



**Green
Development
Advocates**
For a Green Congo Basin

United Nations Declaration on the Rights of Peasants and Other People working in Rural Areas (UNDROP)

Framework for improving
the rights of indigenous peoples
and local communities

BRIEFING NOTE



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1. Origin of the declaration

The network of peasant organisations Via Campesina¹ is a transnational social movement for the defence of rural workers against multinational, international capitalism and patriarchy. In 2008, after seventeen (17) years² of mobilisation by its allies, it adopted the declaration on the rights of peasants in the face of the countless outrages and discriminations of which they are victims. The advocacy of this network of organisations for the recognition of the said declaration led the Human Rights Council (HRC) of the United Nations (UN) to create an intergovernmental working group four (4) years later to prepare and negotiate a similar UN declaration. The work carried out within this framework resulted in the adoption of the Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP) on 28 September 2018 by the HRC³ through resolution N0. 39/12 and on 17 December 2018, by the UN General Assembly (UNGA)⁴ through resolution N0. 73/165.

¹ Literally «The voice of peasants», this international, autonomous, pluralist, multicultural and political movement founded in 1993 on a strong sense of unity and solidarity of small-scale producers works for food sovereignty and the promotion of peasant agriculture. It represents around 200 million small-scale food producers and has a total of 182 local and national organisations in 81 countries in Africa, Asia, Europe and the Americas. d'Europe et des Amériques.

² Cf. <https://viacampesina.org/fr/quest-via-campesina/>

³ Out of the 47 member states of the Human Rights Council, 33 voted for, 03 against and 11 abstained. See <https://undocs.org/fr/A/HRC/RES/39/12>.

⁴ The UNGA recorded 121 votes for, 8 against and 54 abstentions. See <https://undocs.org/fr/A/RES/73/165>.

2. Purpose of the declaration

UNDROP aims at ensuring the dignity and well-being of traditional actors in a rural world. Its ambition is to rebalance power relations between the peasants, the patriarchal system and the multinationals and agribusinesses managers. It is therefore a new lever to counterbalance the concentration of food production in the hands of agribusinesses and multinationals and the imbalance between the latter and the beneficiaries of the declaration. It thus aims to grant a status to marginalised people and groups in the rural world and to protect them by going beyond the link of attachment to land and the settling process of the holders of the proclaimed rights. Above all, it is a new advocacy tool for the recognition of farmers' customary rights and the promotion of their cultural knowledge and practices. The usefulness of UNDROP is clear from the collaboration and cooperation called for in the declaration, the diversity of the rights enshrined and the specificity of their holders.

3. Who are the people targeted by UNDROP?

UNDROP targets peasants and other people working in rural areas and all their forms of organisation. According to Article 1, the Declaration applies to any person who engages or who seeks to engage in small-scale agricultural production for subsistence and/or for the market, and who relies significantly on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land. This includes:

- peasants themselves (art. 1 para. 1);
- peasants without land;

- members of peasants' families who depend on them,
 - hired workers, including all migrant and seasonal workers in agro-industrial enterprises, forests and aquaculture, farms, forestry and fishing;
 - persons engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture, or a related occupation in a rural area;
 - other people working in rural
 - areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination. (art. 2 para. 2); and
 - indigenous peoples and local communities working on the land, including transhumant, nomadic and semi-nomadic communities, and the landless engaged in the activities mentioned above;
- It is important to note that the Declaration applies to Indigenous Peoples in their capacity as "other people working in rural areas", not as peasants, given that there is an existing international legal framework specifically addressing the rights of Indigenous Peoples⁵.

4. Content of UNDROP

UNDROP enshrines a number of rights for farmers, promotes good environmental practices and creates international standards for states and international organisations.

⁵ Note that Art. 28 of the UNDROP includes the clarification that "Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that [...] indigenous peoples currently have or may acquire in the future".

4.1. The Rights Recognised in UNDROP

These rights are diverse as well as varied and many can be implemented both individually and collectively. These include among others:

• The Rights of Peasants

Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms, exercised without discrimination (art. 3). These include but are not limited to: non-discrimination against women (art. 4), the right to life, freedom and security (art. 6), freedom of movement, including across borders (art. 7), freedom of thought, opinion and expression (art. 8) and freedom of association (art. 9).

Peasants and other persons working in rural areas also have the right to determine and develop priorities and strategies to exercise their right to development (art.3).

• Economic and social rights

The economic and social rights of people working in rural areas (whether employees or not) include:

- The right to an adequate standard of living (art.16)
- the right to work and to choose freely the way they earn their living (art. 13), which includes decent employment (art.13 para 4), and an income, a decent livelihood and remuneration allowing for an adequate standard of living (art. 13 para 3), and facilitated access to the means of production (art. 16 para 1);
- the existence of labour inspection services in rural areas and protection against rights abuses, including slavery, and forced and bonded labour (art 13 para 6;
- The right of children to be protected from work that is hazardous or likely to interfere with the child's education, or harmful to health or physical, mental, spiritual, moral or social development (art 13 para 2);

- the right to social security (art.22 para 1) and to health (art.23);
- the right to education and training (art. 25) which promotes the development of peasant cultures and scientific practices related to their activities;
- the right to adequate housing (art.24), to a safe and healthy working condition (art.14 para 1) and the right of peasants to the highest attainable standard of physical and mental health (art.23 para 1); and
- the right to food and food sovereignty (art.15 para 5).

