

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: Grassroots Voices

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GRASSROOTS VOICES

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

Priscilla Claeys and Marc Edelman, Guest Editors¹

Editors' introduction

Seventeen years of struggle. That's what it took for the United Nations to adopt — on December 17, 2018 — the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP 2018). UNDROP recognises the dignity of the world's rural populations, their contributions to global food production, and the 'special relationship' they have to land, water and nature, as well as their vulnerabilities to eviction, hazardous working conditions and political repression. It reiterates human rights protected in other instruments and sets new standards for individual and collective rights to land and natural resources, seeds, biodiversity and food sovereignty. Readers of this Grassroots Voices forum will encounter some of the key actors that made the Declaration happen: peasant activists from Indonesia, Belgium, France, Germany, Senegal and Argentina; a farmworker union activist from the United States; a women's rights activist from Spain; a Bolivian diplomat; the Indian leader of a transnational Catholic farmers' movement; an advocate for small-scale fishers from Uganda; a Swiss jurist; an indigenous peoples' rights leader from Mexico who had participated in the negotiations of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); and human rights advocates from CETIM² and FIAN International, two organisations that played key supporting roles in the process. Together they describe a new kind of people's diplomacy and an innovative, bottom-up process of building alliances, lobbying, and authoring international law.

As Henry Saragih, Melik Özden and Florian Rochat describe below, the process in the UN began in 2001, when La Via Campesina (LVC) first called for peasants' rights in debates on the 'right to development' in the UN Human Rights Commission (CETIM, WFDY, and LVC

¹ Both authors contributed equally to this article.

² CETIM stands for Centre Europe-Tiers Monde (Europe-Third World Centre).

2001).³ Its roots, however, go further back, to the brutal repression in Indonesia in the mid-1960s, and to LVC's 1996 decision, at its Second International Conference in Tlaxcala, Mexico, to bring its 'objectives to the international arena of the FAO, IMF, WB, WTO and other international forums of the United Nations and the ILO' (LVC 1996). While LVC historically kept its distance from the International Monetary Fund (IMF), the World Bank (WB) and the World Trade Organisation (WTO), which it views as adversaries, it has long pursued engagement with various UN bodies and agencies, with an emphasis on the UN Food and Agriculture Organization (FAO) and UN Committee on World Food Security (CFS) (Edelman and Borras 2016, chap. 6). Before the creation, in 2012, of the Open-Ended Intergovernmental Working Group tasked with the drafting and negotiation of the UNDROP, LVC had only marginally engaged with the UN Human Rights Council. It had focused on the internal process of framing its claims in human rights terms, leading to the adoption, in 2008, of the movement's Declaration of Rights of Peasants, Women and Men. The phrase 'women and men' signals the dynamic involvement of women activists throughout the process (an aspect highlighted in Sandra Moreno's contribution below). Building on the momentum of the 2008 global food crisis and boosted by the 2007 adoption of the UNDRIP, LVC succeeded in bringing its Declaration for debate to the Council thanks to strategic alliances with states,⁴ NGOs and key UN bodies and mandates, notably the Special Rapporteur on the right to food. Negotiations started in 2013 with Bolivia as Chair, and diplomats discussed a total of five drafts before formally adopting the UNDROP in September 2018. The UNDROP's final adoption by the UN General Assembly occurred in December of the same year, marking the conclusion of a unique exercise in law-making from below.

The UNDROP contains a preamble and 28 articles and is available in the six UN official languages.⁵ It enunciates the individual and collective rights granted to peasants and other people working in rural areas, stating explicitly that peasants should enjoy these as individuals but also 'in association with others or as a community' (Article 1). It clarifies states' obligations to

³ The UN Human Rights Commission was the predecessor of the UN Human Rights Council, which was created in 2006.

⁴ The core group of states supporting the UNDROP process consisted of Bolivia, Ecuador, Cuba and South Africa.

⁵ See UNDROP (2018).

respect, protect and fulfil these rights, and to take all necessary measures to ensure that transnational corporations and business enterprises that states are in a position to regulate, respect and strengthen these rights as well.

Positioning ourselves

It is important to acknowledge at the outset our own involvements in the process that led to UNDROP. Both of us have been researching and writing on UNDROP for several years, and we are also implicated in the much larger collective effort of its production.

Claeys has been a member of FIAN International since 2003, an organisation that has been instrumental in building support for UNDROP. She co-authored a number of FIAN International briefs on the process, notably on the rights to sovereignty over natural resources, development and the rights of rural women (Claeys 2015b; Nuila and Claeys 2016). Between 2008 and 2014, she was Senior Advisor to the UN Special Rapporteur on the right to food and facilitated contacts between LVC and the Rapporteur. She attended the special session of the Council that took place on 22 May 2008 at the initiative of the Rapporteur to discuss the impacts of the world food crisis on the right to food. That special session, the first ever dedicated to an economic and social right, paved the way for the Council's Advisory Committee's reports on discrimination and the right to food and on the rights of peasants (Claeys 2015a). In 2016, she spent three months on the staff of the Office of the High Commissioner for Human Rights (OHCHR) in charge of organising the third session of the Working Group and writing the session's final report. With the support of Bolivia, she managed to change the format of such reports to ensure that the respective positions in the negotiations would be nominally attributed to participants. This included explicitly mentioning participating agrarian organisations by name in the report, despite the fact that they are not accredited with ECOSOC status.⁶ In 2017, as an invited panellist, Claeys defended the concept of food sovereignty before the fourth session of the Working Group. Also in 2017, she was a consultant for OHCHR in charge of writing a study on

⁶ To participate in Human Rights Council discussions, civil society organisations must apply for general or special consultative status with the UN Economic and Social Council (ECOSOC). Consultative status allows CSOs to formally participate in UN meetings, including speaking on the record and organising events on UN grounds. The application process takes about two years and is cumbersome for social movements.

the ‘Normative sources and rationale underlying the draft declaration on the rights of peasants and other people working in rural areas’ (OHCHR 2017). This report, co-authored with Stefania Errico, provides a comprehensive list, article by article, of existing international and regional instruments that apply to peasants and other people working in rural areas and that can be used to support peasants’ rights claims.⁷ Claeys also attended meetings in Europe that sought to build a dialogue between peasant organizations, civil society allies and policymakers. These included meetings with the Working Party on Human Rights of the European Council (COHOM) in 2017 and with various Ministries of the French government in 2018.

Edelman first went to Geneva in 2011 to follow discussions about the Declaration in the Advisory Committee of the Council. In 2012, FIAN International asked him to participate in an International Public Hearing and Seminar on the Human Rights Situation of Peasant Communities in the Bajo Aguán, Honduras, an area of violent agrarian conflict (Edelman 2012a; 2017, chap. 4). One intention of the Honduras event was to highlight severe cases of violations of the rights of peasants with a view toward building support for UNDROP. The following year he was an invited panellist at the first session of the Working Group, where he presented a briefing paper on definitions of ‘peasant’ and ‘peasantries’ that aimed to strengthen the draft text’s Article 1 on the rights holders (Edelman 2013). In subsequent debates he intervened several times to address misgivings that states expressed about Article 1. In recent years, Edelman spoke on UNDROP to audiences of academics and activists in the United States, Canada, China, India, and Ecuador, among other places. He wrote blogs on key issues related to UNDROP and, right before the 2018 General Assembly vote, provided solidarity housing in New York to visiting activists and co-authored an op-ed in the *Frankfurter Rundschau* (with jurist Smita Narula and UN Special Rapporteur on the right to food Hilal Elver) that aimed at influencing European Union countries’ votes (Edelman 2012b; 2014; Edelman, Elver, and Narula 2019).

Between 2013 and 2018, both of us went to annual sessions of the Working Group that took place at the Council in Geneva and lasted a full week. This involved attending all formal debates, side-events and expert seminars, but also conducting interviews, sitting in on civil

⁷ The study covers international and regional instruments, texts adopted by inter-governmental bodies, general comments adopted by treaty bodies, and recommendations from special procedures (Special Rapporteurs and Independent Experts of the UN human rights system). It is based on the 2016 draft of UNDROP (UNHRC 2016) that was discussed at the third session of the Working Group.

society meetings and sharing meals and evenings with movement activists and their allies. These informal gatherings contributed a lot to our collective analysis of the political context in which UNDROP was developing. They also enabled conceptual and strategic discussions on how to address the contentious issues emerging from the negotiations. In 2014-2015, both of us were part of an informal group that advised the Bolivian Ambassador when she had to present a new draft Declaration to the Council.

We understood the significance of UNDROP in light of years of witnessing and documenting violations of the human rights of peasants and other rural people — Edelman during years of field research in Latin America and Claeys during her work with the UN Special Rapporteur on the Right to Food and with FIAN. Had we been the kind of ‘neutral’ observers that positivist social scientists consider essential for ‘objectivity’, we likely would have obtained scant and misleading data — indeed, many key actors would have been reticent about sharing their insights and views. This positionality had a cost in the other direction, however. Edelman noticed that US and EU diplomats manifested a certain wariness when his UN badge indicated that he was accredited by FIAN. When he later obtained accreditation from the American Anthropological Association it became easier to elicit frank — although almost always ‘off-the-record’ — opinions.

Which grassroots voices?

In assembling this Grassroots Voices collection we had several goals. We wanted to represent the diversity of organisations, rural occupations, and professionals (diplomats, jurists, NGO activists) that worked on UNDROP. We wanted to recognize the protagonic role played by the peasant movements La Via Campesina and FIMARC (Fédération Internationale des Mouvements d’Adultes Ruraux Catholiques, International Federation of Rural Adult Catholic Movements), but also acknowledge the importance of alliance building across rural constituencies. Representatives from organisations of pastoralists (WAMIP)⁸, fisherfolk (WFF

⁸ WAMIP is the World Alliance of Mobile Indigenous People.

and WFFP)⁹, agricultural workers (IUF)¹⁰ and indigenous peoples (IITC)¹¹ contributed inputs, concerns and specific rights claims that greatly enriched the Declaration. We also sought geographical, gender and generational balance. Since a lot has already been written on the content of UNDROP and the range of peasants' rights violations it seeks to address, we opted for documenting the motivations, convictions, experiences of and relationships between those involved in this process over the years. We encouraged contributors to look back on their personal and activist history, and to share their visions, hopes and strategies for awareness raising and implementation. We also asked them what might be missing in the final text of the UNDROP. We prioritised people with a long history of engagement in the UNDROP process, some going back to its genesis in the late 1990s. Yet we also invited more recent advocates of peasants' rights, to reflect generational changes within LVC's leadership and a diversity of pathways into peasants' rights activism. The steep learning curve many activists experienced during the negotiations is readily palpable in several contributions.

We didn't entirely meet all these objectives. It proved impossible, for example, to track down a very eloquent spokesperson for nomadic pastoralists who had attended one of the Working Group sessions. A leader of an international agricultural workers union who had been extremely active in Geneva simply did not have time to collaborate. Our efforts to have more women and more voices from Asia did not materialise. In addition, we were faced with difficult trade-offs. For example, achieving geographical and gender balance sometimes meant deprioritising possible contributions from over-represented but strongly mobilised regions, especially Europe. These were ultimately minor disappointments, however.

We offered contributors various options: responding to interview questions by email (and proposing their own questions), writing a personal reflection on a theme of their own choosing or arranging a skype interview with one of us. To one contributor we suggested publishing the text of an oral intervention he had delivered during the negotiations, because we had both been very much impressed by it at the time and wanted to convey the formal style of such interventions in a

⁹ WFF is the World Forum of Fish Harvesters and Fish Workers and WFFP is the World Forum of Fisher Peoples.

