accessed 26 June 2021).

⁵ de la O Campos, Villani, Davis and Takagi, *Ending Extreme Poverty in Rural Areas*.

⁶ Pacheco and Rosales, *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.

⁷ Christophe Golay, "The role of human rights mechanisms in monitoring the United Nations Declaration on the Rights of Peasants", Research Brief (Geneva, Geneva Academy, 2020). Available from <https://www.geneva-academy.ch/joomla-tools-files/docman-files/The%20Role%20Of%20Human%20Rights%20Mechanisms%20In%20Monitoring%20The%20United%20Nations%20Declaration%20On%20The%20Rights%20Of%20Peasants.pdf>.

⁸ The concept note of this event is available here: <https://www.southcentre.int/sc-virtual-meeting-4-june-2021/>.

⁹ Pacheco and Rosales, *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.

¹⁰ Former Special Rapporteur on the Right to Food and member of the Advisory Committee of the Human Rights Council

¹¹ See <http://www.fao.org/family-farming-decade/home/en/>.

¹² For more information: [Geneva Academy project on the rights of peasants](#), and also [Geneva Academy Training Course on UNDROP](#).



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