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# THE UN DECLARATION ON THE RIGHTS OF PEASANTS AS A TOOL FOR PROMOTING COLLECTIVE RIGHTS

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DECEMBER 2020



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## THE UN DECLARATION ON THE RIGHTS OF PEASANTS AS A TOOL FOR PROMOTING COLLECTIVE RIGHTS

Part of the 'Who Benefits?' series

Friends of the Earth Europe and Friends of the Earth International

December 2020

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**Citation:** Penchaszadeh, A. (2020) The UN Declaration on the rights of peasants as a tool for promoting collective rights. Friends of the Earth Europe and Friends of the Earth International.

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### ACKNOWLEDGMENTS:

This report was published in December 2020 as part of the 'Who Benefits?' series, with financial support from Bread for the World (Brot für die Welt).

Friends of the Earth Europe gratefully acknowledges financial assistance from the European Commission (LIFE Programme). The sole responsibility for the content of this document lies with authors. It does not necessarily reflect the opinion of the funder mentioned above. The funder cannot be held responsible for any use that may be made of the information contained therein.



# CONTENTS

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FOREWORD	5
1. INTRODUCTION	6
1.1 Rights Violations Against Defenders of Territories and the Commons	6
1.2 Recognition of collective rights is crucial in the struggle to defend territories and the commons	7
2. THE UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS	8
2.1 Recognizing Peasants as a Group Inextricably Linked to Land and Territory	8
2.2 Review of Collective Rights in the Declaration	10
3. UNDROP STRENGTHENS COLLECTIVE RIGHTS IN INTERNATIONAL HUMAN RIGHTS LAW	14
3.1 Conceptual and political evolution of collective rights	14
3.2 Misconceptions about Collective Rights Debunked by the Declaration	16
4. IMPLEMENTING THE DECLARATION TO FURTHER RECOGNITION OF COLLECTIVE RIGHTS	18
4.1 National Action	18
4.2 Regional Action	20
4.3 International Action	21
4.4 Holding Corporations Accountable	21
5. WHAT'S NEXT	22





## FOREWORD

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This publication is an update of “Collective Rights in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas” briefing note produced by Andrea Nuila for FIAN International, March 2018. Updated and adapted for Friends of the Earth by Analía Penchaszadeh, September 2020.

Although large portions of the text come from the original publication, this 2020 update is exclusively the opinion of Friends of the Earth Europe and Friends of the Earth International. The original publication can be found at <https://bit.ly/3nzH4HO>

Peasants, indigenous peoples, fisherfolk and nomads have long claimed that recognizing their human rights exclusively as individuals disregards the essential role that community relationships play in their management and use of communal resources, the protection of community members' rights, as well as the preservation of the individual and group subjectivity and identity. Friends of the Earth International supports this assertion and promotes the recognition of collective rights as a crucial component of positive paradigms and initiatives like agroecology and Community Forest Management.

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, adopted by the UN General Assembly in December 2018, is the result of decades of struggle and advocacy by peasants, and is a landmark human rights instrument in the recognition of collective rights. Collective rights protected in the Declaration include the collective exercise of the right to land, the right

to food sovereignty, the right to biodiversity and a clean environment, the right to self-determination, and respect for ancestral and traditional practices and forms of accountability and justice. The Declaration strengthens the international human rights architecture and debunks misconceptions that human rights law cannot encompass collective rights. The Declaration can be a tool to promote and further collective rights from the local to the international level; it can also support the inclusion of collective rights in the Binding Treaty on Transnational Corporations and Human Rights, which in turn will be a complementary and powerful instrument to ensure respect for human rights for all.



# INTRODUCTION

# 01

Around the world, people and communities are active in defence of the commons, territories, and peoples' rights. From peasants protecting their seeds and traditional practices from transnational agribusiness<sup>1</sup> to forest communities resisting destructive logging,<sup>2</sup> many of these collective struggles take place in rural areas.

## 1.1 RIGHTS VIOLATIONS AGAINST DEFENDERS OF TERRITORIES AND THE COMMONS

Over the years, La Via Campesina – the international movement that brings together millions of peasants, small and medium size farmers, landless peoples, rural women and youth, indigenous peoples, migrants and agricultural workers from around the world – has documented violations of peasants' rights. These have included forced evictions; occupation and appropriation of peasant territories; financial speculation of land, natural resources, and agricultural products; seed laws that threaten biodiversity and peasant seeds; poisoning from agrotoxics; criminalization and imprisonment of peasant leaders; and violent attacks during demonstrations.<sup>3</sup>

Since 2012, Global Witness has been raising awareness of killings of land and environmental defenders – defined as “people who take a stand and peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment.” In 2019, Global Witness recorded the murders of 212 land and environmental defenders, making it “the deadliest year on record for people defending their homes, forests and rivers against climate-destructive industries. ... Countless more were silenced by violent attacks, arrests, death threats, sexual violence or lawsuits.”<sup>4</sup>



Calling for justice outside the UN in Geneva for the murder of Indonesian environmental defender Golfrid Siregar

Amelia Collins/Friends of the Earth International

As Aleyda Aragon from La Via Campesina in Latin America states, “the violence used to evict us and discriminate against us is not casual. It is necessary and forms an integral part of the elitist policies favouring the major international agribusiness and mining corporations as well as the big landowners in the local oligarchies.”<sup>5</sup>

Friends of the Earth International (FoEI) calls for the protection of defenders of territories and peoples' collective rights – women and men who defend the places they have constructed collectively and historically. Among others, FoEI has lifted up the environmental defence actions of peasant farmers in Paraguay resisting the expansion of monoculture plantations; communities in Guatemala promoting peasant agriculture and food sovereignty as an alternative to mining; Indigenous Peoples in Panama resisting mining concessions in their ancestral territories; and rural communities in Romania resisting

<sup>1</sup> See La Via Campesina, “Our Seeds, Our Future.” 2013.

<sup>2</sup> See Baltodano, J., “Community Forest Management: An Opportunity to Preserve and Restore Vital Resources for the Good Living of Human Societies.” Friends of the Earth International, 2015, p.6.

<sup>3</sup> La Via Campesina, “Peasants Fighting for Justice: Cases of Violations of Peasants' Human Rights.” 2017. Also see FIAN, “Violations of Peasants' Human Rights: A Report on Cases and Patterns of Violation.” 2005.