¹⁰ IUF is the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco & Allied Workers' Associations.

¹¹ IITC is the International Indian Treaty Council.

UN setting. Out of the 14 contributions presented here, two are personal reflections, five are written interviews, six are skype interviews and one is the text of an oral intervention. Skype interviews were transcribed and edited. We then shared the transcripts with the contributors, who reviewed them, before we did a last round of edits and shared them again with the authors for validation. We also consulted the authors on the title of their contributions. While the two personal reflections needed little revision, some written interviews required intense editing, and in a few cases additional questions, to ensure that contributors' ideas and experiences were adequately captured.

Language also raised challenges. The UN, and the field of international law more broadly, uses a specialised lexicon and an overabundance of abbreviations. How to make this accessible to a non-specialist audience? Many pieces of this Grassroots Voices forum were spoken or written first in French or Spanish. Claeys translated the French and Edelman the Spanish, but translation is never a simple matter: Latinate languages favour the passive voice more than English, so the agents of actions sometimes become invisible, and meanings can shift or get lost. The poetic beauty found in some of the French and Spanish texts did not always survive translation. In addition, a few contributions were written in English by non-native speakers and this too required a lot of attention to detail and frequent interchanges with authors. When possible, we shared the translated versions with the contributors so they could vet them. Some authors, however, do not read English and had to trust us with the translation. Regrettably, this also means they will not be able to read this Grassroots Voices and what their fellow contributors had to say.

Analyses of UNDROP

In the past ten years, a small but growing number of scholars have analysed UNDROP. In 2011, Edelman and James analysed agrarian movements' efforts to secure a UN Declaration as both 'the progressive extension of the existing human rights regime and a continuation of the democratization of rights-making' initiated by indigenous peoples who had worked within the drafting process of the UNDRIP (Edelman and James 2011, 82). Written before the negotiations started, the article explored the potential benefits and challenges of this proposed new legal instrument as well as tensions at the heart of LVC's declaration. Among the benefits, the authors

identified heightened visibility for peasants' rights violations at the UN, putting pressure on governmental and intergovernmental institutions, and strengthening the legitimacy of such rights, notably at the local government level. The challenges they identified included opposition from powerful states, difficulties in expanding rights-based norms, and obstacles to making peasant voices heard at a time when agriculture often plays less of a role in development. A key tension they explored was the difficulty of justifying peasants as rights holders. Edelman further analysed issues of definition in 2013 in a background paper for the first session of the Working Group. He explained that the term 'peasant' has long and complicated histories that reflect the vast presence of peasants in most societies but also their subordination. The pervasive pejorative use of the term is indicative of the oppression and discrimination they suffer. At the same time, discriminated groups frequently invert and celebrate previously pejorative labels, and the term 'peasant' is a case in point. He concluded that the Working Group should consider 'broadening this definition to encompass closely related vulnerable and discriminated groups' (Edelman 2013, 14). In 2014, Edelman argued that LVC's peasants' rights campaign had gained traction and garnered growing legitimacy, in part by linking to the right to food and the Sustainable Development Goals (SDGs). However, LVC's efforts to push beyond existing human rights norms made the proposed Declaration much more contentious than the right to food.

In 2012, Claeys analysed LVC's efforts to advance new human rights and compared the institutional trajectory of the 'right to food sovereignty' with that of the 'rights of peasants'. She contrasted LVC's decision not to institutionalize the right to food sovereignty with its determination to bring its declaration on peasants' rights to the UN. She raised the issue of how agrarian movements would address the dual challenge of: (a) preserving the emancipatory character of its rights claims while translating them into a UN international legal instrument, and (b) building alliances with other rural constituencies (e.g., pastoralists, fisherfolk) while demonstrating the specificity of peasants as rights holders (2012). In 2014, Claeys further expanded on the advantages and limitations, for agrarian movements, of using human rights to frame their claims. She concluded that LVC activists had successfully revitalized the human rights project with 'subversive' dimensions. Yet she pointed to difficulties with adequately defining the rights holders of UNDROP and to the risk of exclusion that may result from fixing the diffuse peasant identity in law. She argued that the involvement of lawyers in the process risked undermining the emancipatory potential of the Declaration despite the fact that LVC had

opted for working with ‘trusted human rights experts’ (2015a, 460). As the negotiation process was concluding, Claeys analysed the UNDROP as a rare case of direct involvement of social movements in international law-making. Returning to the role of lawyers and human rights experts, she argued that LVC had not entirely bypassed gatekeepers, NGO intermediaries and ‘knowledge brokers’ (Merry 2006, 38), but managed to work with them on its own terms. In her view, the legitimacy and autonomy of agrarian movements enabled them to engage directly with states and to put their claims on the international agenda without the endorsement of big gatekeeping NGOs. At the same time, the support role played by small NGOs such as FIAN International and CETIM, as well as academics, remained critical, in particular for accessing the Council, handling logistical arrangements and gaining legal expertise (Claeys 2018).

Monsalve, in an edited 2013 *Grassroots Voices*, analysed the human rights framework in contemporary agrarian struggles. She argued that international human rights law is a work in progress, and does not yet cover ‘all the needs and aspirations of oppressed groups’ (2013, 241). The Peasants’ Rights Declaration, she argued, offers an opportunity for agrarian movements to ‘articulate their own aspirations and conceptions of rights’ as part of an ‘alternative international legal framework’ (2013, 244). This view is shared by Henry Saragih from LVC whom she interviewed and who described the Declaration ‘as a counter-proposal to the current destructive neoliberal policies and practices’ (2013, 244). Pointing to the specific example of the ‘right to natural resources’, Monsalve showed how indigenous peoples, followed by peasants, fisherfolk and other rural groups, are using human rights to challenge the idea of ‘turning natural resources into commodities’ (2013, 241). In a later publication that looked specifically at the human right to land, she argued, together with Franco and Borrás, that the Declaration would ‘offer marginalized land claim-makers much-needed political-legal leverage to face those opposed to pro-poor land policy change’ (Franco, Monsalve, and Borrás 2015, 69).

In 2009, Golay authored several pioneering papers intended to introduce LVC’s ‘Declaration of the Rights of Peasants Women and Men’ to broader publics (2009a; 2009b; 2009c). Four years later he published legal reflections to support discussions on the draft Declaration at the first session of the Working Group. Analysing the draft contained in the annex to the Advisory Committee’s 2012 report, Golay distinguished between new rights (such as the right to food sovereignty or the right to seeds and biodiversity) and rights that already exist to some degree in international human rights law (such as the right to land). At the same time, he

identified missing rights that ought to be recognized if the Declaration were to confer full protection, such as the right to social security. Anticipating controversy around new rights and collective rights in particular, Golay stated that ‘recognizing new rights in a new instrument aimed at protecting a specific category of people is [to] conform to UN practice’ (2013, 14). In a later study, Golay identified a number of contentious issues in the UNDROP and pointed to language from other international instruments that might help negotiators find solutions.¹² Beyond facilitating compromise, reference to internationally accepted standards – which diplomats usually call ‘agreed language’¹³ – can help ensure the declaration builds on existing instruments (rather than weakening them) and complements other standard-setting initiatives in the UN (Golay 2015, 26).

Vandenbogaerde analysed the ability of the Council to respond to, and incorporate local human rights issues and struggles (2015). He aimed to assess if and how communities can participate in the elaboration and interpretation of human rights (Feyter et al. 2011). Pointing to the important role played by the Advisory Committee and the UN Special Rapporteur on the right to food in pushing for new standards for peasants at the Council, he noted that the Council as a body has not demonstrated a systematic commitment to learning from below (2017). Also in the legal field, Jovanović questioned whether peasants share enough of the ‘social and cultural features of groupness’ to qualify for the status of rights-holders of collective rights. In his view, most claims in the LVC declaration are formulated in social and economic rather than identitarian terms, and peasants may therefore not qualify for collective legal personality (2015, 18).

UNDROP also spawned production by analysts who had no first-hand acquaintance with the process. In 2014, Shawki used the peasants’ rights campaign as a case to explore the international policy process surrounding ‘new rights advocacy’ and draw lessons for human rights practitioners. Employing theoretical lenses from the field of international relations, she

¹² The study covers the following contentious issues: the definition of peasants and other people working in rural areas; state obligations, gender equality and the rights of rural women; civil and political rights; economic, social and cultural rights; the right to a clean and healthy environment; the rights of rural workers; the rights to land, fisheries and forests; the rights to seeds and biological diversity; and the rights to other means of production.

¹³ ‘Agreed language’ (which Golay and Pacheco mention in their contributions) refers to phrasing drawn from international agreements to which states have already indicated their approval.

argued that agrarian movements' claims have increasingly resonated with international priorities, especially after the 2007-08 global food crisis (2014, 318). At the same time, building on Claeys, she noted that the novel human rights norms claimed by LVC challenge the liberal human rights regime and therefore diminish support for the peasants' rights agenda. Also exploring how normative ideas such as human rights travel, Dunford used UNDROP as a case of 'grassroots peasant activism in order to counter tendencies of West-centrism and elitism within scholarship on norm diffusion' in the field of international relations (2017, 146). Dunford described the construction and diffusion of food sovereignty as a successful case of grassroots activism, but then argued that the institutional translation of food sovereignty at the Council was likely to lead to 'the erasure of peasant voices' and undermine the transformative meaning of food sovereignty (2017, 146). While this conclusion might appear curious to anyone who heard the vigorous, sustained interventions of peasant speakers at the five Working Group sessions, it points at a realpolitik problem to which several of the contributors to this Grassroots Voices forum also allude. As Ndiakhate Fall indicates in the interview below, 'In a negotiation, each party must be able to drop something.'

In 2018, Raghu offered a literature review covering six articles (by Wittman, Edelman and James, Claeys, Madhok and Dunford) that discuss LVC's engagement with human rights as an ethos and an arena of political contestation, with a view to contributing to discussions about the expansion of human rights. Analysing how the six authors situate food sovereignty within the human rights frame, Raghu identified tensions between LVC's efforts to advance its peasants' rights campaign through an emphasis on 'peasantness' and its articulation of food sovereignty as a frame conducive to unity in diversity. He pointed to directions for future research relating to the cross-pollination of multiple rights-based framing strategies, complex identity politics, institutional and extra-institutional engagements to advance peasant's rights and food sovereignty, and diversified attempts at coalition building (2018). The same year, Salomon discussed the gains achieved in the peasants' rights process in light of the broader debate between nihilists and pragmatists about whether to reject or strategically deploy international human rights law. International law is inherently connected to capital and presupposes the legal concept of private property. Engaging with it may therefore legitimise and sustain the international legal system that enables exploitation and alienation in the first place. Salomon described the UNDROP as a 'progressive legal project' that contests 'the logic of (transnational)

capitalism, of private property, contract, accumulation, and the exploitation of people and natural resources' (2018, 7–8). At the same time, however, she argues that the UNDROP sustains capitalist globalisation by validating the web of international agreements in the areas of trade, investment and finance that underpin it. In her view, 'international law that has served peasants so poorly is taken as a given and validated' (2018, 9). According to Salomon, one illustration of this is that the UNDROP endorses 'benefit-sharing' from the exploitation of genetic resources as a solution to manage the alienations and contradictions of capital accumulation, rather than breaking from the logic of commodification underpinned by exclusive property rights (2018, 11). In sum, Salomon questioned whether the UNDROP is indeed the 'meaningful departure from global capitalism' that it aspires to be (2018, 15).

