

C2A Notes

Defending the rights of peasants: For a UN Declaration

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Assassinations of peasant trade unionists in Latin America, suicides among Indian family farmers unable to pay back their debts for lack of decent incomes, peasants evicted from their land in Africa: peasants' rights are among those most massively violated. Moreover, 80% of hunger victims are rural, essentially small farmers¹. In the face of this situation, peasant movements are mobilizing for the adoption of a UN Declaration on the rights of peasants.

1 - Violations of peasant's rights

Violations of the rights to seeds and to land, discriminations against peasants, etc.: peasants' rights are violated in many ways.

The right to seeds jeopardized

Without seeds, there is no farming. Traditionally, peasants produce, sow, trade and sell their seeds. This right is increasingly jeopardized by rules favouring industrial seeds commercialized by multinationals, at the expense of peasant seeds. Recent free-trade agreements and new international initiatives leveraging private capital for agricultural investment² are accelerating the amendment of seed laws.

This is what happened in Columbia where, following the implementation in 2010 of the free-trade agreement with the United States, the Columbian Agriculture and Livestock Institute (ICA) adopted Resolution 9.70 in terms of which only certified seeds, therefore industrial seeds often produced by US companies, could be used. Offenders faced the destruction of seeds and harvests, fines, and even prison sentences. This resolution was brutally applied by the Columbian authorities. In 2012, for example, in the small town of Campoalegre, the army attacked rice warehouses and trucks and destroyed 70 tons of rice. Following peasant mobilization, the

government eventually decided to suspend the application of Resolution 9.70, in September 2013³.

Defending land rights: a high-risk fight

A report published by the FIDH and the OMCT in December 2014 revealed that 43 land rights activists were assassinated between 2011 and 2014⁴. This figure, which is already huge, is actually only part of the truth. This report only presents cases for which sufficiently precise information is available. In addition to these murders, there are other forms of violence such as threats, physical assaults and arbitrary arrests.

In Honduras, for example, members of the peasant organization MARCA have been fighting since 1994 to recover their land in the Bajo Aguan valley. They are regularly attacked, both by the government and by "security guards" hired by large landowners. In 2012, the lawyer representing MARCA was killed. A year later, it was his brother's turn, for making the mistake of asking "too" obstinately for a serious investigation to identify the killers and get them convicted. The investigation has still not made any progress and no suspect has been identified⁵.

¹ Human Rights Council: "Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas", February 2012,

p. 4: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/19/75

² Read in particular: "La faim, un business comme un autre : comment la Nouvelle alliance du G8 menace la sécurité alimentaire en Afrique", ACF, CCFD-Terre Solidaire and OXFAM-France, 2014, pp. 42-45: http://ccfd-terresolidaire.org/IMG/pdf/rapport_nasan_final.pdf

³ GRAIN: "Soulèvement des agriculteurs colombiens : les semences sous les feux de l'actualité", 6 September 2013: <https://www.grain.org/article/entries/4781-soulevement-des-agriculteurs-colombiens-les-semences-sous-les-feux-de-l-actualite>

⁴ Observatory for the Protection of Human Rights Defenders: "We Are Not Afraid' - Land rights defenders: attacked for confronting unbridled development", International Federation for Human Rights (FIDH) and World Organization against Torture (OMCT), December 2014, https://www.fidh.org/IMG/pdf/obs_2014-uk-web2.pdf. Also read: CETIM, "The Right to Land", 2014: http://www.cetim.ch/legacy/en/publications_brochure_terre.php

⁵ Observatory for the Protection of Human Rights Defenders, op. cit., p. 55.

Discrimination against rural women

In developing countries, 60 to 80% of peasants are... women! They are doubly discriminated against: as peasants but also as women. In some countries, it is particularly complicated for them to access farming resources, be it loans or ownership rights to the land they farm. Hilal Elver, Special

Rapporteur to the United Nations on the Right to Food, highlighted this problem in her first official report⁶. Some national laws sometimes validate this situation. In Guatemala, for example, labour regulations consider rural women as male farm workers' assistants, and not as workers in their own right, entitled to a wage⁷.

