

International Declaration of Peasants' Rights

On Tuesday the 21st of February, 2012, document A/HRC/AC/8/6 was presented at the Palace of Nations in Geneva under the title of "Final study on the advancement of the rights of peasants and other people working in rural areas". On Friday the 24th of February, the document was unanimously approved by the Advisory Committee on Human Rights of the United Nations. A/HCR/AC/8/L.1. This document contains the preliminary text of the International Declaration of Peasants Rights.¹

"*Vía Campesina*" is, perhaps, one of the most important organizations of rural people in the World today. It gathers organizations of peasants from a large number of countries in Europe, Latin America, North America, Asia and Africa. At its last World Congresses, *Vía Campesina* had framed a project for a Declaration that was approved at Maputo, in Mozambique. Its leaders met at Geneva in order to assure that this international legal instrument would assume reality within the framework of International Human Rights Law. Basically, the preliminary text approved by the Consulting Committee is sourced from *Vía Campesina*, given value by having been drawn up by the base organizations of peasants from around the World.

The Human Rights Council of the United Nations holds its sessions in Geneva, Switzerland and, after the General Assembly that meets in New York, is the most important participative decision-making body in the international jurist public system. That Council has an Advisory Committee of 18 people who only represent themselves. After many years of proceedings, the Council charged said committee in its Resolution 16/27 to look into the convenience of preparing a Declaration or new legal instrument focused on the protection and development of peasants and their communities, as well as other people who live and work in the rural world, such as artisan fishermen, hunters, herdsmen, and rural groups in general. This Advisory Committee named an "draft working group" made up of Chingsung Chung, a Korean professor; Mona Zulficar, an Egyptian lawyer; Latif Huseynov, an Azerbayan jurist; Jean Ziegler, Swiss professor; and Chilean professor, José Bengoa, who was responsible for presenting the document. Christophe Golay and Ioana Cismas of the Academy of Human Rights and International Humanitarian Law of the University of Geneva were in charge of coordinating and editing the documentation.

The project of the Declaration of Peasants' Rights is, as of these recent dates, an official United Nations document. It has gone through the hands of the Human Rights Council, comprised of representatives of 54 countries, presided by the Ambassadors of Uruguay, Laura Dupuy Lasserre. The Council has indicated that it will analyze the subject during its next meeting that will take place at Geneva in May of 2012. The Uruguayan delegation has communicated on the floor of the session that it hopes that debate on the subject will begin soon. That will begin the lengthy proceeding that culminates at the General Assembly, which votes to approve Declarations and other legal instruments of this nature. As is well known, Declarations have very considerable legal weight although they are not proper treaties. The Human Rights Council often creates an open Working Group so that Nation States may make known their opinions. Nevertheless,

¹ Official United Nations documents are all numbered so that they are easily referred to and found on the WWW.

when this sort of instrument is formally presented for public debate at the forum of international law, its content and proposals may well be considered as a reference to level of the standards that are being debated and an orientation of the policies to be undertaken.

At the afore-mentioned session, the peasant leader from the autonomous community of Aragon in Spain and leader participant in *Vía Campesina*, Mr. Javier Sánchez Anso - after complimenting the Advisory Committee on their work - pointed out that “secure access to and control over the land and its productive resources are linked intrinsically to the enjoyment of the Rights determined by the Universal Declaration of Human Rights”, adding that “the final study of the Advisory Committee plays an extremely important role in dealing with the problem of the concentrated accumulation of land, and historical discrimination against the peasantry – particularly women – in the context of accessibility and control over productive resources such as land, water and seeds.”

When it was presented publicly, several relevant aspects of the report were mentioned. In first place, the document has to do with peasants in the so-called “First World” as well as the Third World and poor countries. Thus it has great potential in a globalized World. In second place, it may be the first time that a legal instrument includes the great, contemporary subjects that have to do with food: on the one hand, dealing with the subject of resources – land speculation, and, above all, the concentration and hoarding of ownership is condemned as one of the topics of great concern today; and the topic of water resources is given top priority, based on our knowledge of its present and future importance. Furthermore, emphasis is placed on the question of seeds, and genetically modified seeds especially; and the subject of clean agriculture and healthy foods, subjects at the center of everyday, contemporary discussion. Summarizing, this Project of a Declaration confirms the importance of small-scale, clean agricultural production as it relates to quality, healthy and appropriate food. It conjoins in a single body what are perhaps the oldest peasants’ production systems in the World, with the hopes and needs of many population that not only requires volume, but quality and healthiness of food as well.