Agrarian movements and human rights NGOs have developed their own analyses of the process and documented its history from within. In 2017, LVC published a report detailing 19 cases of violations of peasants' rights in Asia, Africa and the Middle East, Europe and the Americas (LVC 2017). It also released a People's Handbook for Peasant's Rights which provides detailed analysis of the rights contained in the draft Declaration, a historical overview and a strategic perspective for future work (ECVC, CLOC, and LVC 2017). These publications spell out the vision that underlies UNDROP and its articulation with the food sovereignty framework. In early 2019, CETIM published a short book summarizing key milestones in the UNDROP process, directed at food sovereignty activists and the broader public. The book analyses the strategies used by movement actors and explains in plain language the content of this new legal instrument in support of peasant struggles (Hubert 2019). These useful tools for awareness-raising and dissemination add to a manual for Spanish-speaking jurists on the protection on the rights of peasants that was elaborated by an alliance of Latin American academics and NGOs, drawing heavily from the draft UNDROP as it existed at that point (Emanuelli and Gutiérrez Rivas 2013).

Who are the 'experts'?

The stories of the struggle for UNDROP that emerge in the 14 contributions for this forum capture the complexity of activists' learning processes and their strong sense of ownership of the Declaration. The contributions also show how activists mastered negotiating, debating and

lobbying strategies and won a significant victory against steep and worsening odds. In the words of Paula Gioia (below), activists had to learn ‘how to translate “peasant language” into legal language and the other way around’.

Normally these processes of ‘translation’ are the domain not of rights holders, but of ‘intermediaries’ who are endowed with the social class position, education, ability to travel and transnational consciousness necessary to negotiate between various systems of meaning (Merry 2006). This is especially true in the highly technical and specialised UN human rights system, where ‘experts’ are accorded high prestige and legitimacy. Human rights scholarship has concentrated on how norms elaborated in Geneva and New York trickle down and are ‘vernacularised’ on the ground (Merry 2006). The UNDROP process suggests, however, that grassroots activists can successfully insert their notions of rights into international law, a process that elsewhere we term ‘the creation of new human rights from below’ (Claeys 2018) or ‘vernacularisation-in-reverse’ (Edelman 2014; 2016, chap. 4). We believe, moreover, that the notion of ‘experts’ deserves scrutiny, even though some of the contributors below deploy it in a rather conventional way. We need to remember that this category always arises out of a binary — ‘expert’ versus ‘non-expert’ — and to ask (paraphrasing Mitchell [2002, 53]), what kinds of individuals and agencies are anointed as ‘experts’.

As academics, we were often cast in or enacted ‘expert’ roles — on discussion panels, when intervening in debates or consulted on substantive issues, and so were a number of lawyers or human rights specialists that supported this process in different capacities. Yet we were also acutely aware of the deep expertise of many of the social movement protagonists on issues that ranged from seeds and technology to geopolitics and international law. This recognition of the knowledge held by representatives of rural organizations was shared by numerous actors in the negotiations, including some states. As Andrea Nuila, Philip Seufert, Sofía Monsalve and Ana María Suárez point out below,

the Bolivian Mission included social movements’ representatives on the discussion panels that it organised during each session. Recognizing that rural people are the “experts” when it comes to the realities of rural life changed the dynamic of the negotiations.

Several of the contributors to this forum allude to the co-construction of knowledge and law that made it possible for UNDROP to come to life. In our view, this co-construction is

inseparable from the impressive achievements in the day-to-day politics of collaboration and building trust and alliances with movements and activists in the same organisations and from other rural constituencies, but also with support NGOs, academics, and states (as Christophe Golay describes below). What we witnessed during the negotiations was various forms of knowledge reinforcing each other to build coherent and strong arguments in defence of peasants' rights. Jurists Christophe Golay, Ana María Suárez and Smita Narula, for instance, contributed legal expertise alongside Henry Simarmata, an Indonesian LVC advisor who played a key role in the negotiations. José Esquinas, a leading international authority on seeds, intellectual property and biodiversity, was a designated 'expert', whose voice added to that of Guy Kastler, a French *paysan* who also joined the debates and displayed deep erudition and technical knowledge about the same topics. Saúl Vicente Vásquez, an indigenous Mexican lawyer from the International Indian Treaty Council, made powerful interventions in defence of collective rights, responding to states' concerns and misunderstandings (see below). Several contributors also gave concrete examples, throughout the negotiations, of how peasants' rights are affected by neoliberalism, illustrating the need for a new international legal instrument with deep emotion and conviction. As Tirso Moreno comments below, 'I don't have much formal education, but I have practical knowledge, lived experience, as a migrant, as a former farmworker. I participated in defending the rights of our people'.

A glance at the future

In gathering this Grassroots Voices, we were struck by how many authors manifest a deep affection for working the land and for revered ancestors who had to leave their farms. Yet, as noted by Vincent Delobel below, the UNDROP is as much about 'historical recognition' as it is a 'source of inspiration' for the future. Where to go from here? The burning question now is implementation, a term that means different things to different people. The contributions below suggest a range of approaches to implementing UNDROP but are nonetheless scarce on details, probably because the Declaration's adoption is so recent and collective discussions about next steps are only beginning. Several contributors point to the need for a new UN Special Procedure on the rights of peasants and other people working on rural areas, such as a UN Special Rapporteur, Independent Expert or Working Group (consisting of five independent experts), or

to the reinforcement of existing human rights monitoring mechanisms. Golay proposes the creation of ‘a UN Voluntary Fund for peasants and other people working in rural areas ...to support their participation in the activities of the UN system’ (2019, 1). Others emphasise the importance of diffusion, including intensified use of social media, translating the Declaration into more non-UN languages, and preparing manuals and didactic materials that rural organisations might find useful (as George Dixon Fernandez describes below).¹⁴ Some contributors (Henry Saragih, Diego Montón, Margaret Nakato) mention the importance of passing national laws that incorporate UNDROP concepts and language and of engaging with regional systems, such as the Inter-American Commission on Human Rights and the European Union. Others suggest that bringing states on board will be essential if the rights enshrined in UNDROP are to be realised. As Ndiakhate Fall points out, this may mean reminding governments that UNDROP doesn’t threaten them, but rather strengthens their positions, especially on issues such as sovereignty over natural resources.

Even though UNDROP specifies states’ obligations to respect, protect and fulfil the rights of peasants and other rural working people, it is ultimately a non-binding agreement. Traditionally, legal scholars distinguished between ‘hard law’ (binding treaties and conventions) and ‘soft law’ (non-binding declarations). There are several reasons, however, why this distinction is breaking down. Language from soft law instruments — the Universal Declaration of Human Rights or the Declaration on the Rights of Indigenous Peoples, for example — often becomes part of national-level hard law. Some states that have ‘monist’ legal traditions or subscribe to ‘constitutional block’ doctrine treat their international agreements (mostly treaties and conventions, though not only) as having force in domestic law (OHCHR 2018, 125–27; Uprimny 2011, 1592). Individuals and states may perceive soft law as hard regulations, not because they are naïve, but because shaming can be an effective coercive mechanism (Zerilli 2010, 5). Moreover, in contested agrarian landscapes, distinct legal regimes — customary, local, national and international law — frequently overlap, creating spaces of contention in which ‘soft law’ may attain increasing legitimacy as an unquestioned standard. In a context of growing involvement of civil society in international law-making, new instruments increasingly derive their visibility, legitimacy and force from the participatory way in which they were elaborated.

¹⁴ In July 2019, UNDROP was translated into German. Translations into five South Asian languages were pending.

The high profile of the Voluntary Guidelines on the Responsible Governance of Land, Fisheries and Forests, adopted by the UN Committee on World Food Security in 2012, is a case in point (CFS 2012). Importantly, however, the application of any legal framework and people's access to justice depends mightily on the extent to which governments and dominant groups respect democracy and the rule of law (Monsalve Suárez 2013, 250). As Natalia Pacheco, points out below, 'the resurgence of extreme right-wing governments with discourses of discrimination and racism will also slow the advance of policies that favour the implementation of the Declaration'.

During the negotiations on UNDROP the European Union and the United States argued that no new international agreements were necessary, since all human rights were already protected in existing instruments and that these just needed improved implementation. They repeatedly condemned UNDROP for singling out peasants for particular rights that are not universal human rights. They also rejected the idea that peasants' rights should be recognized as collective and not only individual human rights. This inflexible backward-looking stance disregarded not just the harsh realities that peasants and other rural people face, but also the actual history of the expansion of human rights (and of categories of rights holders), which some scholars call their 'evolutionary character' (Lauren 2011, chap. 9).

The list of internationally-recognised human rights has never been constant. Groups not even imagined as rights holders seven decades ago, at the time of the UDHR, have achieved recognition. Specific international agreements now cover women, children, the disabled, indigenous peoples, the elderly, people living in poverty, minorities, migrants, refugees, internally displaced persons, prisoners, and people living with or affected by HIV/AIDS.

Rights-claiming processes almost always move forward via gradual, incremental gains and UNDROP is not an exception. In less than two decades, a rights-claiming process that began in the Indonesian countryside garnered growing global support and succeeded in writing new international standards to protect peasants and other people working in rural areas. Thanks to the dedication, legal activism and struggles of all those who contributed to this endeavor, the notion that peasants and other rural working people have rights is now becoming part of our 'new legal commonsense' (Santos 2009).

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The Peasant Farm: Dignity, Respect and Mother Earth in the Declaration

Vincent Delobel

I am a small-scale organic dairy goat herder and cheese-maker in the west of Belgium. I belong to two peasant organisations that are members of La Via Campesina (LVC), Le Mouvement d'Action Paysanne (Peasant Action Movement) and La FUGEA (Fédération Unie de Groupements d'Éleveurs et d'Agriculteurs, United Federation of Livestock Breeders and Agriculturalists). I also participate in the Belgian civil society umbrella organisation CNCD-11.11.11. I hold an MSc in Rural Development Sociology from Wageningen University in The Netherlands.

The strategic importance of the Declaration

Our societies are clearly at the dawn of profound transformations: climate change, the depletion of natural resources and fossil fuels, demographics, and growing social inequalities are all sources of uncertainty. While international and national political balances are increasingly unstable, human rights are a precious universal reference point, recognised by and for all people. I think the time has come to include in the human rights framework our connection as human beings to Mother Earth. The spirit of freedom of the Universal Declaration of Human Rights must nowadays, without distinction of any kind, also take care of those within our societies who feed human beings and of the governance of the resources essential to this activity.

The adoption of the Declaration is first of all a recognition of the political dimension of food and our vital connections to Mother Earth, from production to consumption. Technical, economic and material reductionist considerations too often overshadow these links. Throughout history and on all continents, the food of peoples has been associated with inequalities of power, social injustice, oppression, enslavement and war. Indeed, there is no free citizen on an empty stomach, nor is there a citizen who is nourished in a healthy and sustainable way without a free peasant. Respect for peasants is an essential prerequisite for guaranteeing the dignity and full exercise of the civil and political rights of all people.