<sup>4</sup> Global Witness, “Defending Tomorrow: The climate crisis and threats against land and environmental defenders.” July 2020, p.6.

<sup>5</sup> Quoted in Hubert, C., “The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future.” CETIM, 2020, p.86.

the exploration of shale gas in their territory.<sup>6</sup> Situating human rights concepts within the everyday conflicts over territories and nature, FoEI further challenges existing contradictions and forces among societies that render the violations of peoples' rights invisible, such as class conflict, patriarchy, sexism, racism, social discrimination and exclusion, and neo-colonialism.<sup>7</sup>

## 1.2 RECOGNITION OF COLLECTIVE RIGHTS IS CRUCIAL IN THE STRUGGLE TO DEFEND TERRITORIES AND THE COMMONS

FoEI's 2018 framework on defenders of territories and peoples' rights<sup>8</sup> informs engagement with the human rights community and builds on a long track record of advocating for the recognition of environmental rights as articulated in 2004:

*Environmental rights mean access to the unspoiled natural resources that enable survival, including land, shelter, food, water and air. They also include more purely ecological rights, including the right for a certain beetle to survive or the right for an individual to enjoy an unspoiled landscape. In Friends of the Earth's vision, environmental rights include political rights like rights for indigenous peoples and other collectivities, the right to information and participation in decision-making, freedom of opinion and expression, and the right to resist unwanted developments. We also believe in the right to claim reparations for violated rights, including rights for climate refugees and others displaced by environmental destruction, the right to claim ecological debt, and the right to environmental justice. ... Environmental rights are human rights, as people's livelihoods, their*

*health, and sometimes their very existence depend upon the quality of and their access to the surrounding environment as well as the recognition of their rights to information, participation, security and redress.<sup>9</sup>*

A crucial element of the environmental rights framework is the recognition of collective rights, both because rights violations are often experienced collectively<sup>10</sup> but importantly because collective rights are a precondition for building the world that we envision. Community Forest Management and Agroecology are both strategies that contribute to environmental protection and sustainable livelihoods for local communities; their success depends on the recognition of collective rights over and access to commons.<sup>11</sup>

As stated in the *Community Forest Management and Agroecology* publication "control over territory should be maintained and nurtured wherever it exists, and work needs to be done elsewhere to generate conditions whereby peoples or local communities can make independent decisions and control the necessary means to implement them."<sup>12</sup> Territory and community are understood not simply as a geographic space or a group of people who live together, but a dynamic relationship between groups of people with a collective identity and the nature and spiritual connection that exists in that space.

In this context, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas represents an important step forward in strengthening legal frameworks that recognize collective rights, particularly in relation to environmental rights and control over the territory.

6 Penchaszadeh, A., "We Defend the Environment, We Defend Rights." Friends of the Earth International, 2014.

7 See Friends of the Earth International web-site, human rights defenders section: <https://www.foei.org/what-we-do/human-rights-defenders>

8 See Friends of the Earth Asia Pacific, "Defending Territories, Defending Lives: Protecting Human Rights and the Environment in Asia Pacific through System Change." 2019.

9 Friends of the Earth International, "Our Environment, Our Rights." 2004, p.5.

10 See the UN Committee on Economic, Social and Cultural Rights documentation referenced later in this report.

11 Cardona Calle, D., "Community Forest Management and Agroecology: Links and Implications." Friends of the Earth International, 2017, p.5.

See also, Baltonado, J., "Community Forest Management: An Opportunity to Preserve and Restore Vital Resources for the Good Living of Human Societies." Friends of the Earth International, 2015, p.8.

12 Idem, p.20.

# THE UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS

# 02

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP, or The Declaration) was adopted by the United Nations General Assembly on 17 December 2018, with 122 votes in favour, 8 votes against, and 54 abstentions.

The Declaration applies to peasants as well as fisherfolk, nomads, herders, agricultural workers, hunter-gatherers, indigenous peoples and craft workers associated with agriculture.<sup>13</sup> The UN Human Rights Council decided to develop the Declaration from the recognition of the “special relationship and interaction between peasants and other people working in rural areas and the land, water, and nature to which they are attached and on which they depend for their livelihood.”<sup>14</sup> The Declaration affirms the conviction of the “need for greater protection of the human rights of peasants and other people working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter.”<sup>15</sup>

“The purpose of the Declaration is to give peasants their pride and dignity back,” stated Henry Saragih from La Via Campesina in Indonesia.<sup>16</sup> Ramona Dominicioiu from La Via Campesina in Romania reinforced this sentiment saying, “It is made for us, so that we can be proud to be peasants and be recognized.”<sup>17</sup>

## 2.1 RECOGNIZING PEASANTS AS A GROUP INEXTRICABLY LINKED TO LAND AND TERRITORY

A proposal that emerged from peasants articulated in La Via Campesina, the Declaration is the result of

18 years of negotiations within the UN Human Rights Council during which many issues were presented and debated.<sup>18</sup> With 28 articles, the Declaration defines the rights of peasants and others working in rural areas, and identifies the obligations of States to respect, protect, and fulfil them. The Declaration builds on existing international law and details rights to respond to the realities and needs of peasants. Notable among the rights included are the right to food and food sovereignty; the right to land; and the right to a clean, safe, and healthy environment to use and manage.<sup>19</sup>

It is important to note that the road to adopting the Declaration was not straightforward. In fact, building support among member States required a broad range of advocacy strategies, both at the national level and regionally. In the EU, this included reaching out to the European Commission's Directorate-General for International Cooperation and Development, the European External Action Service, the European Parliament and the European Economic and Social Committee. “European institutions are so opaque that the European members of [La Via Campesina] had to request an enormous amount of meetings,” reflected Geneviève Savigny of the Peasant Confederation in France.<sup>20</sup>

The Declaration names peasants and other people working in rural areas as rights holders in response to their specific realities<sup>21</sup> and in recognition of their contribution to biodiversity conservation and ensuring the right to food.<sup>22</sup> It is the first time an international instrument considers peasants as a group holding collective rights, and not exclusively as the sum of individuals.

13 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 1.2-3.

14 Idem, Preamble, par. 5.

15 Idem, Preamble, par. 32.

16 Quoted in Hubert, C., “The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future.” CETIM, 2020, p.91.

17 Idem, p.44.

18 See Hubert, C., “The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future.” CETIM, 2020.

19 For a full list of all the rights included in the Declaration, see La Via Campesina, “United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas – Book of Illustrations.” 2020.