José Bengoa

Member of the Drafting Group,
Advisory Committee for Human Rights Organization of the United Nations

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

The Advisory Committee of the Human Rights Council,

Affirming that peasants are equal to all other people and, in the exercise of their rights, should be free from any form of discrimination, including discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, wealth, birth or other status,

Acknowledging that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Program of Action, affirm the universality, indivisibility and interdependence of all human rights, civil, cultural, economic, political and social,

Emphasizing that in the International Covenant on Economic, Social and Cultural Rights, States have undertaken to take appropriate steps to ensure the realization of the right to an adequate standard of living, including adequate food, and the fundamental right to be free from hunger, notably through the development and reform of agrarian systems,

Emphasizing that according to the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples, including indigenous peasants, have the right to self-determination and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development, having the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions,

Recalling that many peasants all over the world have fought throughout history for the recognition of their rights and for just and free societies,

Considering that the current development of agriculture, speculation on food products and large-scale land acquisitions and leases in many parts of the world threaten the lives of millions of peasants,

Considering the increasing concentration of the food systems in the world in the hands of a small number of transnational corporations,

Acknowledging that small-scale peasant agriculture, fishing and livestock rearing can contribute to secure a sustainable food production for all,

Considering that peasants constitute a specific social group which is so vulnerable that the protection of their rights require special measures to make sure that States respect, protect and fulfil their human rights,

Believing that this Declaration is an essential step towards the recognition, promotion and protection of the rights of peasants,

Recognizing and reaffirming that peasants are entitled without discrimination to all human rights recognized in international law,

Solemnly adopts the following Declaration on the Rights of Peasants:

Article 1

Definition of peasants

1. A peasant is a man or woman of the land, who has a direct and special relationship with the land and nature through the production of food or other agricultural products. Peasants work the land themselves and rely above all on family labour and other small-scale forms of organizing labour. Peasants are traditionally embedded in their local communities and they take care of local landscapes and of agro-ecological systems.
2. The term peasant can apply to any person engaged in agriculture, cattle-raising, pastoralism, handicrafts-related to agriculture or a related occupation in a rural area. This includes indigenous people working on the land.
3. The term peasant also applies to landless. According to the UN Food and Agriculture Organization definition, the following categories of people are considered to be landless and are likely to face difficulties in ensuring their livelihood: 1. Agricultural labour households with little or no land; 2. Non-agricultural households in rural areas, with little or no land, whose members are engaged in various activities such as fishing, making crafts for the local market, or providing services; 3. Other rural households of pastoralists, nomads, peasants practising shifting cultivation, hunters and gatherers, and people with similar livelihoods.

Article 2

Rights of peasants

1. All peasants, women and men, have equal rights.
2. Peasants have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments.
3. Peasants are free and equal to all other peoples and have the right to be free from any kind of discrimination in the exercise of their rights, in particular to be free from discriminations based on their economic, social and cultural status.
4. Peasants have the right to participate in the policy design, decision making, implementation, and monitoring of any project, program or policy affecting their land and territories.
5. Peasants have the right to food sovereignty, which comprises the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and the right to define their own food and agriculture systems.

Article 3

Right to life and to an adequate standard of living

1. Peasants have the right to physical integrity, to not be harassed, evicted, persecuted, arbitrarily arrested, and killed for defending their rights.
2. Peasants have the right to live in dignity.
3. Peasants have the right to an adequate standard of living, which includes the right to an adequate income to fulfil their basic needs and those of their families.

4. Peasants have the right to adequate, healthy, nutritious, and affordable food, and to maintain their traditional food cultures.
5. Peasants have the right to consume their own agricultural production and to use this to satisfy their families' basic needs, and the right to distribute their agriculture production to other people.
6. Peasants have the right to safe drinking water, sanitation, means of transportation, electricity, communication and leisure.
7. Peasants have the right to adequate housing and clothing.
8. Peasants have the right to education and training.
9. Peasants have the right to the highest attainable standard of physical and mental health. They have the right to have access to health services and medicine, even when they live in remote areas. They also have the right to use and develop traditional medicine.
10. Peasants have the right to live a healthy life, and not be affected by the contamination of agrochemicals, such as chemical pesticides and fertilisers.
11. Peasant women have the right to be protected from domestic violence, physical, sexual, verbal and psychological.
12. Peasant women have the right to control their own bodies and to reject the use of their bodies for commercial purposes.
13. Peasants have the right to decide about the number of children they want to have, and about the contraceptive methods they want to use.
14. Peasants have the right to the full realization of their sexual and reproductive rights.

Article 4

Right to land and territory

1. Peasants have the right to own land, individually or collectively, for their housing and farming.
2. Peasants and their families have the right to toil on their own land, and to produce agricultural products, to rear livestock, to hunt and gather, and to fish in their territories.
3. Peasants have the right to toil and own unused land on which they depend for their livelihood.
4. Peasants have the right to manage, conserve, and benefit from the forests and fishing grounds.
5. Peasants have the right to security of tenure and not to be forcibly evicted from their lands and territories. No relocation should take place without free, prior and informed consent of the peasants concerned and after agreement on just and fair compensation and, where possible, with the option of return.
6. Peasants have the right to benefit from land reform. Latifundia must not be allowed. Land has to fulfil its social function. Land ceilings to land ownership should be introduced whenever necessary in order to ensure an equitable access to land.