The Declaration is an historical recognition of this very particular social form that is the nourishing family farm — autonomous in resources and decision-making, with diversified production — and its role in the balance of our democracies. Of course, the family farm is above all the result of the dedication of all those individuals with varied profiles that the definition in Article 1 is intended to cover: small-scale agriculturalists, pastoralists, fishers, hired workers, gatherers of forest products, and so on. But it is also involves very particular social relationships between these individuals — within their families, villages and food chains — and a whole range of essential resources, whether natural (land surfaces, waters, particular growing and climate conditions) or co-produced (seeds, plant varieties, fertile soils) which result from interactions between humans and the Earth, sometimes over many generations. We peasants are called upon to embody a certain permanence. Our anchoring in the space and time of soils, crops, trees and herds is essential for the development of sustainable agriculture. Peasant agriculture, as

recognised by this Declaration, is characterised by this profound dedication and a whole series of ingredients offered to our food that robotisation and mechanisation can never replace: our attention, our observations, our sensitivity, our experience, our tests, our love, our beliefs, knowledge and know-how, our availability, our presence.

A fascinating exercise

A big challenge in drafting the Declaration was transforming injustices experienced in a wide variety of contexts — often interconnected and in which we are sometimes the actors — into fundamental rights and freedoms that we want to see recognized. It was necessary to juggle universality, unifying ambition, avoiding unnecessary divisions and the traps of traditionalism and social determinism. We also needed to specify the very real threats that are economic imperialism, overemphasis on export production, agricultural land management companies, industrial integration of farms, the technological grip and lock hold of multinationals, and feudal relations between landowners and peasants. Aware of these threats to our future, more and more of us are defending and practising another form of nourishing agriculture by relying on diversification, the quest for autonomy and pluriactivity. Every day, we strive to transform, improve and reinvent our individual farms as well as our ways of working together in our communities. In our view, the elaboration of this Declaration was vital, not only to protect us, but above all because it provides a positive, coherent and universal framework for the freedoms that allow us to reproduce and develop our agricultural activities and techniques in our many local contexts.

The process of negotiating and lobbying for the Declaration was a self-examination exercise that at times confronted family agriculture with its own problems: glaring gender inequalities in rural areas, conflicts between sedentary and nomadic people, unequal access to land, lack of safety and well-being at work, environmental problems caused by agriculture to local residents, forms of dumping and unbalanced trade relations on world food markets, and the precarious status of agricultural workers — migrants and seasonal labourers in particular. A broad diversity of stakeholders came to the Working Group and could bear witness to the multiple realities of rural areas. It was our responsibility to ensure that the text was coherent, did not leave anyone out, and did not create new victims.

Finally, it was an unprecedented exercise of political interpellation and pedagogy directed at diplomats, political leaders and farmers themselves. Within LVC and its NGO allies we have significant differences in terms of experiences, priorities, political cultures, and relations with governments. These stays in Geneva and New York were for me real intensive courses in international law and diplomacy. I learned a lot about the difficulties of obtaining contact, an appointment, how to make requests, how to argue, official procedures, and the influence of other countries' positions, which often prevail over substantive issues.

In Geneva, we met almost the same diplomats every year, so they knew the process and the issues. They really took time to discuss with us and share their concerns. We could make actual progress in the argumentation by providing more information and clarifications from year to year. Diplomats then reported our views to their Ministries. Even if states' official positions remained unchanged, they could understand better peasant realities and the importance of the Declaration for us. In New York, civil society voices were given much less room and the decision-making processes were totally different. It was much harder for us to get in touch with diplomats as they were far less available and willing to discuss. The number of issues and the pace of negotiation were higher in the General Assembly than in the Human Rights Council. While content-related and legal aspects were discussed in Geneva, diplomatic and geopolitical aspects dominated in New York.

Since this Declaration has been carried by civil society since its inception, we have provided both the testimonies, the analysis and the solutions. I had the impression that we were shaking up habits and bringing a little pragmatism back to the room. Several diplomats told us that they rarely had an opportunity to meet the final 'beneficiaries' of the instruments they were negotiating. Also, the reference to Mother Earth, the term 'peasant' and collective rights are unconventional topics within the Council. The unease that this Declaration caused among diplomats and elected officials (especially from western developed countries) highlights the problematic relationship between our societies, their peasants and Mother Earth. Indeed, the recognition of peasantries as the multiple vital linkages between humankind and Mother Earth calls into question heavily promoted ideas about standardised modernisation trajectories.

At home, within Belgian farmers' movements, I also encountered some difficulties in convincing others of the importance of this text. Human rights are sometimes abstract and distant from daily concerns. Some members believe that farmers' organisations should be more

concerned with the new European Union Common Agricultural Policy (CAP) and regulatory and trade negotiations than with a UN Declaration. However, European farmers now fear that they will fall victim to free trade agreements. Human rights may be one of our last lines of defence at a time when our disappearance seems inevitable.

Future challenges

While the Declaration receives a lot of support and generates real enthusiasm in civil society, few European states support it. In Belgium, many local elected officials and political leaders — including four Ministers — took a genuine interest in the Declaration and called for a vote in favour. More than sixty civil society organisations and the three French-speaking farmers' unions mobilised to change the official Federal position, but without success. We must absolutely continue the work of explaining and publicising the text because, in essence, no one dares to oppose it publicly.

Better knowledge and, above all, the use of these rights and freedoms by farmers are essential for their survival and development. This Declaration is a real source of inspiration for us to continue the negotiation of frameworks — particularly at the European level — around pressing and often taboo issues such as the right to land, health, seeds and a decent income.

A declaration that is truly the voice of the movement

Henry Saragih¹

I am chair of the Indonesian Peasant Union (Serikat Petani Indonesia, SPI) and was General Coordinator of La Via Campesina (LVC) during 2005-2013, when LVC's International Secretariat was in Jakarta.

How did you become involved in agrarian activism?

¹ Written interview with Priscilla Claeys and Marc Edelman, June-July 2019. We thank Henry Simarmata and the SPI team for their support with conducting and translating this interview.

North Sumatra province, where I was born and live, has longstanding problems related to plantations, including the persistence of forms of domination that go back to the times of Dutch colonial power, such as the ‘coolie contract’ (*‘koeli kontrak’*), a system of indentured labour similar to slavery. Plantation power dominates social and political life and workers suffer severe poverty. This situation influenced my upbringing. During my student years, I learned about agrarian conflict. My early activism involved advocacy on rural poverty. After that, I worked with some organisations, mainly the Sintesa Foundation, an advocacy group that took on cases of agrarian conflict and of repression against advocacy organisations in rural communities. During the authoritarian rule of Suharto, I pushed democratisation together with many democratic forces around Indonesia. Then, afterwards, while still supporting cases of agrarian conflict, I was one of the founding members of the North Sumatra Peasants Union (Serikat Petani Sumatera Utara, SPSU). SPSU was one of the groups that eventually formed the Federation of Indonesian Peasant Unions (Federasi Serikat Petani Indonesia, FSPI). We considered many approaches and activities, including legal defence, sustainable food systems, policy reforms, greater accountability, an agrarian reform agenda, and addressing vulnerabilities of the rural population. We also debated the question of how peasant movements should develop their struggle, not only on the national level, but on the international level.

Peasants have suffered violations of their rights in many countries. Why did the initiative for an international legal instrument on peasant rights originate in Indonesia?

Indonesians suffered severe human rights violations during Suharto’s rise to power in the mid-1960s, when half a million people were massacred, most of them peasants. During the 1980s, still under the Suharto dictatorship, many of the earliest founders and main actors of the peasant movements in Indonesia began to consider how they should address agrarian conflict. In a Southeast Asian regional meeting of LVC in 1996, in Thailand, SPSU raised the matter of how peasant movements could work on the promotion and protection of peasants’ rights as part of achieving our agrarian agenda. That meeting was in preparation for the Second International Conference of LVC in 1996 in Mexico.

The Suharto dictatorship fell in 1998 and in 1999, the FSPI got together with other organisations and NGOs, including the Institute for Social Transformation (INSIST), the Cindelaras Social Ecological Institute, the Indonesian Association of Human Rights and Legal Aid (PBHI), and the Indonesian Integrated Pest Management Farmers Association (IPPHTI), which works on the right to seeds, as well as with intellectuals like Francis Wahono and Mansour Fakih. FSPI did several workshops on agrarian conflict, corporate and state control of seeds, plantation and agricultural workers, migrant workers, fisherfolk. We saw human rights as a problem of the rural population and indeed of the entire population, especially in relation to the right to food. Many saw the realisation of full human rights as very unlikely, and many questioned this step, so the formulation of our agenda developed in stages.

The Indonesian Peasant Union (SPI) grew out of FSPI. In 2000, SPI held a workshop in Medan to discuss agrarian reform. In this workshop, we also discussed human rights, with attention to drafting an Indonesian declaration on the rights of peasants. At the Third International Conference of LVC in Bangalore, in 2000, I was asked to be a member of the International Coordinating Committee of LVC. I placed the idea of a declaration on the human rights of peasants on the LVC agenda. Also in 2000, in October, the Indonesian Human Rights Commission — a National Human Rights Institution set up along the lines of UN's 1993 Paris Principles — took up our initiative on the rights of peasants and called for a conference. The Commission asked SPI to be the main initiator and to chair the meeting. That conference, held in April 2001 in Cibubur, near Jakarta, produced an Indonesian Declaration on the Human Rights of Peasants.

After that conference there were some other important steps towards the UN Declaration, including the 2002 South East and East Asia Regional Conference of LVC in Jakarta. It should not be said, though, that Indonesia is the only reason that a declaration on the rights of peasants developed. Many components and events converged to bring this about.

How did discussions about the draft Declaration develop with other regions of La Via Campesina?

During 2005-2013, when SPI was hosting LVC's International Secretariat, we held study sessions on human rights and also engaged in advocacy in Indonesia. The Indonesia advocacy

was important in providing key inputs to develop the international agenda, especially when the peasants' rights process moved to the United Nations (UN) as a response to the 2007-2008 global food crisis. The food crisis was a major catastrophe that brought together many food justice activists and rural populations from around the world, including members of LVC from different countries. SPI's long experience of promoting the rights of peasants constituted a strong argument for giving SPI a leading role in LVC's lobbying and legal advocacy in the UN system.

The LVC Working Committee on Human Rights launched the discussion among LVC's regional groups, initially in Asia, Europe, and South and Central America. As Chair of LVC's International Coordinating Committee (ICC), I saw my role as involving how to lead this process into the international institutions and how to develop the Declaration text further from a human rights standpoint. Then, it was still the pre-food crisis period. We still had to figure out how to take this to the UN. The valuable experiences and struggles of regional members of LVC, mainly on agrarian reform and food sovereignty, were fundamental in developing the text.

We received valuable ideas from LVC members and colleagues, including those from Japan (Nouminren), South Korea (KWPA and KPL), the Basque Country (EHNE), Switzerland (Uniterre), India (KRRS), Senegal (CNCR), France (Confédération paysanne), Timor Leste (Mokatil), and most of Central and South America, with strong inputs from Honduras, Bolivia, Brazil, Mexico, Paraguay, Peru, and Argentina.² Much later, in the Working Group, each region of LVC took part very actively. Their role was and has been important in making the text truly the voice of the movement.

Then there was the International Conference on peasants' rights in June 2008 in Jakarta. This was the first of its kind, with the audacity to say out loud that there are human rights of peasants. In October 2008, at LVC's Fifth International Conference in Maputo, Mozambique, LVC adopted the text of its declaration and determined to bring it to the UN.

We understand that your first visit to the UN Human Rights Council in Geneva grew out of a meeting between you and Florian Rochat of CETIM...

² The abbreviations refer to: KWPA, Korean Women Peasant Association; KPL, Korean Peasant League; EHNE, Euskal Herriko Nekazarien Elkartasuna, the Basque Farmers' Union; KRRS, Karnataka Rajya Raitha Sangha, Karnataka State Farmers' Association; and CNCR, Conseil National de Concertation et de Coopération des Ruraux du Sénégal, National Council of Cooperation of Rural People of Senegal).