20 Quoted in Hubert, C., “The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future.” CETIM, 2020, p. 44.

21 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Preamble, par. 7-12, 13, 17-19.

22 Idem, Preamble, par. 6 and 16.





There is, however, a precedent of States granting rights to indigenous and tribal communities or other minority groups, including peasants or other rural communities. This consideration can be explained by the socio-economic conditions shared by people who live and work in rural areas.<sup>23</sup> In particular, rural people suffer from a lack of legal protection; discrimination and social exclusion; and a lack of access, management and control over the natural resources on which they depend to survive. Furthermore, their communities are also at risk of being destroyed by forced evictions.<sup>24</sup> These circumstances, which are often accompanied by a specific ethnic identity and/or language, religious beliefs, or a communal connection with the land, laid down the basis for the legal recognition of the collective rights of rural communities. Especially those rights related to the conservation of identity, culture and ancestral traditions, as well as the management of and access to natural resources, and collective tenure or property.

## 2.2 REVIEW OF COLLECTIVE RIGHTS IN THE DECLARATION

The Declaration recognizes peasant communities, Indigenous Peoples and nomadic and transhumant communities as holders of collective rights.<sup>25</sup> Given that rural communities often depend on one or more traditional collective activity for their livelihood,<sup>26</sup> the Declaration establishes that the recognition of communities involved in small-scale agricultural production also includes communities engaged in artisanal small-scale agriculture, such as raising livestock, pastoralism, fishing, forestry, or hunting and gathering,<sup>27</sup> that is, other rural communities in addition to peasants. This understanding of the

diversity of activities undertaken by rural communities is of particular relevance when promoting a holistic vision of systemic change that recognizes there are numerous agricultural production, collection, hunting, and fishing systems within forests,<sup>28</sup> as well as a diversity of food sources and subsistence activities within a territory.

The recognition of collective human rights in the Declaration accurately reflects the reality of rural communities and the social relationships that serve to maintain them. The inclusion of collective rights also vindicates the lengthy consultation process, during which peasant communities around the world spoke out on the kinds of rights that reflect their realities and rejected those that represent values unrelated to their way of life and their identities.<sup>29</sup>

The rights enshrined in the Declaration are fundamental to promoting and protecting the social relationships that sustain peasants and other rural communities as a group, improving their socioeconomic conditions, and defending traditional knowledge and culture. The collective rights in question generally concern free, prior and informed consent regarding developments in their territory; the possibility of creating their own food and agricultural systems; the collective management of land, seeds or other natural resources; as well as the enjoyment of the benefits of resource development and conservation.

### The right to food sovereignty

Food sovereignty is a guiding principle and keystone for the Declaration. Food sovereignty is the right of

23 80% of hungry people live in rural areas, and 50% of them are small-scale farmers living in peasant or other rural communities. See Human Rights Council Resolution on the Right to Food, A/HRC/RES/7/14, par. 10 and the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, A/HRC/22/46, par. 3-4

24 For example, the Constitution of Nepal defines marginalized and vulnerable people as made politically, economically and socially backward, are unable to enjoy services and facilities because of discrimination and oppression and of geographical remoteness or deprived thereof and are in lower status than the human development standards". Constitution of Nepal (2015). Article 306 (m).

25 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas (UNDROP), 17 December 2018. Resolution A/RES/73/165, Articles 1.1 and 1.3.

26 See ILO Convention 169 on Indigenous and Tribal Peoples, 1989 (No.169), Article 23 (1).

27 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 1.2

28 Cardona Calle, D., "Community Forest Management and Agroecology – Links and Implications." Friends of the Earth International, 2017, p.9

29 See Claeys, P., "Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina's Rights Claims over the Last 20 Years." Taylor & Francis (2014): 2-7

peoples to define their own food and agriculture systems. It highly values food providers, promotes local food systems, and advocates for local food providers' control over natural resources and respect for their rights. Food sovereignty strives to foster and maintain local practices, wisdoms, and knowledge, along with the use of agroecological production and harvesting methods.<sup>30</sup>

These basic principles constitute the theoretical framework of food sovereignty that has been incorporated as a right in the Declaration.<sup>31</sup> Recognizing the human right to food sovereignty is intertwined with the recognition of communities involved in small-scale agricultural production as right holders. This is because a community's right to food sovereignty cannot be protected and promoted if said right cannot be exercised collectively, particularly if communities are not able to: 1) participate in decision-making processes, and/or 2) define their own food and agriculture systems. By referring to "peasants and other people working in rural areas"... "individually and/or collectively"<sup>32</sup>, the Declaration stresses the importance of community rights.

The right to food sovereignty as defined in the Declaration exemplifies the intergenerational aspect of collective rights, "preserving access to food for future generations."<sup>33</sup> This strengthens the assertion of Friends of the Earth International that "collective rights are intergenerational. Land rights must be understood from this perspective, as present generations have inherited the territory from previous ones, and are obliged to pass it on to future generations."<sup>34</sup>

### **The right to land and other natural resources, the right to seeds, and the rights to water and sanitation**

The right to land and other natural resources includes the right to land, bodies of water, coastal areas, fisheries, pastures and forests that right holders need to maintain an adequate standard of living, have a safe place to live with peace and dignity, and develop their cultures.<sup>35</sup> Importantly, the Declaration references the right to agrarian reform, to recognition of collective land rights, to security of tenure, to protection from forced eviction, and return in the event of arbitrary displacement, and to sustainable use of land as part of the right to land.<sup>36</sup> The right to seeds is established as the right to save, use, maintain and develop seeds, crops and genetic resources, or those of choice, as well as to exchange, donate, sell, use and reuse farm-saved seeds or propagating material.<sup>37</sup> The right to water and sanitation includes the right to safe drinking water and sanitation, to a sanitation supply and services system, as well as the right to water for farming, fishing and livestock, and to equitable access to water management systems.<sup>38</sup> The rights established are designed to safeguard the minimum necessary for the survival and dignity of the group as such, thus establishing rights that are exercised collectively.<sup>39</sup>

The recognition of these rights reflects the nature of community life, especially in terms of the use, access and management of common resources, given that most of them are socially defined and collectively organized. This way, we can better comprehend how certain violations of human rights are both individual and collective. For example, in practice, expropriation, forced evictions and displacements in rural areas primarily target the community as a whole, and not exclusively the individual.