Article 5

Right to seeds and traditional agricultural knowledge and practice

1. Peasants have the right to determine the varieties of the seeds they want to plant.
2. Peasants have the right to reject varieties of plants which they consider to be dangerous economically, ecologically, and culturally.
3. Peasants have the right to reject the industrial model of agriculture.
4. Peasants have the right to conserve and develop their local knowledge in agriculture, fishing, livestock rearing.
5. Peasants have the right to use the agriculture, fishing, livestock rearing facilities.
6. Peasants have the right to choose their own products and varieties, and the ways of farming, fishing, and livestock rearing, individually or collectively.
7. Peasants have the right to use their own technology or the technology they choose guided by the need to protect human health and environmental conservation.
8. Peasants have the right to grow and develop their own varieties and to exchange, to give or to sell their seeds.

Article 6

Right to means of agricultural production

1. Peasants have the right to obtain credit and the materials and tools needed for their agricultural activity.
2. Peasants have the right to obtain technical assistance, production tools and other appropriate technology to increase their productivity, in ways that respect their social, cultural and ethical values.
3. Peasants have the right to water for irrigation and agricultural production in sustainable production systems controlled by local communities. They have the right to use the water resources in their land and territories.
4. Peasants have the right to the means of transportation, drying, and storage facilities for selling their products on local markets.
5. Peasants have the right to be involved in the planning, formulation, and adoption of local and national budgets for agriculture.

Article 7

Right to information

1. Peasants have the right to obtain adequate information related to peasants' needs, including about capital, market, policies, prices and technology.
2. Peasants have the right to obtain adequate information about goods and services, and to decide what and how they want to produce and consume.
3. Peasants have the right to obtain adequate information at the national and international levels on the preservation of genetic resources.

Article 8

Freedom to determine price and market for agricultural production

1. Peasants have the right to prioritize their agricultural production for their families' needs. They have the right to store their production to ensure the satisfaction of their basic needs and those of their families.
2. Peasants have the right to sell their products on traditional local markets.
3. Peasants have the right to determine the price, individually or collectively.
4. Peasants have the right to get fair price for their production.
5. Peasants have the right to get a fair payment for their work, to fulfil their basic needs and those of their families.
6. Peasants have the right to a fair and impartial system of evaluation of the quality of their product, nationally and internationally.
7. Peasants have the right to develop community-based commercialization systems in order to guarantee food sovereignty.

Article 9

Right to the protection of agriculture values

1. Peasants have the right to the recognition and protection of their culture and local agriculture values.
2. Peasants have the right to develop and preserve local knowledge in agriculture.
3. Peasants have the right to reject interventions that can destroy local agricultural values.
4. Peasants have the right to express their spirituality, individually and collectively.

Article 10

Right to biological diversity

1. Peasants have the right to protect, preserve and develop biological diversity, individually and collectively.
2. Peasants have the right to reject patents threatening biological diversity, including on plants, food and medicine.
3. Peasants have the right to reject intellectual property rights on goods, services, resources and knowledge that are owned, maintained, discovered, developed or produced by the local peasant communities.
4. Peasants have the right to reject certification mechanisms established by transnational corporations. Local guarantee schemes run by peasants' organizations with government support should be promoted and protected.

Article 11

Right to preserve the environment

1. Peasants have the right to a clean and healthy environment.

2. Peasants have the right to preserve the environment according to their knowledge.
3. Peasants have the right to reject all forms of exploitation which cause environmental damage.
4. Peasants have the right to sue and claim compensation for environmental damage.
5. Peasants have the right to reparation for ecological debt and the historic and current dispossession of their land and territories.

Article 12

Freedoms of association, opinion and expression

1. Peasants have the right to freedom of association with others, and to express their opinion, in accordance with traditions and culture, including through claims, petitions, and mobilizations, at the local, regional, national and international levels.
2. Peasants have the right to form and join independent peasants' organizations, trade unions, cooperatives, or any other organizations or associations, for the protection of their interests.
3. Peasants, individually or collectively, have the right to expression in their local customs, languages, local culture, religions, cultural literature and local art.
4. Peasants have the right not to be criminalized for their claims and struggles.
5. Peasants have the right to resist oppression and to resort to peaceful direct action in order to protect their rights.

Article 13

Right to have access to justice

1. Peasants have the right to effective remedies in case of violations of their rights. They have the right to a fair justice system, to have effective and non-discriminatory access to courts.
 2. Peasants have the right to legal assistance.
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