I met Florian Rochat for the first time in January 2001, at the World Social Forum in Porto Alegre, Brazil. He invited me to be a speaker at a side event hosted by CETIM in the UN Human Rights Commission in March 2001.³ The side event was on the human rights of peasants. Florian had a broad, long-term view about how to build the protection of the rights of peasants. We exchanged ideas on that, on how to be active in the UN system. I was then again at the UN in Geneva in 2003. Throughout, and from then on, I have been with CETIM for work on the rights of peasants, which culminated in the adoption of the Declaration. Several other longstanding NGO allies also participated in this.

During your seventeen years of lobbying at the UN, what moment was most memorable?

Among the most memorable was the 2007-2008 world food crisis. LVC took this crisis seriously and worked on the response. It was very important for us to counter the argument about the imperative of ‘feeding the world’ that became prevalent during the food crisis. In April 2009, I represented LVC as a member of the UN High Level Panel on the Global Food Crisis and the Right to Food, convened by the President of the UN General Assembly in coordination with the UN Special Rapporteur on the right to food, Olivier De Schutter. The event in the UN General Assembly was titled Interactive Thematic Dialogue on the Global Food Crisis and the Right to Food. I presented key arguments for the protection of peasants’ rights. At this event, it was clear that there were strong arguments for developing human rights instruments to address the global food situation. The President of the General Assembly was Miguel D’Escoto of Nicaragua.⁴ We exchanged opinions and ideas. It was very clear that he saw the defence of peasants’ rights as part of a credible response to the food crisis. He backed the longstanding argument of LVC that international processes should not abandon or separate from the day-to-day lives of peasants and rural populations.

This helped to bring the matter of the Declaration to the Advisory Committee, which is the ‘think tank’ of the UN Human Rights Council. CETIM collaborated with us on this and we had discussions with Jean Ziegler, the first UN Special Rapporteur on the Right to Food (2000-

³ CETIM, Centre Europe-Tiers Monde, Europe-Third World Centre.

⁴ Miguel D’Escoto Brockmann (1933-2017) was a Maryknoll Catholic priest who served as Foreign Minister of Nicaragua during the first Sandinista government (1979-1990).

2008) and a member of the Advisory Committee (2008-2012). We also worked closely with Ziegler's legal advisor during his term as Special Rapporteur, Christophe Golay of the Geneva Academy of International Humanitarian Law and Human Rights. We consulted with UN member states from South America, Africa, Asia and, it should be said, Luxembourg. Eventually the Advisory Committee proposed LVC's Declaration, with minor modifications, as a draft UN Declaration.

When we first came to the Council in Geneva, few grasped the crises of the food system and the rural population. Many said that these problems did not merit a special human rights instrument. Those who were sceptical about peasants' rights raised procedural excuses, manifested a lack of will, prolonged an already time-consuming process, and questioned whether the Council really had a mandate to negotiate the Declaration. Some grassroots rural movements also doubted that the UN could ever be meaningful for the struggles of peasants.

Now that the UN has adopted the Declaration, what are some of the challenges that lie ahead?

The Declaration raises the awareness of peasants and rural populations that they do have fundamental rights. We need to work hard so that the Declaration becomes a reference point for human rights and a framework for the future of food and of agrarian life. Each and every state has its own legal system. We leave it to them. However, we also intend to engage with them so that they translate the Declaration into their domestic laws and commit to the necessary cooperation among states at the international level.

Trust and complementarity, ingredients for success

Christophe Golay¹

I have been working for ten years at the Geneva Academy of International Humanitarian Law and Human Rights on economic, social and cultural rights and peasants' rights. From 2001 to

¹ Skype Interview with Priscilla Claeys, 28 May 2019. Original in French.

2012 I worked with Jean Ziegler, first when he was UN Special Rapporteur on the right to food and then when he was a member of Human Rights Council's Advisory Committee. I have also been active in FIAN Switzerland for a long time.

What is the origin of your interest in peasant issues and struggles?

My grandfather was a peasant. My mother's whole family lived in the Gruyère region of Switzerland. Grandfather had to leave the farm to go work in the city when my mother was ten years old. All this must have somehow been deep inside me and it came out when I started working with Jean Ziegler. The first victims of hunger are peasants, so when we fight against hunger and for the right to food, the link is quickly made with peasants' struggles.

How did you get involved in the collective effort for the UN to adopt the Declaration?

It was really through Ziegler and the demand that came from La Via Campesina (LVC), FIAN and CETIM. We presented a very first report on food sovereignty in 2004, following a request by CETIM and LVC, who approached us in 2003. Then LVC and FIAN published three annual reports on violations of peasants' rights and presented these at side events at the Commission on Human Rights that were co-organised with CETIM between 2003 and 2006.² I often attended those on behalf of the Special Rapporteur. The argument in these reports was that peasants had rights protected by the two 1966 International Covenants, on Civil and Political Rights and on Economic, Social and Cultural Rights, and that these were violated around the world. But at that time no one was interested. Then came the 2007-2008 global food crisis and when LVC came up with its idea of a Declaration, some states showed interest.

In 2008, we had a meeting in Bilbao that was absolutely central, with the human rights commission of LVC, FIAN, CETIM and some experts. LVC had had its draft Declaration since 2001. They wanted to take it to the United Nations and wondered if they should go to Rome or Geneva. We advised them to take it to Geneva if they wanted a human rights instrument. We told them that above all they, as a movement, needed to formally adopt their Declaration to have

² For example, FIAN and Vía Campesina (2004).

something to show the world, and that is what they did in 2009. We helped a little bit with the language to make it closer to agreed language at the UN, particularly in terms of the titles and content of certain articles, so that it would be easier to convince the states.

Did this seem achievable at the time?

Yes, absolutely. But we told them that it would be a long process — at least ten years. At the time, we knew Ziegler would be mandated to conduct studies on the right to food at the Advisory Committee. The Advisory Committee had just prepared a Declaration on Human Rights and Education, so we could see it was an ideal place to elaborate a UN Declaration. We told them that the project they had was a Declaration, like the 1948 Universal Declaration. Since it did not contain states' obligations or create a treaty monitoring body, it was not a convention. There was an agreement to move forward — at least initially — on a declaration and not a convention.

In 2008, the UN Special Rapporteur on the right to food, Olivier De Schutter did a lot of work on the global food crisis. The Human Rights Council mandated the Advisory Committee to conduct a study on the right to food and the food crisis, which was presented in 2009. In the study, we made the link with peasants. In 2009, the Committee was tasked with a new study on the right to food and discrimination, which it presented in 2010.³ The Committee said that peasants and other people working in rural areas were among the first to be discriminated against and stated that the best way to protect them was with a declaration. In the study's annex, we find the Declaration adopted by LVC, which for the first time was in a UN document. In response, the Council mandated the Committee to conduct a study on how to better protect the rights of peasants and others working in rural areas. The final study was presented in 2012, this time with the Declaration of the Advisory Committee as an annex.⁴ The Declaration was essentially that of LVC, but with some minor changes. The main argument that convinced the states was the extreme vulnerability and discrimination that peasants experience around the world.

All these mandates were in the context of resolutions on the right to food. Before 2012, there was no Human Rights Council resolution on peasants' rights, it was always through the

³ UNHRC Advisory Committee (2010).

⁴ UNHRC Advisory Committee (2012).

right to food, and Cuba led the negotiations. In March 2012, when the Advisory Committee presented the final study to the Council, it said that a declaration should be negotiated. From March to September, we had discussions with LVC, CETIM and FIAN, all of which lobbied Ambassador Angélica Navarro Llanos in Geneva to get Bolivia to initiate the process in the UN. We knew her well, as we had undertaken a mission with the Special Rapporteur to Bolivia in 2007. She agreed to become Chair of the Open-Ended Intergovernmental Working Group. In September 2012, Bolivia presented a resolution that would be accepted by a majority and which led to the creation of the Working Group.

Who were your allies on the Advisory Committee?

Our main ally was José Bengoa, a Chilean close to LVC, who has worked extensively on indigenous peoples' rights. He pushed to annex the LVC Declaration to the Committee's report in 2010, and the Committee's own Declaration to its final report in 2012. We did not have an explicit mandate to propose a declaration, but the Committee was supposed to identify the best way to protect peasants and indicated that the best way to do this was through a declaration.

What have you contributed to the effort to convince states to support the Declaration?

There are two levels. The main contribution for LVC and Bolivia was the creation of an informal group of experts (including myself) who supported the Ambassador in her work when she had to present a new draft Declaration in 2015, always liaising with LVC. Then, each year I participated in the Working Group sessions and in the expert panels. The last week of negotiations was particularly important because I was on the panel all week answering questions from the states on the different articles. I was able to provide an expert point of view on already existing rights, on other instruments, on the rights of indigenous peoples, on International Labour Organisation (ILO) conventions, and so on.

Then there was a whole process with Switzerland. Initially Switzerland was against the Declaration, with the argument that implementing existing rights instruments was sufficient. Uniterre, a member of LVC, spearheaded a very effective campaign, which led many cantonal parliaments and the national parliament to demand a change of position. In response, we had a

decision from the Federal Council (Swiss government) in 2013 to back the process. Switzerland voted in favour of the various resolutions and for the adoption of the Declaration in 2018 both in Geneva and New York. They also funded my research and the expert seminars I organised. Each year I organised an expert seminar on one of the problematic issues in the negotiations, such as the right to land, the right to seeds and intellectual property rights, the right to food sovereignty, and the right to free, prior and informed consent. These seminars, co-organised by Switzerland and Bolivia, brought together states, experts, LVC representatives, CETIM, FIAN and organisations representing other people working in rural areas. Each year I presented a study with key messages for the negotiations.⁵ Bolivia always allowed me to present these studies during the negotiations in the expert panels, so it all worked quite ideally.

Did these studies and seminars impact the negotiations?

The fact that these rights — lands, seeds, food sovereignty — were included in the Declaration is the result, at least in part, of these expert seminars. Where states were reluctant, we presented them with agreed language from other instruments and then adapted the language of the article to satisfy their concerns. This helped to respond to arguments against having these rights in the Declaration. My publications demonstrated that the recognition of these rights was in conformity with, and a logical step international law. This made the work of states wishing to attack or remove these rights more difficult, and gave states that were in favour more arguments. There were also direct impacts on the text. When the right to free, prior and informed consent was removed, I was the person who found in the Voluntary Guidelines on the Responsible Governance of Land, Fisheries and Forests (VGGTs) adopted by the UN Committee on World Food Security, the language that concerned consultation in good faith, which was finally included as such in Article 2.3 of the Declaration.

Did such concrete language proposals help to overcome deadlocks in the negotiations?

⁵ For example, Golay (2016).

Yes. With others, including FIAN, we insisted on the importance of affirming the primacy of human rights, and of the Declaration, over national law and other international agreements, such as those on trade and intellectual property rights. A number of states pushed not to mention this primacy explicitly in the Declaration, neither in Article 2 nor in Article 19 on the right to seeds. Some wanted to modify Article 28 so that it would state that these other international agreements could supersede the rights recognised in the Declaration. We fought until the last moment to affirm the primacy of human rights.

Was there convergence, in the negotiations, between Bolivia and La Via Campesina?