Inheritance inequalities between male and female peasants

"Felitus Kures is a widow. She lives in Kapchorwa, in north-west Uganda. After her husband died she had to raise her children alone. To meet their needs, she depended on a small plot of land that she used to farm with her husband. But a few months after his funeral, her in-laws sold the plot of land without her knowledge. 'We only realised when the buyer came to evict us', she explained. She managed to recover use of this plot with the legal help of the Uganda Land Alliance, a civil society group. Although she was more fortunate than most other women, Mrs Kures's situation is common in Africa. After getting divorced or losing their husband, many women lose their ownership rights and/or access to land that belonged to the couple".

Excerpt from AGRIDAPE: "Femmes africaines et foncier : un accès précaire et limité", Volume 28, no. 1, April 2012. <http://www.agriculturesnetwork.org/magazines/west-africa/foncier-et-agriculture-familiale/femmes-africaines-et-foncier>

2 - Peasants are mobilizing to defend their rights⁸



Demonstration of Via Campesina at the Human Rights Council

The international peasant movement La Via Campesina, an umbrella of over 160 organizations in 73 countries, has been mobilizing since 2001 for the adoption of a UN Declaration on the rights of peasants, with a view to ensuring that these rights are respected more. In 2008, after several years of internal consultations, La Via Campesina adopted a Declaration proposal.

The aim of the Declaration is to make States,

companies and peasants themselves more fully aware of peasant rights. It has two objectives:

1. **To merge into a single document rights recognized** in several major documents, such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and the Declaration on the Rights of Indigenous Peoples.

2. **To recognize new rights** such as the right to land, the right to seeds and the right to food sovereignty. These are emerging rights building on existing documents. Examples are the Voluntary Guidelines on the Responsible Governance of Land Tenure, the UN Convention on Biological Diversity regarding the right to seeds, and the Constitutions of Bolivia, Ecuador and Nepal regarding the right to food sovereignty.

A Declaration can have significant political influence, even without being legally binding: international recognition of peasant rights would give greater power to peasant organizations' mobilization to fight discrimination suffered by farmers.

⁶ United Nations General Assembly: Interim Report of the Special Rapporteur on the right to food (A/69/275), 7 August 2014, pp. 9-12: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/498/26/PDF/N1449826.pdf?OpenElement>

⁷ Human Rights Council, op. cit., pp. 8, 10 and 11.

⁸ Christophe Golay: "Les droits des paysans et des paysannes", 2010, published on the Via Campesina website: <http://viacampesina.org/fr/index.php/les-grands-ths-mainmenu-27/droits-humains-mainmenu-40/457-les-droits-des-paysans-et-des-paysannes1>

3 - The United Nations have decided to write a Declaration on the Rights of Peasants

The Via Campesina's advocacy prompted the United Nations Human Rights Council to commission its Independent Expert Advisory Group to draw up two reports on the subject. In September 2012, following the Group's recommendations, the Human Rights Council decided to draft a

Declaration on the rights of peasants and other individuals working in rural areas.

A working group comprised of State and civil society representatives gathered in July 2013 and in February 2015 to start drafting the Declaration.

The draft Declaration

In January 2015, the draft version of the Declaration⁹ included the following points :

*After a **preamble**, a **first part** gives the definitions and lists the fundamental principles*

Article 1 – Definition of peasants and other people working in rural areas

Article 2 – States' obligations

Article 3 – Dignity, equality and non-discrimination

Article 4 – Gender equality

Article 5 – Rights to sovereignty over natural resources, development and food sovereignty

*The **second part** specifies the following Substantive Rights*

Article 6 – Rural women's rights

Article 7 – Rights to life, liberty, physical and personal security

Article 8 – Rights to a nationality and legal existence

Article 9 – Freedom of movement

Article 10 – Freedoms of thought, opinion and expression

Article 11 – Freedom of association

Article 12 – Right to participation and information

Article 13 – Right to information in relation to production, marketing and distribution

Article 14 – Access to justice

Article 15 – Right to work

Article 16 – Right to safety and health at work

Article 17 – Right to food

Article 18 – Right to decent income and livelihood

Article 19 – Right to land and other natural resources

Article 20 – Right to a safe, clean and healthy environment

Article 21 – Right to means of production

Article 22 – Right to seeds

Article 23 – Right to biological diversity

Article 24 – Rights to water and sanitation

Article 25 – Right to social security

Article 26 – Right to health

Article 27 – Right to housing

Article 28 – Right to education and training

Article 29 – Cultural rights and traditional knowledge

Article 30 – Responsibility of the UN and other international organisations

4 - Shifting the French and European positions

While in September 2012 most African, Asian and Latin American countries voted in favour of drafting the Declaration or else abstained, the Member States of the European Union and the United States voted against it.