• **Land-related Rights**

The individual and collective right to land (art. 17), which is one of the most important in UNDROP, includes access to land and its extensions⁶, sustainable and non-discriminatory management, legal recognition of customary rights, protection against forced evictions and expulsions, return to the land in previous cases and, if necessary, fair and equitable compensation, if return is impossible. States should take measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law. UNDROP calls for the adoption of just and equitable land reforms that give peasants broad access to land and other natural resources and guarantee them priority in the allocation of land and its extensions (art. 17 para. 5).

• **Natural Resource Rights**

These include:

- the right to have access to and use in a sustainable manner natural resources needed to enjoy adequate living conditions, and to participate in the management of those resources. States shall take measures to ensure the equitable sharing of the benefits derived from such use. Any exploitation affecting the natural re-

⁶ Forests, grazing, coastal and maritime areas.

sources that peasants and other people working in rural areas traditionally hold or use should be based on an environmental impact assessment and consultations in good faith (art. 5).

- the right to a clean water supply system (art. 21) which guarantees access to water, its sanitation and its customary and community management
- the right to biological diversity (art. 20) which implies the prevention of risks of violation of peasants' rights when introducing new species⁷ ;
- The right of women to equal access to, use of and management of land and natural resources (Article 4.2(h)); and
- the right to a clean, safe and healthy environment to manage and use (art.18) which includes the prohibition of the use of polluting products.

• **Cultural Rights**

The following are discussed here:

- cultural rights and the right to traditional knowledge (art. 26), which implies the right to maintain, express, control, protect and develop the local and traditional knowledge of peasants.
- the right to seeds (art. 19), which includes the protection and development of traditional seed knowledge, the quality, availability and affordability of seeds, and the consideration of the needs of peasants in scientific research; and
- the use, conservation and protection of traditional pharmacopoeia, all of which are integrated into the right to health (art. 23).

• **Procedural Rights**

These include, among others:

- the right to information (art.11) which includes access to information, its fairness, transparency, reception, production and dis-

⁷The declaration aims specifically Living Modified Organisms (LMOs).

semination, particularly with regard to the production, processing, marketing and of products of rural workers and peasants;

- The right to consultation prior to decision-making, ensuring free, effective, meaningful and informed participation in associated decision-making (article 2para3). States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions⁸.

- the right to participation (art. 10), which implies active and free participation in the development and implementation of policies, programs and projects that concern them; participating in decision-making that may impact their lives, their land and their livelihoods; and

- the right of access to justice (art.12) which entails taking into account customs and traditions in the fair settlement of disputes, legal assistance and the establishment of reliable mechanisms.

4.2. UNDROP: an instrument to promote sustainable practices in rural areas

UNDROP also aims at ensuring the ability of future generations to meet their natural resource needs. In this sense, the declaration is intended to be a tool to encourage sustainable practices such as:

- the promotion of agro-ecology (art. 17 para 7 & art. 16 para 4);

⁸Free, Prior and Informed Consent (FPIC) clearly applies to Indigenous Peoples under international law but not explicitly to Peasants. Where the characteristics of non-indigenous peasant groups are similar in nature to those of indigenous peoples, FPIC may still apply, notably in instances where a community of peasants hold a particularly strong collective connection to, and cultural reliance on, particular customary lands and natural resources. This is particularly where their integrity as a collective group and culture would be put at risk if that connection and reliance was undermined by other parties.

- the promotion of agrobiodiversity (art.19 para 6);
- the regeneration of biological resources (art. 17 para. 7);
- the protection of plant genetic resources (Art. 19 para. 1 a); and
- sustainable development (art. 5 para 1).



4.3. Responsibility of States and international organisations

UNDROP assigns a number of standards to both States and international organisations.

• Obligations of International Organisations

The UN, its specialised agencies, international and regional financial institutions and other international and regional organisations shall be responsible for promoting compliance with the Declaration, its full implementation and effectiveness (Art. 27) by mobilising development assistance and cooperation.

• Obligations of States

In particular, states must consult and collaborate in good faith with peasants and others working in rural areas for the respect, protection and fulfilment of the rights recognised in the UNDROP. This includes:

- the rapid adoption of administrative, legislative and other measures required (art. 2 para. 1) for the full realisation of the rights guaranteed in the declaration;
- ensuring the application of their international agreements is compatible with their human rights obligations (art.2 para4);
- recognising the importance of international cooperation in support of national efforts to implement the declaration (Art.2 para.6); and
- the integration of the declaration or the rights it enshrines into public policies (Art. 15 para. 5).



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