Yes, there was a clear convergence. At the same time, Bolivia needed to find a balance. It was ready to make certain compromises so that more states would support the process, yet it was important not to empty the Declaration of its content. It was a delicate balance and Bolivia really maintained a strong stance on the primacy of human rights and of the Declaration over other international agreements and national law. One of the things they removed from the text was the right to free, prior and informed consent, which applies to indigenous peoples but not to peasants. They also removed the explicit recognition of the ‘right to biological diversity’. On this right there is no agreed language, unlike the right to land or seeds. Another compromise was made on the right to food sovereignty, which takes up the definition of food sovereignty that came out of the 2007 Nyéléni Forum while stipulating that it is ‘recognised by many States and regions as the right to food sovereignty’, without explicitly stating that it applies universally (Article 15.4).⁶ It was a compromise Bolivia had to make because there was no agreed language, but it fought to ensure that it was not completely removed.

How would you describe the influence of the Special Rapporteurs on the right to food in this process?

Olivier De Schutter, Special Rapporteur from 2008 to 2014, played an important role because the Europeans — who have a lot of respect for him — were initially all against the drafting of the

⁶ See Nyéléni Forum (2007).

Declaration. In his final report of 2014, he supported the Declaration. He then participated in several meetings with European representatives in Geneva, and also participated in almost all the expert seminars we organised, in particular on the right to land, right to seeds and right to food sovereignty. Hillal Elver, Special Rapporteur since 2014, came later in the process and also called for the adoption of the Declaration.

How do you see the integration of the Declaration into the mandates of the UN human rights mechanisms?

The Declaration should be more systematically integrated into the work of the Special Rapporteur on the Right to Food and other UN special procedures, as well as UN treaty bodies and the Universal Periodic Review of the HRC.⁷ This was the subject of a 2019 expert seminar and publication by the Academy.⁸ We discussed the lessons learned in the implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The Human Rights Council should create a special procedure on the rights of peasants, but in any case other UN human rights mechanisms should also integrate the Declaration into their work.

What factors accounted for the success of this process?

The collective. Trust. The rather incredible complementarity between peasant leaders, development and human rights NGOs that are very familiar with the UN system, human rights experts, and states that have supported the process from the beginning. There was a core group with Bolivia, South Africa, Ecuador, Cuba and Venezuela. But Switzerland also played an important role. We needed this combination. We all have different profiles and we have not tried

⁷ The UN Human Rights Council's special procedures mandate holders include special rapporteurs, independent experts and working groups tasked with thematic or country studies and with raising public awareness of and advocating for human rights. Treaty bodies are committees that monitor compliance with the provisions of binding international agreements. Universal Periodic Review refers to the Human Rights Council's annual review of every UN member state's human rights record.

⁸ Golay (2019).

to do what others do better than us. There has been trust since the beginning, since 2004, since Bilbao in 2008, which has led to this.

On a more personal level, what did you learn by participating in this process?

To focus on what I do best, where I can make a difference. Organise expert seminars, write publications, make recommendations. People come to the seminars because the Academy is a neutral institution. I focus on what others can't do. I never lobbied or had long bilateral discussions with states. Others do that very well, LVC and NGOs. As academics, we have time to reflect, publish and propose solutions. This is what most other actors in this process do not have. I have dedicated myself to the essence of my contribution, while trusting others. For example, I did not go to New York in December 2018 and during this time I prepared projects for the implementation of the Declaration.

Do you sometimes feel isolated as a progressive jurist?

Yes and no. As there are not many of us, it gives value to what we do. There is also my colleague, Adriana Bessa, who has joined the process. And, talking about complementarity, the people from the UN Office of the High Commissioner for Human Rights made an important contribution too. It is quite rewarding. I do not feel isolated, I feel useful.

Do you have an anecdote to share?

Yes, from Bilbao in 2008. There we discussed the potential role of the Advisory Committee, the Human Rights Council, and the fact that we could trust Jean Ziegler to carry this forward. We said it would take about ten years... and finally it took 11 years!

The Declaration, as adopted, contains states' obligations but also new articles on aspects that La Via Campesina may not have fully taken into account.

One right that was added is the right to social security, which was not in LVC's Declaration. LVC's Declaration expressed a desire for autonomy, to have the means to produce, not a desire to depend on the state for social assistance. I suggested adding this right and it was easily accepted. The right to social security is in the 1948 Universal Declaration, in the International Covenant on Economic, Social and Cultural Rights, and it is undoubtedly one of the least realised rights. A very large majority of the world's population does not have access to this right. In 2012, the ILO adopted a recommendation on social security protection floors that could be used as agreed language. The right to food sovereignty was not in the 2001 LVC draft Declaration, and with others I proposed adding it and it remained until the end.

Was the LVC Declaration also weak on rural women's rights?

Yes, but at the same time the LVC Declaration stated in its title and in each article, 'women and men'. To use this language at the United Nations was not standard practice. So we removed this reference to 'women and men', but as a result there was really a gap. There was a strong mobilisation of women's and farmers' organisations to have a specific article on rural women's rights, even if we already had an article on non-discrimination. An additional article was added, which is almost a copy and paste of Article 14 of CEDAW.⁹ Reference was also made to General Recommendation 34 on the rights of rural women, which came out at the right time. The Declaration's final title, although fine in English, is a bit catastrophic in French and Spanish, as it does not explicitly acknowledge peasant women.

What do you think are the main challenges in implementing the Declaration?

I just published two studies on this that I recommend to you.¹⁰

⁹ Convention on the Elimination of All Forms of Discrimination against Women.

¹⁰ Golay (2019), Golay and Bessa (2019). More studies are on the Geneva Academy's website: <https://www.geneva-academy.ch/research/our-project/detail/13-the-rights-of-peasants>.

Defying the conventional way of lobbying the United Nations

Andrea Nuila, Philip Seufert, Sofía Monsalve and Ana María Suárez Franco

We constitute the interdisciplinary team of the International Secretariat of FIAN working on the rights of peasants. FIAN International is a human rights organisation founded in 1986 that advocates for the right to food and nutrition. Andrea Nuila coordinates FIAN's work on gender and women's rights and on local accountability and is part of the justiciability team. Philip Seufert coordinates the work on access to resources and represents FIAN in Rome. Sofía Monsalve is FIAN's General Secretary and former coordinator of its work on access to land and natural resources. Ana María Suárez Franco is FIAN's permanent representative in Geneva and coordinates its accountability work.

We became involved in this process at the invitation of La Via Campesina (LVC), with which we have cooperated since 1999 around the Global Campaign for Agrarian Reform. Supporting social movements and organisations representing food producers is a central aspect of FIAN's work.¹ The reason we supported this process is that, in our view, it is impossible to achieve our mission of a world free from hunger without the protection and realisation of the rights of peasants, other rural communities and indigenous peoples. This is not only essential for preserving the livelihoods of those who produce 80 percent of the world's food, but also for those living in urban areas. In addition, peasants play a central role in ensuring adequate, diverse and sufficient nutrition. Their methods of production are better for the planet in alarming times of ecological destruction and human-induced global warming.

Our team played diverse roles in the elaboration and negotiation of the Declaration. We provided technical support to LVC, contributed to the preparation of the draft Declaration in diverse phases of the process, supported the Chairs of the Working Group and their teams from the Mission of the Plurinational Republic of Bolivia, lobbied several states, made oral and written interventions during the negotiations in our capacity as an NGO with ECOSOC consultative status, carried out capacity building for civil society participants, and published briefing documents on critical aspects of the Declaration.²

¹ See Borras (2008).

² For example, Monsalve Suárez (2016) and Nuila (2018).

In this contribution, we assess how negotiations unfolded at the UN and how the political landscape evolved between 2012 and 2018. We explore the factors that contributed to the adoption of this Declaration, including relationships between LVC and its allies. During one of our first advocacy exchanges with states' representatives in Geneva, a diplomat from Germany admonished us: 'You cannot continue with this initiative. This will break the consensus of the Human Rights Council and under those circumstances the process will take at least 20 years'. Five years later, the UN General Assembly adopted the Declaration with 121 votes in favour, 54 abstentions, and 8 votes against. One of the most important reasons for this success was LVC's insistence on ignoring those 'terrifying' messages about the complexity of negotiation processes in the UN system and instead focusing stubbornly on the goal and the content — just like a tractor ploughing ahead! Many human rights experts and professionals criticised this attitude, which in the end was a fundamental ingredient for success.

The UN Human Rights Council consists of 47 Member States representing the different regions, elected by secret ballot by the General Assembly. The membership is based on equitable geographical distribution, with seats distributed as follows: 13 for the group of African States, 13 for the group of Asian-Pacific States, 6 for the group of Eastern European States, 8 for the group of Latin American and Caribbean States, and 7 for the group of Western European and other States. The members of the Council serve three-year terms and can complete two consecutive terms before rotating off for at least one term. In 2012, when the Council established the Working Group, the composition of the Council was favourable to the Declaration. Most of the countries in Latin America, Asia and Africa supported the process. As time passed, the overall composition of the Council worsened *vis-à-vis* the Declaration project.

In 2018, the international political landscape became increasingly difficult for the Declaration project. The Latin American group of states split as Argentina, Brazil, and, to a certain extent, Ecuador shifted right, and a strong division took place because of the critical situations in Venezuela and Nicaragua, both steadfast supporters of the Declaration. In Africa and Asia some countries championed the Declaration, such as South Africa and later Indonesia. Other states, while supportive, remained silent in the negotiation sessions, apparently fearing reprisals by industrialised countries. The developed country bloc was not supportive. The European Union (EU), aware of the weaknesses of its arguments against the Declaration and of the political cost of ignoring the demands of its peasants, mainly used procedural arguments to

slow down or stop the process. The EU was internally divided, but eager to show unity. The United Kingdom was a fierce opponent, voicing arguments that the United States deployed before its withdrawal from the Council following the election of Donald Trump. But there were also supporters among the European countries. Portugal, Monaco, Switzerland and Luxemburg ultimately voted in favour of the Declaration.

The negotiation of the Declaration and the final vote point to a divide between the countries of the Global South, which were largely in favour, and the countries of the Global North, which abstained or opposed the project. One reason for this division is that the Declaration defies Western narratives and ideas about human rights, moving towards a more emancipatory understanding, as well as recognizing other conceptions of human rights. The arguments of the opponents were not always explicit. For example, during the negotiations, with the exception of the UK, the EU states did not openly express opposition to a Declaration. Rather, they maintained that the implementation of existing human rights standards would be sufficient — and more effective — than a new legal instrument. The countries of the Global North also contended that the Declaration could adversely impact the universality of human rights, arguing that the term ‘peasants’ refers to a specific socio-economic group and that giving special protection to such a group would disadvantage others. This approach was clearly opposed to the self-perception of representatives of LVC, and rural communities more broadly, who viewed ‘peasants’ as referring to a way of life characterised by a special relationship with the natural world steeped in specific cultural, social and spiritual dimensions and anchored in community relationships. Another reason why the industrialised countries rejected the Declaration was their perception that it challenged the international property law regime, especially with regards to tenure rights and intellectual property rights over seeds. The inclusion of food sovereignty in the Declaration also triggered fierce opposition from a number of countries. Overall, the industrialised countries had a difficult time understanding and accepting the direct participation of peasants’ and other food producers’ organisations in the negotiations, especially when these directly demanded recognition of their human rights. Putting forward detailed and sophisticated arguments based on international human rights law, rural organisations defied the usual way of setting new human rights standards, which is dominated by governments and technical ‘experts’, mainly lawyers.