30 Nyeleni Forum for Food Sovereignty (2007), Summary Report.

31 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 15.

32 Idem, Article 15.2.

33 Idem, Article 15.2.

34 Friends of the Earth International, "Our Environment, Our Rights." 2004, p.28.

35 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 17.

36 Idem, Article 17. See also, Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p.55-56.

37 Idem, Article 19. See also Monsalve, S., "The Right to Seeds and Biodiversity," FIAN International, March 2016.

38 Idem, Article 21.

39 Idem, Articles 2.3, 17.4 – 17.5, 19.1(a), 21.1 – 21.2



The Declaration guarantees access to resources for peasant communities, and the right to participate in their exploitation, as well as the right to participate in decisions on internal and local issues related to resource management, thereby strengthening the community's enjoyment of economic, social, cultural and political development. This contrasts to an exclusively individual approach to rights that could lead to anti-democratic practices within communities by allowing benefits to be appropriated by individuals to the detriment of other members of the community.

If State actions are not directed towards the community as a whole, States are unable to effectively comply with their international obligations to respect, protect and guarantee the enjoyment of rights.<sup>40</sup> For example, States are required to legally recognize customary rights to land tenure; however, many States fail to acknowledge communal tenure of land.<sup>41</sup> The Declaration addresses this tension by calling for States to “take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law,” linking this to the protection of “natural commons and their related systems of collective use and management.”<sup>42</sup>

Similarly, by recognizing the right to participate collectively (as groups) in consultations, decision-making processes,<sup>43</sup> the Declaration enables a meaningful implementation of the right to prior consultation, to protection of traditional knowledge, and the right to participation in decision-making about the management (use and conservation) of seeds. This is also the case for access to water, where

the Declaration clearly states that it includes “customary and community-based water management systems.”<sup>44</sup> The same applies to correlative rights, such as the right to a decent income and livelihood and to means of production, especially concerning the right to develop community-based commercialization systems.<sup>45</sup>

### Cultural rights and traditional knowledge

Culture and traditional knowledge are built on the relationships that sustain a community and are essential to the individual fulfilment of community members. The Declaration recognizes these rights, whose exercise necessarily entails collective dimensions, in particular the preservation, protection and development of traditional knowledge, i.e. lifestyles, production methods and technology.<sup>46</sup>

The clearly collective origins of such knowledge and culture logically correspond to collective rights and represent collective interests.

The Declaration recognizes “the right to individually and/or collectively, in association with others or as a community, to express local customs, languages...”<sup>47</sup> and mandates States to “eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.”<sup>48</sup> Additionally, peasants' traditional knowledge and practices are recognized and given importance in the articles relating to the right to a clean, safe, and healthy environment<sup>49</sup>; the right to seeds<sup>50</sup>; and the right to biological diversity.<sup>51</sup>

40 See Suárez Franco, A.M. and Houlmann, R., “The Obligations of States”, FIAN International, May 2017.

41 See Monsalve, S., “The Right to Land and other Natural Resources,” FIAN International, December 2015.

42 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 17.3.

43 Idem, Article 2.3.

44 Idem, Article 21.3.

45 Idem, Article 16.1.

46 Idem, Article 26.1.

47 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 26.2.

48 Idem, Article 26.3.

49 Idem, Article 18.3.

50 Idem, Article 19.1-2.

51 Idem, Article 20.2.

### The right to a safe, clean and healthy environment

The international community has recognized the fundamental relationship between certain specific communities and the environment, and the mutual dependence between the well-being of these communities and the protection and improvement of their environment.<sup>52</sup>

Protecting the cultural and social relationships that comprise a community is essential to safeguarding a safe, clean and healthy environment.<sup>53</sup> If the environment is destroyed, there can be negative repercussions for community members, the relations of production amongst them and therefore, for the interactions between the entire community and its resources.<sup>54</sup>

The Declaration highlights the right to a clean, safe, and healthy environment to use and manage<sup>55</sup>; the right to biological diversity<sup>56</sup>; and the right to clean water systems<sup>57</sup> in the context of protecting the rights of peasants and other working in rural areas. It recognizes the collective right to access and manage environmental resources, as well as the role of traditional knowledge and practices in conservation and sustainable use. Importantly for building a body of work on collective rights and environmental rights, the Declaration states in relation to water, that “States shall prioritize water for human needs before other uses, promoting its conservation, restoration, and sustainable use.”<sup>58</sup>

In order to guarantee and promote environmental conservation, including the productive capacities of land, territories, and other resources, States

must therefore be able to protect the interest of the community as a whole instead of restricting themselves to the protection of individual entitlements. The collective aspect of the rights as set in the Declaration are intrinsic to their recognition.

In this way, the Declaration’s recognition of the link between the collective rights of peasants and environmental rights is an important breakthrough in human rights law towards the acknowledgement of peoples’ environmental rights, for which recognizing collective rights is a precondition.<sup>59</sup>

<sup>52</sup> See Declaration of the United Nations Conference on the Human Environment.

<sup>53</sup> “Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development”. The Rio Declaration on Environment and Development of the United Nations Conference on Environment and Development, A/CONF.151/26, Principle 22.

<sup>54</sup> See Resolution of the Human Rights Council on Human Rights and the Environment, A/HRC/RES/16/11 (2011). [www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/FIAN%20International.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2016/FIAN%20International.pdf)

<sup>55</sup> UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Article 18.

<sup>56</sup> Idem, Article 20.

<sup>57</sup> Idem, Article 21.

<sup>58</sup> Idem, Article 21.5.

<sup>59</sup> See Friends of the Earth International, “Our Environment, Our Rights.” 2004.

# UNDROP STRENGTHENS COLLECTIVE RIGHTS IN INTERNATIONAL HUMAN RIGHTS LAW

# 03



Community members holding sugar cane on small holding plot outside Namaacha Mozambique

Although peoples' collective rights are violated around the world, the very concept of collective human rights has been contentious among human rights institutions and scholars. The inclusion of collective rights in UNDROP, building on the UN Declaration on the Rights of Indigenous Peoples and legal interpretations from UN Treaty Bodies, strengthens the international human rights architecture and clarifies common misconceptions about the validity of collective rights.

## 3.1 CONCEPTUAL AND POLITICAL EVOLUTION OF COLLECTIVE RIGHTS

Collective human rights are mentioned in the 1945 United Nations Charter, and language on the matter can be found in multiple agreements and declarations since then.<sup>60</sup> Precedents established by the Declaration of Indigenous Peoples (adopted by the UN General Assembly in 2007) and the interpretative authorities of the United Nations treaties paved the way for the recognition of peasant communities as right holders of collective human rights within UNDROP.