France justified its opposition to the project on the basis of the principle of the universality of

human rights. In other words, human rights are founded on common values inherent to human beings. These values concern everyone, including peasants. Drafting a new Declaration to establish rights specific to peasants would go against this universality principle. Coordination SUD upholds this fundamental principle. But it does not preclude recognizing rights specifically concerning peasants.

⁹ Draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas: <http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPLeasants/Session2/draftDeclaration.doc>. Also read Christophe Golay's study: "Negotiation of a United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas", Academy in-brief No. 5, Geneva Academy of International Humanitarian Law and Human Rights, Geneva, January 2015: <http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPLeasants/Session2/ChristopheGolay.pdf>.

In the past, France has actually supported or even initiated the drafting of Conventions and Declarations concerning particular categories of the population¹⁰. These documents build on the common core rights and complement them, based on the specific situations of children, of women or of employees vis-à-vis employers, to mention just a few examples. Each one was designed to take into account the particular forms of discrimination suffered by certain groups, in order to fight them more effectively. Peasants and other individuals working in rural areas fit these criteria (see the first part of this Report).



There are probably reasons for the vote against the recognition of these new rights, which are not expressed officially. Protecting peasants' right to seeds, for example, would limit the omnipotence of European and US companies in this industry¹¹. The United States and the European Union actively protect and promote their interests, particularly in free trade agreements, as the Colombian example shows.

On 26 June 2014, civil society's advocacy work began to pay off. At the vote on the renewal of the mandate of the working group in charge of drafting the Declaration, most EU countries, including France, decided to abstain instead of voting against. 1 October 2015 marked new progress: States had to vote on a new two-year mandate for the working group. The United States was the only country to vote against, and all EU countries abstained. The latter now need to be persuaded to support this process and to contribute positively to drafting an ambitious Declaration to improve the protection of peasants' rights.

Coordination SUD actively participates in the French collective for the Declaration on Peasant Rights, alongside FIAN-France. This collective is co-facilitated by the Confédération paysanne and the CFSI.

¹⁰ For example: the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the ILO Declaration on Fundamental Principles and Rights at Work.

¹¹ In 2013, 75% of protected seeds were sold by 10 multinational corporates. The first 4 were Monsanto (USA), DuPont (USA), Syngenta (Switzerland) and Limagrain (France). Read: Berne Declaration «Agropoly these few multinationals that control our food,» 2014: <https://www.ladb.ch/fileadmin/files/documents/Lebensmittelindustrie/DB-Solidaire216-Agropoly-2e-edition-juin2014.pdf>

As part of its mission to support the collective advocacy of its members, Coordination SUD has set up working committees. The Agriculture and Food Commission (C2A) brings together international solidarity NGOs working to realize the right to food and increase support for smallholder farming in policies that impact world food security: 4D, ACF, aGter, Artisans du Monde, AVSF, CARI, CCFD-Terre Solidaire, CFSI, CIDR, CRID, Gret, Inter Aide, Iram, Oxfam France, Peuples Solidaires-ActionAid France, Plate-Forme pour le Commerce Equitable, Réseau Foi et Justice Europe, Secours Catholique-Caritas France, Secours Islamique, Union Nationale des Maisons Familiales Rurales, and one guest : Inter-Réseaux.

The aim of the Commission is to coordinate the work conducted by its participants and to facilitate consultation among its members for their advocacy work with social actors and international policy makers. The members of the Commission share information on current international issues and reach agreements on who represents Coordination SUD in a range of arenas, such as the Interministerial Group on Food Security (GISA) and the Civil Society Mechanism (CSM) for the Committee on World Food Security (CFS). The Commission is mandated by Coordination SUD to formulate the positions taken by the group during the major institutional meetings on the subject of agriculture and food.

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