In such a challenging context, some advocacy and negotiation tactics seem to have been particularly effective. First, the regionalisation of the advocacy work. LVC and allied organisations decided early in the process to have peasant organisations and supporters from every region carry out advocacy towards countries of the same region. Second, proponents of the Declaration carried out advocacy not only in Geneva but also in the capitals. Their objective was to convince countries to support the Declaration, but in some cases they targeted countries which were against to ensure that they would abstain (for example Germany, Austria, France and Belgium). Third, the mix between the real experiences of peasants and the technical support of organisations and experts friendly to the cause. This brought the realities facing rural people into the Palais des Nations in Geneva and helped to demolish some countries' claim, for example, that there are no peasants anymore in Europe or elsewhere in the world. Our technical support involved detailed analyses of specific articles of the Declaration, based on sources of international law, which we interpreted in a progressive manner. Finally, the support of experts, such as the Special Rapporteurs on the right to food, some members of different treaty bodies, and academics helped give visibility to the process. This expert support was also critical in advocacy at the country level.

The process was not easy. While we wholeheartedly supported the Declaration process and LVC's leading role in it, we also had to maintain a critical dialogue with LVC. We had differences of opinion and perception on a number of issues but always managed to maintain a spirit of close and critical cooperation and to navigate moments of tension in a respectful and honest manner. One difference of opinion concerned strategy, and this intensified at the third negotiation session. As support by states seemed to be dwindling, FIAN was open to finding alternative text, which might advance the negotiations and get more states on board. LVC, however, wanted to strictly defend the first draft Declaration text. Another example relates to the timeframe. While LVC's tactic was to ask for the finalisation of the process at every session of the Working Group, which put pressure on states to participate and negotiate, some of us felt that we needed more time to get more states on board. A third area of discussion was whether or not and how to enlarge the circle of civil society organisations supporting the process. For a social movement like LVC it was — understandably and legitimately — crucial to maintain control. At the same time, this brought trade-offs in terms of increasing support. FIAN encouraged LVC to include organisations and movements representing other rural constituencies. Eventually, the

inclusion of other social movements such as the World Forum of Fisher Peoples (WFFP), the World Forum of Fish Harvesters and Fish Workers (WFF), the International Union of Food Workers (IUF), the World Alliance of Mobile Indigenous Peoples (WAMIP), as well as indigenous peoples' organisations such as the International Indian Treaty Council (IITC), turned out to be positive and significant.

We are very satisfied that the Declaration covers not only peasants but also fishers, pastoralists, agricultural workers and indigenous peoples, as explicitly stated in Article 1. The Declaration contains several provisions that are important for these groups, such as freedom of movement for pastoralists, the right to water for fishers, or articles referring to migrant workers. The Declaration could, however, have advanced the rights of non-peasant rural groups in a more detailed and consistent manner. This was not possible, partly because of their lower level of organisation, their weaker involvement in the drafting process and caution vis-à-vis a process that had already started by the time they engaged in it. While this does not reduce the importance of the Declaration, it should remind us of the importance of using it as a stepping stone to deepen processes of convergence across constituencies and social movements. As FIAN, we also sought the backing of Amnesty International, even though LVC was not eager to get the support and active engagement of large human rights NGOs. Amnesty decided not to engage, because the Declaration explicitly recognises the human right to land. This would have gone against an organisational decision adopted by Amnesty during the Cold War, according to which the organisation cannot work on issues related to the right to property.

One last element that proved key was the relation of trust created with Bolivia. A quite marginal and small state in the geopolitical landscape bravely decided to negotiate the Declaration text, not only in formal sessions of the Working Group but also in bilateral talks and negotiations during the intersessional periods. Importantly, this included regular consultations with LVC and its allies. Bolivia defied the normal rules applied in the Council and, as Chair of the Working Group, opened up space for more participation and democracy. Bolivia changed the common rule that civil society is only allowed to speak at the end of every topic and only after states have delivered their statements. It decided to give LVC and other civil society organisations the possibility of intervening during the sessions whenever they requested the floor. Moreover, the Bolivian Mission included social movements' representatives on the

discussion panels that it organised during each session. Recognizing that rural people are the ‘experts’ when it comes to the realities of rural life changed the dynamic of the negotiations.

The adoption of the Declaration is a huge success. This was only possible because LVC took on an active, leading role as co-author of international law. LVC wrote the initial draft Declaration, its members were the protagonists and they decided on advocacy strategies. LVC and other rural people’s organisations showed the world the threats they face and put forward an elaborate and sophisticated analysis, built up together with allied organisations such as FIAN. It was difficult to contradict such unmistakable evidence and well-grounded argumentation, even for those who were — and are — fiercely opposed to advancing people’s rights in any way. The Declaration provides a glimpse of hope that multilateralism can be centred on human rights, anti-colonialism, justice and solidarity. It marks a path that is different from chauvinism, egocentrism and the sheer violence of power. Without any doubt, this process has shown that ‘people’s diplomacy’ can yield good fruits even in times of rising authoritarianism.

An extraordinary tool in the hands of peasants

Melik Özden and Florian Rochat¹

Melik, could you introduce yourself in a few words?

I was born in Turkey in 1962 and I am a descendant of a Kurdish peasant tribe. As a child, I witnessed the gradual elimination of the peasantry, without realizing at the time its scale and gravity. I arrived in Switzerland as a refugee in 1983. Quite quickly, I became politically involved (aid to refugees, denunciation of the practice of torture, defence of the rights of the Kurdish people). I also became interested in human rights protection mechanisms and started following the sessions of UN bodies in Geneva. In 1998, I was hired as Director of the Human Rights Programme of CETIM (Centre Europe-Tiers Monde, Europe-Third World Centre). I became CETIM’s Director in 2013. My involvement with CETIM opened my eyes to two very

¹ Written interview with Priscilla Claeys, 27 May 2019. Original in French.

important aspects of human rights: economic, social and cultural rights and the right to development.

And you, Florian?

I was born and raised in Neuchâtel, Switzerland. The only thing that connected the inhabitants to the countryside at the time was the daily delivery, in their 'milk box', of bulk and unprocessed milk and a few bags of potatoes. Coming from the Val de Ruz, a few kilometres away, the farmer brought his produce with a horse-drawn cart. At a very young age, I developed a critical approach to the organisation of society and a willingness to participate in its transformation. Although gradually gaining access to a 'comfortable' middle class, my family environment was progressive, left-wing. I immersed myself, body and soul, in political activism as early as 1971-72, through the entire chain of revolutionary left organisations, in Lausanne and then in Geneva. It was there that I came into contact with peasant struggles and started to work for the so-called worker-peasant alliance. All this preceded my professional involvement with CETIM in 1987. I was Co-Director, then Director of CETIM until 2009.

What is CETIM and why does CETIM consider the Declaration important?

CETIM is a non-profit association, a research and information centre. We insist that there is not a developed world and an underdeveloped world, but only one poorly-developed world. With consultative status with the UN, CETIM acts as an interface between social movements and the UN. CETIM has always favoured partnerships with agrarian movements because it is convinced that social transformation can only be achieved with social movements and that peasants are an essential component. The development model that has been implemented for decades on a global scale through the imposition of neoliberal policies has confronted humanity with multiple crises —social, economic, political, environmental — which could lead to its extinction. Peasants, by the nature of their activities and their situation, provide solutions to many of the problems posed by these crises (production of healthy food, preservation of biodiversity and the environment, protection against mass migration). The Declaration on the Rights of Peasants is an extraordinary tool in the hands of peasants, public authorities and any concerned citizen, to move away from

the industrial and monopolistic agri-food production model towards participatory rural development that includes the populations concerned.

Since when has CETIM been involved in the process that led to the adoption of the Declaration?

CETIM has been involved in this process since 2001, following our meeting with Henry Saragih, leader of the FSPI (Federation of Indonesian Peasant Unions, Federasi Serikat Petani Indonesia), a member organisation of LVC in Indonesia, and father of the initiative on peasants' rights. In addition, CETIM was already in contact with the Union of Swiss Producers (UPS), which became Uniterre, now a member of LVC in Switzerland. Even before the foundation of LVC in 1993, CETIM had already published several books on agriculture and the peasant condition.

The main idea of these books was, and still is, to make a broad audience aware of the peasant question, of developments taking place in agriculture under the impetus of capitalism and of the importance of supporting peasant and indigenous peoples' struggles. CETIM also made numerous written and oral interventions at the UN in the context of what was then (until 2006) the Human Rights Commission and its Sub-Commission. Several of these interventions had a direct or indirect connection to the situation in rural and peasant areas (structural adjustment programmes of the International Monetary Fund and injunctions to direct agricultural production towards export monocultures, GMOs, biotechnologies, agricultural and food market organisations). Since then, we have continued to intervene on the same themes, in addition to our efforts directly related to the Declaration.

Apart from the work carried out on the Declaration, two significant events concerning CETIM's support for peasant movements and its first relations with LVC can be highlighted. First, the organisation in Geneva, in November 1995, of an international symposium entitled 'GATT/WTO: what are the challenges and consequences?'² The integration of agriculture into international free trade agreements was a major focus of this event. Representatives of the MST (Movimento dos Trabalhadores Rurais Sem Terra, Landless Rural Workers Movement, Brazil), the KMP (Kilusang Magbubukid ng Pilipinas, Peasant Movement of the Philippines) and the

² GATT, the General Agreement on Tariffs and Trade, was the predecessor to the World Trade Organisation.

Confédération rurale (now Confédération paysanne, France), took a major part in it, along with about twenty others. Based in Geneva, CETIM also had the opportunity to support the organisation of several international events against the World Trade Organisation (WTO) and its role in defining agricultural policy on a global scale, some of which were initiated by peasant organisations and LVC. It was also closely involved in welcoming, alongside the Jardins de Cocagne cooperative (Uniterre-LVC), the famous Indian peasant caravan that travelled all over Europe in 1999. Second, we had the opportunity to forge much closer links with LVC when we prepared, in 2001-02, a book called *Via Campesina: Une alternative paysanne à la mondialisation néolibérale*.³ The first two World Social Forums in Porto Alegre (2001 and 2002) further provided an opportunity to make extensive contacts with several of LVC's senior members (in particular Rafael Alegría, Paul Nicholson, João Pedro Stédile, Henry Saragih). We then maintained these contacts through the mediation of Nico Verhagen, who as staff handled much of LVC's international communication.

Florian, what was your reaction when LVC told you about this project?

Henry Saragih informed me of this project when I met him in Porto Alegre. First, I was a little stunned by the boldness of LVC because Henry was talking about going directly for a 'convention'. I admired this and I immediately told him that he could count on CETIM, in what certainly promised to be a long adventure. Enthusiastic about the idea, I immediately spoke to Melik Özden, then in charge of our Human Rights Programme. Melik quickly set to work, and things started unfolding under his guidance.

What roles has CETIM played in this process?

Since the beginning of the process, CETIM has provided logistical, technical and political support to LVC and other rural organisations and movements.⁴ Our objective was to ensure they

³ Mazoyer et al. (2002).

⁴ Such as the World Forum of Fisher Peoples (WFFP), the World Alliance of Mobile Indigenous Peoples (WAMIP), the International Indian Treaty Council (IITC), the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco & Allied Workers' Associations (IUF), and the International Federation of Adult Catholic Rural Movements (Fédération Internationale des Mouvements d'Adultes Ruraux Catholiques, FIMARC).

could participate and make their proposals heard at the UN. We organised briefings and supported delegates in the preparation of their interventions. We also took care of the logistical organisation of the arrival of delegates, especially those from the Global South (obtaining visas, purchasing tickets, accommodations, booking meeting and conference rooms), with the support of Uniterre and FIAN International. At the beginning, it was necessary to provide information and training, both on the existing body of human rights and on the UN bodies and mechanisms, in order to establish a strategy for our work at the UN.