<sup>60</sup> In public international law, collective rights are recognized in: the Charter of the United Nations, 1945, Articles 1.2. and 55. International Covenant on Civil and Political Rights, Articles 1.1., and 1.2. (article common to the United Nations International Covenants on Human Rights) in regard to the right to self-determination of peoples and their rights to property, natural resources and wealth and their development. Resolution 96 (I) of December 11, 1946 of the General Assembly of the United Nations with regard to the right to existence of human groups and its resolution 1541 of December 14, 1960 on the rights of peoples. The United Nations Declaration of the Indigenous Peoples of 2007. Convention number 169 of the International Labor Organization on indigenous and tribal peoples, 1989. The Convention on Biological Diversity of 1992. Some members of the international law community maintain that the recognition of collective rights is established in the International Covenant on Economic, Social and Cultural Rights, in Article 8.1. b and c as it recognizes rights that can only be realized collectively. The American Declaration on the Rights of Indigenous Peoples of 2016. United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 1963. Declaration on Race and Racial Prejudice, adopted and proclaimed by the General Conference of UNESCO in 1978. Third Decade to Combat Racism and Racial Discrimination and its Program of Action since 1993. The Declaration and Action Plan of the III World Conference against Racism, Racial Discrimination, Xenophobia. And the Vienna Declaration on the Right to Development of 1986.



The Declaration of Indigenous Peoples introduces an understanding of collective rights in international human rights law.<sup>61</sup> This declaration affirms that human rights<sup>62</sup> encompass both the individual and collective dimensions,<sup>63</sup> and that the content of these rights involves the interest of the collective subject, given that they are legal entitlements vital to the existence of the subject. UNDROP reaffirms the Declaration of Indigenous Peoples,<sup>64</sup> emphasizes that it applies to Indigenous Peoples who work in rural areas,<sup>65</sup> and ensures that its application does not disregard specific legislation on Indigenous Peoples.<sup>66</sup>

Arguing for inclusion of collective rights in UNDROP, FIAN reviewed the body of law linked to UN treaties that includes interpretations regarding the collective nature of human rights to land, communal resources and territories; the collective right to participate in the exploitation, management and conservation of natural resources<sup>67</sup>, as well as collective access to justice and adequate reparations.<sup>68</sup>

In relation to the right to participate in cultural life, the Committee on Economic, Social and Cultural Rights (CESCR), set a crucial precedent by stating that the phrase “everyone” refers to both the individual and the collective subject and that, therefore, a person can exercise [cultural] rights individually, in association with others, or within a community or a group.<sup>69</sup>

In its interpretation of access to adequate reparation for individuals or groups in the context of a violation

of the right to health, the CESCR references the collective exercise of certain rights, and does not limit itself to collectives that are already recognized (indigenous and tribal peoples or Afro-descendant communities). Rather, it establishes that even when there are no adequate mechanisms for a claim to be exercised by a group, States are bound by the collective and individual dimensions of the right to health.<sup>70</sup>

The CESCR has established that States must take into consideration that the health of indigenous communities is characterized by a uniquely collective nature. As actions like the displacement of Indigenous Peoples from their territories or environment against their will occur to the group as a whole and not to isolated individuals in the community, the consequences of those actions – including deterioration of health – are experienced also collectively.<sup>71</sup>

Building on the fragmented precedents in international law, the Declaration of Indigenous Peoples and later the UNDROP present important conceptual advances in the universal human rights system, in particular the recognition of: (i) holders of non-individual human rights; and (ii) the collective exercise of certain human rights, especially those related to social and cultural rights considered a vital part of the existence of the community and its members.

61 Preamble to the United Nations Declaration on the Rights of Indigenous Peoples, A / RES / 61/295; 2007: “Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,” Article 7.2 “Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including the forcibly removing children from the group to another group.”

62 Such as the right to participate in, contribute to and enjoy economic, social, cultural and political development; prior consent; the right to land and resources; as well as the protection and conservation of the environment.

63 Idem, Footnote 61.

64 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Preamble.

65 Idem, Article 1.3.

66 Idem, Article 2.3.

67 See, CERD/C/SUR/CO/13-15 (CERD, 2015), párr. 24; CERD/C/SUR/CO/12, párr. 12; CCPR/C/PAN/CO/3 (CCPR, 2008); CERD/C/COL/CO/15-16 (CERD, 2016), par.19.b. and General Recommendation No. 23 (1997). Special rapporteurs have advocated for similar interpretations. Among them, the special rapporteur on adequate housing highlighted the need for measures considering the collective nature of identity, territory and ancestral practices to guarantee the exercise of human rights for all people. See, A/ HRC/13/20/Add.2. (SR Housing, 2010).

68 CERD/C/SUR/CO/13-15 (CERD, 2015), par.36.

69 General Comment No. 21, 2009 approved by the Committee on Economic, Social and Cultural Rights, Par. 9.

70 General comment No.14: The right to the highest attainable standard of health (art.12) in HRI/GEN/1/Rev.9 (Vol.I) pg. 96, Footnote. 30.

71 General comment No.14: The right to the highest attainable standard of health (art.12) in HRI/GEN/1/Rev.9 (Vol.I) pg. 84, par. 27.

## 3.2 MISCONCEPTIONS ABOUT COLLECTIVE RIGHTS DEBUNKED BY THE DECLARATION

### **Misconception 1: Human rights can only be conferred to individuals**

During the negotiations on the Declaration, some States expressly rejected the recognition of collective human rights. One of their main arguments was that, with the exception of the right to self-determination, the concept of collective human rights in international law is untenable because recognition of such rights would supplant individual rights.<sup>72</sup>

Refuting the notion that collective rights would supplant individual rights, CETIM uses the concrete example of how the right to land is intrinsically both individual and collective. “The individual enjoyment of the right to land may take the form, for example, of a personal request for private ownership of a plot during a land redistribution exercise. Collective enjoyment of this right is a demand on behalf of a group for common access to resources. Collective enjoyment is not the sum of individual rights but a right granted to persons as a group.”<sup>73</sup>

By expanding the universal protection of peasants’ human rights rather than restricting them, the final text of the Declaration debunks the myth that individual rights are in opposition to collective rights, as if an inextricable contradiction existed between the individual and the community.

A human being does not exist in isolation from his or her society. Rather, social interactions and the environment shape the process of identification in different ways, therefore conditioning how an individual creates his or her identity.<sup>74</sup> Societies (particularly Indigenous, Aboriginal and peasant

communities, in which women play prominent roles) build a foundation of knowledge about their environment based on the time spent interacting with it. This knowledge construction, in turn, generates local systems of classification and nomenclature regarding the natural environment, which reflect the unbreakable bond between nature, society and language. Thus, an individual’s identity not only develops vis-a-vis the collective, which is of vital importance to the individual, but the group itself also establishes a collective identity.<sup>75</sup>

This understanding, along with the socioeconomic conditions of peasants and other rural communities included in the Declaration, is crucial to articulating collective subjectivity and the need to adopt regulations that serve to protect and promote it. As the Plurinational State of Bolivia pointed out during the Declaration negotiations, collective rights do not diminish human rights but rather “enable the recognition of, and give visibility to, certain groups that had suffered exclusion or were at a social, economic or political disadvantage.”<sup>76</sup>

Furthermore, the collective human rights recognized in the Declaration have been set in line with the legal underpinnings of international human rights law. This means on the one hand, that legal interpretations of provisions in the Declaration cannot harm or endanger other individual human rights,<sup>77</sup> and on the other, that cultural rights cannot be invoked to infringe upon human rights guaranteed by international law, nor to limit their scope.<sup>78</sup>

Finally, the recognition of collective rights does not in any way exempt States from their obligations regarding other rights, nor does it allow the dignity of the individual to be subordinated to the interests

72 UN Doc. A/HRC/33/59 (2016) Par.74 & 77. And UN Doc. A/HRC/36/58 (2017) Par.47 & 89.

73 Hubert, C., “The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future.” CETIM, 2020, p.67.

74 See, Hall, S., “The Question of Cultural Identity” in *Modernity an Introduction to Modern Societies*, coords. Stuart Hall et al. (Blackwell Publishers), 597.

75 See, Francesca, P., & Jasper, J., “Collective Identity and Social Movements,” *Annu. Rev. Sociol.* 2001.27:283-305. pg. 285.

76 UN Doc. A/HRC/33/59 (2016) Par.87

77 UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Preamble, par. 2.

78 Idem. Article 26.1.

of the collective. Rather, the aim is for State actions to be directed toward the community as a whole, otherwise States cannot fulfil their obligations to respect, protect and guarantee the enjoyment of individual human rights.

### **Misconception 2: Collective rights are not enforceable**

The Declaration establishes the right to access just and fair procedures for dispute resolution, as well as effective remedies in the case of infringement of individual or collective rights.<sup>79</sup> Provisions in the Declaration ensure that although judicial and administrative systems are conceived based on the individual exercise of rights, a community's internal systems may determine their own structures for participation and representation.<sup>80</sup>

Additionally, the fact that national law in some countries recognizes the right to class actions against activities harmful to the public welfare, including infringement upon rights to the commons or other collective interests, demonstrates that collective legal subjects can utilize the appropriate mechanisms to exercise collective claims.<sup>81</sup>

### **Misconception 3: Collective rights only apply to Indigenous Peoples**

Some States raised objections regarding the recognition of the human rights of rural communities not considered to be indigenous, that collective human rights are exclusive to Indigenous Peoples, and that the recognition of collective rights in the Declaration would trigger a regression in the presently recognized human rights of Indigenous Peoples.<sup>82</sup> The Declaration debunks both of these concerns.

Similar to how Indigenous Peoples have come to be considered collective subjects, the Declaration clearly

typifies the distinctive elements that differentiate peasant communities from other sectors of society and individuals, based on criteria documenting the relationship between a peoples and their territories.<sup>83</sup> Furthermore, the common imaginary division between Indigenous Peoples and peasant communities does not entirely reflect reality. In some rural areas, the identities of these two types of communities (indigenous and peasant) may be difficult to differentiate, and in fact Indigenous Peoples are included in the Declaration.<sup>84</sup>

Finally, recognizing the human rights of non-indigenous rural communities does not necessarily entail their dominance or favouring of these groups over others. On the contrary: the recognition of their human rights and a systematic interpretation of them places right holders included in this Declaration on a more equal footing with other groups.<sup>85</sup>

<sup>79</sup> Idem. Article 12.1. and 12.2.

<sup>80</sup> Idem, Article 12.

<sup>81</sup> Constitution of the Republic of Angola, Colombia.

<sup>82</sup> UN Doc. A/HRC/36/58 (2017) par 89, 175 & 259.

<sup>83</sup> UN Declaration on the Rights of Peasants and Other Persons Working in Rural Areas, Resolution A/RES/73/165, Preamble.

<sup>84</sup> Idem, Article 1.3.

<sup>85</sup> Kymlicka, W., Individual and Collective Rights, In: "Collective Rights", María Paz Ávila Ordóñez and María Belen Corredores Ledesma, Editoras, 2009. Pg. 7.



# IMPLEMENTING THE DECLARATION TO FURTHER RECOGNITION OF COLLECTIVE RIGHTS

# 04



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La Via Campesina's 7th International Agroecology Meeting, Cuba.

The Declaration is now in force and can be effectively used to protect peasants' rights and further recognition of collective rights. The actionable points contained in the Declaration are primarily directed at State obligations, and it is our role to ensure its implementation through widespread awareness of the Declaration among peasants and rural communities, and civil society actors that can exert pressure on governments.

"Mobilization and communication at the grassroots level are fundamental, because the hegemonic media conceal what big corporations do and the impact of agribusiness on the countryside and the cities," reflects Diego Monton from La Via Campesina in Latin America.<sup>86</sup> For this reason, La Via Campesina has focused efforts on publicizing the Declaration in different spaces at the local, national, and international levels.<sup>87</sup>

## 4.1 NATIONAL ACTION

"We must make sure that the implementation process is transparent and effective. We must also make sure that the standards set forth in the Declaration are transposed to national law," explains Elizabeth Mpofu, La Via Campesina International Coordinator from Zimbabwe.<sup>88</sup>

National recognition of collective rights has been documented by various organizations and is often used to exemplify how collective rights further environmental conservation and contribute to guaranteeing the human rights of vulnerable groups and communities. In building an understanding of collective rights, FoEI highlighted examples of the Nukak Makuk, Uwa, and Embera peoples invoking collective rights in their struggles in Colombia, and Senior Aboriginal Women gaining the collective right to protect their land and their culture from a radioactive waste dump in South Australia.<sup>89</sup>

86 Quoted in Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p. 46.

87 See La Via Campesina, "United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas – Book of Illustration." 2020.

88 Quoted in Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p. 93.

89 Friends of the Earth International "Our Environment, Our Rights." 2004, p.28.

In relation to Community Forest Management, there is a track record in Latin America where local communities have been granted property or use rights for at least 150 million hectares, representing approximately 20% of the total forestland in the region.<sup>90</sup> These include territories in Costa Rica, Panama, and Mexico, which are some of the cases documented by FoEI. Other experiences that point to the determining contribution of collective rights in relation to land tenure were found in Tanzania, Mozambique and Nepal.<sup>91</sup> Among the success stories, forest-dwelling communities in Indonesia achieved recognition of their role in territorial care and management when the national government announced in November 2016 the allocation of 12.8 million hectares of forests to be managed by the communities inhabiting them.”<sup>92</sup>

In addition to experiences regarding land rights in specific territories, FIAN reviewed treatment of collective rights at the national level to argue in favour of recognizing collective rights within UNDROP. This includes Constitutional provisions recognizing different aspects of collective rights in relation to land rights, environmental rights, and resource management (among others) in the Democratic Republic of the Congo, Angola, South Africa, the Republic of South Sudan, Mozambique, Bolivia, Ecuador, and Mexico.<sup>93</sup>

Several other States also grant collective rights to rural communities. For example, Cambodia's fishery law recognizes the collective right of fishing communities to access and manage resources.<sup>94</sup> The Indian Forest Act establishes collective rights

to habitation, property, access, use and tenure of land as well as to the management of and access to biodiversity.<sup>95</sup> Other cases are the special law on the protection of indigenous genetic resources of agrarian interest in the region of Lazio, Italy, which recognizes the collective right of local and indigenous communities to genetic resources from certain plants and animals.<sup>96</sup> Furthermore, different European States, such as Portugal, grant collective land rights to communities or other local collectives.<sup>97</sup>

The Declaration creates an international framework for national experiences to be adapted and applied across countries. It can also be a tool for developing new policy initiatives in line with the language and provisions of the Declaration. This strategy is described by CETIM,<sup>98</sup> excerpted here (although it may be useful to review the entire chapter in the publication for detailed suggestions of actions):

*The Declaration can first be put to use in negotiating new policies or legislation on the rights it contains. It should be used not only in discussions specifically on the rights of peasants and rural workers but in particular as a means of ensuring that technical policy decisions and ostensibly neutral laws actually take those rights fully into account. For example, a law on agricultural land is always highly political, for it reflects a vision of what the future of agriculture ought to be. In ensuring that peasants and rural workers are properly taken into account by this sort of law, the Declaration is a powerful tool, for two reasons: first, it is a source of inspiration, second it is a strong argument during negotiations.*

90 Baltonado, J., “Community Forest Management: An Opportunity to Preserve and Restore Vital Resources for the Good Living of Human Societies.” Friends of the Earth International, 2015, p.5.

91 Idem, p.8-9.

92 Cardona Calle, D., “Community Forest Management and Agroecology – Links and Implications.” Friends of the Earth International, 2017, p. 16.

93 These examples of constitutional provisions are detailed in the original publication: Nuila, A., “Collective Rights in the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.” FIAN (2018), p. 3-4.

94 Law on Fisheries (2007) Cambodia. Articles 59-63

95 Forest Act (2006) India. Article 3.1.

96 Turella delle risorse genetiche autoctone di interesse agrario (2000) legge regionale N.15, Latium, Italia. Article 5. Consultada el 08.10.17 en <[http://www.arsial.it/arsial/wp-content/uploads/page/legge-regionale\\_1\\_marzo\\_2000.pdf](http://www.arsial.it/arsial/wp-content/uploads/page/legge-regionale_1_marzo_2000.pdf)>

97 See the Eurostat survey from the European Union Commission:

<[http://ec.europa.eu/euro-stat/statistics-explained/index.php/Farm\\_structure\\_survey\\_%E2%80%93\\_common\\_land](http://ec.europa.eu/euro-stat/statistics-explained/index.php/Farm_structure_survey_%E2%80%93_common_land)>

98 Hubert, C., “The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future.” CETIM, 2020, p. 82-84.

*...the Declaration's articles are well enough developed to give clear indications as to what a law on one of the Declaration rights should contain. As a source of inspiration, therefore, the Declaration can serve as a base, a frame, a model or a reference, depending on the purpose of the law. A law on the rights of peasants and rural workers will use the Declaration as a model, whereas a law on the tangible realization of those rights will rather use it as a reference. ... Many areas are affected by these rights: food production, rural development, land law, access to seeds, land use, environmental protection, etc.*

*...While the Declaration can serve as a reference in devising policy, it can also be used in evaluating existing policies and laws. ... Such evaluations will make it possible to question policies that openly violate peasants' rights, and also to reveal seemingly innocuous ones that are in fact quite harmful. The goal is to get behind the façade and expose violations. Then it will be possible to propose alternative policies that respect peasants' rights.*

*...The Declaration can be used in the courts. It can serve as a basis for interpretation of the law. In a court case, the Declaration can be used to back up a legal argument, either in order to apply a law to peasants' situation or as a quasi-legal moral argument. ... Having judges in the highest courts (those that set precedent) referring to the Declaration would ... amount to direct application of the Declaration by the courts. And that could lead to a change of law in favour of peasants and their human rights.*

Since the adoption of the Declaration, La Via Campesina members in all regions of the world have been putting these strategies into action, with national forums in Indonesia, South Korea, India, and Pakistan, among others. In Honduras, peasant organizations

launched the #CultivarSinRiesgo campaign that seeks the urgent attention of the government and the rest of Honduran society to the crisis in agriculture. Regionally, European Coordination Via Campesina organized a public conference at the European Economic and Social Committee in September 2019, with the participation of several representatives of the European Commission as well as from the Food and Agriculture Organization's Regional Office for Europe and Central Asia, and the Office of the High Commissioner for Human Rights.<sup>99</sup>

## 4.2 REGIONAL ACTION

CETIM gives importance to legal actions in the regional human rights courts – the Inter-American Court of Human Rights, the European Court of Human Rights, and the African Court on Human and Peoples' Rights – to build jurisprudence in relation to the Declaration. Regarding strategies at the regional level, CETIM also makes the following reflection:

*One regional organization that could greatly benefit from the implementation of the Declaration is the European Union, which devotes a considerable part of its budget to its Common Agricultural Policy (CAP). Its strategy of agricultural export subsidies and grading of food for the market have destroyed agricultural diversity, including for peasants and rural workers. As Geneviève Savigny, of the LVC's European Coordinating Committee, puts it "The Europeans are doubly to blame, because of the aggressiveness of their agricultural policies and the imposition of their agricultural model." Geneviève Savigny was behind the resolution supporting the Declaration that was adopted by the agriculture section of the European Economic and Social Committee. She reports that, at the presentation and subsequent discussion, those present immediately perceived the opportunity it offered to change the CAP. Even before it was adopted, it was obvious that it could bring pressure to bear and*

<sup>99</sup> See web post: "La Via Campesina makes global push for the implementation of the implementation of Peasants' Right Declaration," 9 October 2019. <https://viacampesina.org/en/la-via-campesina-makes-a-global-push-for-the-implementation-of-peasants-rights-declaration/>.



*provide a strong argument for changing a policy that peasants and rural workers see as so important and emblematic.*<sup>100</sup>

### 4.3 INTERNATIONAL ACTION

In August 2019, the UN Human Rights Committee referenced the Declaration in its decision instructing the State of Paraguay to undertake an effective and thorough investigation into fumigations with agrochemicals and the subsequent poisoning of peoples, including children, and contamination of water, soil and food. The decision further urges Paraguay to prosecute those responsible, to make full reparation to the victims, and to publish the decision in a daily newspaper with a large circulation.<sup>101</sup> The reference to the Declaration served to strengthen the argument that as the victims in this case are peasants engaged in family farming, their home encompasses the territory where they live, and therefore the pollution from agrochemicals constitutes a violation of the right to privacy, family and home, as guaranteed by Article 17 of the International Covenant on Civil and Political Rights. It is worthwhile noting that this interpretation was further strengthened in the Paraguay decision by jurisprudence from the European Court of Human Rights affirming that environmental hazards can lead to a violation of the right to privacy and family life.<sup>102</sup>

Similar to how the UN Human Rights Committee used the Declaration to affirm the identity of peasants and therefore the definition of their home in the Paraguay case, the Declaration can be leveraged in favour of a collective interpretation of the right to land, right to environment, etc. Numerous international bodies and mechanisms can continue to build on the recognition of collective rights.<sup>103</sup> The UN Human Rights Council,

its special procedures, and the treaty bodies that oversee international human rights covenants should take account of the Declaration and include its implementation in their consideration of States' policies. UN specialized agencies like the Food and Agriculture Organization and the International Labour Organization can incorporate the Declaration in its activities and policies; in fact, the labour body has long been referenced for its Convention 169 that recognizes collective rights for Indigenous Peoples. La Via Campesina has emphasized linking the UN Decade of Family Farming (2019-2028) to the Declaration.<sup>104</sup>

### 4.4 HOLDING CORPORATIONS ACCOUNTABLE

As noted by CETIM, "the Declaration on the Rights of Peasants should also serve in accounting for the activities of private companies, and more particularly agribusiness corporations. It should become a yardstick for evaluating their actions. ... The Declaration offers a new basis for condemnation of the harmful actions of these corporations. Moreover, it contains articles drafted in direct response to the actions of such companies, and is therefore the perfect tool to address them."<sup>105</sup> These actions to denounce corporations for their rights violations takes place at the national and international level; the Declaration is a tool to pressure States to put human rights over corporate profit. Additionally, the Declaration strengthens the case in favour of a Binding Treaty on Transnational Corporations and Human Rights. In addition to including the human rights treaties that transnational corporations must refer to and ensure consistency with, the Binding Treaty can now make use of Declaration's language on collective rights, particularly in relation to free determination of peoples and right to a healthy environment.<sup>106</sup>

<sup>100</sup> See Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p.90

<sup>101</sup> Office of the High Commissioner for Human Rights: "Paraguay responsible for human rights violations in context of massive agrochemical fumigations." 14 August 2019. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24890&LangID=E>

<sup>102</sup> Human Rights Committee decision CCPR/C/126/D/2751/2016, 20 September 2019.

<sup>103</sup> Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p.88-89.

<sup>104</sup> See web post: "It is now urgent to put human rights and nature before profit": La Via Campesina in UN. 26 September 2019. <https://viacampesina.org/en/it-is-now-urgent-to-put-human-rights-and-nature-before-profit-la-via-campesina-in-un/>

<sup>105</sup> Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p.84.

<sup>106</sup> See Friends of the Earth International's written contribution to the *open-ended working group on transnational corporations and other business enterprises with respect to human rights*. June 2019.

## WHAT'S NEXT

UNDROP fills an key gap in the international human rights architecture, naming peasants and other people working in rural areas as right holders because of their particular conditions as well as their particular contributions to food production and environmental conservation. The rights enshrined in the Declaration protect peasant communities collectively and are exercised collectively. For it to be fully integrated in the UN human rights system, the Declaration needs a monitoring mechanism – like the Special Rapporteur on the rights of Indigenous Peoples for the Declaration of Indigenous Peoples – that can serve as a venue to coordinate implementation across countries, receive communications and complaints from beneficiaries of the Declaration, and ensure that peasants' right remain on the UN agenda.<sup>107</sup>

Adopting the Binding Treaty on Transnational Corporations and Human Rights with full recognition of collective rights, particularly in relation to the impacts of corporate actions on communities and peoples, is another significant next step.

The power of these instruments remains in the collective exercise of rights in the territory, and so constant education efforts to ensure right holders are aware of the Declaration and can find ways to leverage it in their local struggles is the most essential action to take.



Woman from the Sungai Buri community, weaving mats, Sarawak, Malaysia

Arnelia Collins/Friends of the Earth International

<sup>107</sup> Hubert, C., "The United Nations Declaration on the Rights of Peasants: A Tool in the Struggle for our Common Future." CETIM, 2020, p.88.





## THE UN DECLARATION ON THE RIGHTS OF PEASANTS AS A TOOL FOR PROMOTING COLLECTIVE RIGHTS

Part of the 'Who Benefits?' series

Friends of the Earth Europe and Friends of the Earth International

December 2020



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