We also helped with the development of their advocacy strategy, by skype and during their visits to Geneva for the negotiations. In order to obtain the support of governments, it was crucial to mobilise the networks of peasant and rural organisations, and get the backing of other sectoral or international solidarity organisations, at the national and/or regional level. These mobilisations enabled us to gather the positions of the grassroots on various versions of the draft Declaration, and channel these to Geneva.

Melik, what have you contributed to the collective effort to convince States to adopt the Declaration?

Apart from my contribution to the advocacy strategy, I was able to share my knowledge of human rights with many government delegations. I have published many books and articles on internationally recognised and/or debated rights and have a long experience in negotiations of this type. This process was different from other processes in which I participated (actively or sporadically),⁵ which often remained sectoral and limited to the participation of lawyers and/or human rights specialists. It brought together, on the side of rural organisations, delegates who had sometimes never left their village or their country. This process also differed from others because of its potential to change social relations on a global scale.

⁵ The Declaration on the Protection of All Persons from Enforced Disappearance, which became the Convention in 2006, the Declaration on Human Rights Defenders (adopted in 1999), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (adopted in 2008), the Declaration on the Rights of Indigenous Peoples (adopted in 2007), the Guiding Principles on Extreme Poverty and Human Rights (adopted in 2012), the Guiding Principles on Foreign Debt and Human Rights (adopted in 2012), and the Declaration on the Right to Peace (adopted in 2017).

In addition to bilateral or multilateral meetings with diplomats, I was able to make interventions both during the sessions of the Intergovernmental Working Group and at various events (side-events, conferences, seminars). The multiple side-events that we organised during the UN sessions helped clarify certain concepts and demands of peasants (right to land, right to seeds) for all participants (peasants, NGOs, experts, government delegations). Held outside the formal framework of the negotiations, these events allowed diplomats to discuss with representatives of peasant and/or rural organisations in a relaxed setting that greatly helped to bring the positions of states closer together.

Melik, what did you learn by participating in this process?

First of all, I learned from the representatives of peasant and rural organisations that their situation (in fact the situation of humanity, since we are all interdependent) was even more serious than I imagined. Then, I was able to witness the mobilisation and organisational capacity of a global movement such as LVC. Of course, it was an extremely rewarding experience at all levels.

What moment did you find most moving?

Of course, the adoption of the Declaration in Geneva by the Human Rights Council and then in New York by the UN General Assembly, which was the culmination of 17 years of patient work. But the most important thing for me was to see how peasant delegates took ownership of the Declaration and defend it throughout the process with great success (organisation of events, drafting of articles, media interviews).

How does CETIM intend to promote its implementation?

The adoption of the Declaration is an important step, but the harder work begins now. How can this Declaration be made operational? CETIM will act on three levels: information and training, contribution to the establishment of a follow-up mechanism for the Declaration within the UN, and support to peasant and rural organisations. CETIM just published a book by Coline Hubert

which presents both the content of the Declaration and how it could be used, and the story of the process that led to its adoption in order to share this exceptional experience with other social movements and interested people.⁶

Building hope together in the international human rights system

María Natalia Pacheco Rodríguez¹

I am Counsellor at the Permanent Mission of the Plurinational State of Bolivia to the United Nations (UN) and Other International Organisations in Geneva. During my six years at the Mission I have been responsible for the areas of human rights, climate change and environment, labour and health. I hold a PhD in social sciences from the University of Geneva with a thesis focusing on equity and social safeguards in relevant provisions of the Paris Agreement. I hold a master's degree in development studies from the Graduate Institute of International and Development Studies in Geneva, a master's degree in international law and diplomacy from the Universidad Católica Boliviana 'San Pablo', and a bachelor's degree in political science from the Universidad Mayor de San Andrés.

When and how did you get involved in the negotiations for the Declaration?

I got involved in the negotiations for the Declaration on the Rights of Peasants and Other People Working in Rural Areas towards the end of 2017 as part of my duties as Counsellor in the Permanent Mission to the UN in Geneva of the Plurinational State of Bolivia. This built on the work of Daniela Llanos, a colleague who returned to the Ministry of Foreign Relations after having fulfilled diplomatic functions in the Mission. The Permanent Mission of Bolivia promoted the establishment of an Intergovernmental Working Group to negotiate and propose to the Human Rights Council a draft Declaration. From 2012 to 2018, Angélica Navarro, Nardi

⁶ Hubert (2019).

¹ Written interview, 12 April 2019. Original in Spanish.

Suxo, Fernando Rosales and Ruddy Flores, with whom I had the honour of working, assumed during their respective periods as Chiefs of Mission the role of President of the Working Group and led the negotiations on the Declaration. As a Counsellor I was involved in assisting the Chief of Mission with tasks related to the Presidency of the Working Group. These included organizing sessions, preparing bilateral meetings and meetings of regional groups, preparing for participation in seminars and workshops, diplomatic negotiations around the Declaration with colleagues from other countries and with peasant movements and civil society, and consolidating the text of the Declaration, taking into account the comments and proposing language that could bring the opposing positions closer. In those tasks, all the other colleagues of the Mission contributed, notably Olmer Torrejón and our intern Ximena Gálvez.

What were you able to contribute to the collective effort to convince states to support the Declaration?

The contribution of the Permanent Mission of Bolivia and its Chiefs of Mission must be seen within the framework of the foreign policy of the government of President Evo Morales and was fundamental for the Declaration to be considered at the UN, and for it to be supported by the great majority of countries. In this context, my contribution involved dialoguing with states and with representatives of the peasant movements, principally La Via Campesina (LVC), the promoter of the process, civil society and experts, in order to find language that could bridge the different positions. The work of dialogue allowed us to assuage some doubts, understand the positions of other countries, and look for compromise texts that made it possible for them to support for the Declaration. It also helped persuade them about the benefits of the Declaration, balancing the realities of different regions while maintaining the spirit of the Declaration. This had a positive impact at the time of adoption, when a broad majority of countries supported the Declaration.

What is the importance of the Declaration for Bolivia and for the Latin American region?

Several concepts rooted in the Constitution of the Plurinational State of Bolivia and in Bolivian legislation have been incorporated into the Declaration, including food sovereignty, the rights to

land and seeds, the human right to water, collective rights, and recognition of Mother Earth, among others. In that sense, the Declaration is very important for Bolivia because it reflects the historical demands of indigenous-native (*originario*)-peasant movements and is aligned with the economic and social model that the government of President Evo Morales has been implementing. Latin American movements share many of those demands, since peasant agriculture plays a central role in the livelihoods of an important part of their populations and peasants are mostly in poverty. The Declaration will promote the strengthening of policies in favour of better living and working conditions for peasants. It will promote food sovereignty for the population as a whole based on foods that are healthy, varied and culturally appropriate for our region.

In your opinion, how does the Declaration support a process of decolonisation of the international human rights system?

The Declaration contributes to the decolonisation of the international human rights system in three ways. First, its objective and spirit address in a holistic way the situation of vulnerability of a historically defenceless group. Second, its vision of human rights embraces not only individual civil rights, but also collective rights, both civil and political as well as economic, social and cultural rights. These include human rights to land and seeds, showing the human being's dependence on Mother Earth. Third, the Declaration incorporates unconventional concepts and notions, such as food sovereignty, which reflect a much broader and decolonizing narrative.

What did you learn from your participation in this process?

During the process of negotiating the Declaration, I learned a lot about the vulnerability of peasants around the world and also about the peasantry's fundamental contribution to global food production. In the current capitalist model that predominates in the world, peasants' contribution is made invisible and they suffer discrimination, since agriculture is considered simply one more business. I also learned that one of the largest contributions of peasants and indigenous people working in rural areas is in preserving and selecting seeds and in promoting the biodiversity that is fundamental for the survival of humanity. I learned as well about the

importance of dialogue and negotiation with the different actors involved and I came to know the realities and positions of different countries. I learned a lot from the people who participated in the process, from the peasants, the experts, the delegates, and also from the different Chiefs of Mission whom I was able to accompany during this process.

What moment in the process did you find most moving? Most surprising?

The most moving moment for me was the adoption of the Declaration in the Council in September 2018. It was a very difficult session. A country in the region that had been supporting the process reversed its position because of a change of government and began to lobby other countries to vote against the Declaration. So we had to redouble our efforts to work with all countries. Despite the bad intentions of those opposed, the work that was done for six years in the UN bore fruit. Countries maintained their support for the Declaration, taking into account the constructive and inclusive negotiations that the Bolivian Mission carried out with each interested country.

What do you consider the main challenges in the implementation of the Declaration?

I believe that the main challenges are in the international order that, unfortunately, does not have human rights at its centre. In the international order, capital and the interests of those who can generate the most profits predominate. The current model of production and consumerism that takes precedence particularly in the economic metropolises is in contradiction to the objectives of the Declaration and will continue to limit peasants in the exercise of their rights. Climate change and the lack of financing for mitigation and adaptation will constitute another challenge that will mainly affect developing countries. Finally, the resurgence of extreme right-wing governments with discourses of discrimination and racism will also slow the advance of policies that favour the implementation of the Declaration.

Diplomats who do not understand our reality

Ndiakhate Fall¹

I come from Cayor, Senegal, a region that was governed by the Damels or kings named Fall. I am a peasant. I am a farmer (peanuts, millet, niébé beans, cassava) and I raise animals (sheep, cattle, poultry). My involvement in the peasant movement dates back to 1985, a period marked by the implementation of structural adjustment programs. I am a member of the peasant network CNCR (Conseil National de Concertation et Cooperation des Ruraux, National Council of Cooperation of Rural People of Senegal), which is a member of La Via Campesina (LVC).

How did you get involved in the collective effort for the UN to adopt the Declaration?

The African Coordination of LVC chose me to be a member of LVC's Human Rights Committee. My involvement began early on, in 2004, at the first meeting of this Human Rights Committee in Geneva, and deepened at the second meeting of this Committee, which was in Dakar, Senegal.

In Geneva, we discussed violations of peasants' rights and identified cases in different continents. We also discussed the possibility of a convention on the rights of peasants to be brought to the Human Rights Council. Following the information received in Geneva, we changed our strategy from a convention to a declaration. In Dakar, we tried to identify the main points that should be in the Declaration. We wanted to deepen LVC's reflection on peasants' rights and to consider how as a peasant movement we can advance this process.

I participated in almost every negotiation session since 2012, and every activity and internal reflection on the Declaration, except when family impediments and visa issues got in the way. Little by little, we opened up to other actors, such as CETIM and the human rights organisation FIAN, both of which accompanied us, but at the beginning it was mostly internal strategic thinking.

Why does the CNCR consider the Declaration important? Which articles of the Declaration are the most significant from the perspective of small producers in Africa?

¹ Skype interview with Priscilla Claeys, 5 April 2019. Original in French.

The Declaration is important for CNCR and all West African peasant organisations that are members of ROPPA² because we live in a context of rapid degradation of natural resources, land grabbing, appropriation of our seeds, and violations of peasants' rights. Peasant organisations are strongly committed to this process, because they hope that the Declaration will lead to improvements in these areas.

The most important articles concern land, the environment and natural resources as a whole. There are also key articles related to seeds and small-scale farmers' participation, and the concept of food sovereignty. Increasingly, we are becoming aware not only of our food dependence but also of the lack of participation of farmers in the development of agricultural policies and in the policies that impact farmers.

What have you contributed to the collective effort to convince states to support the Declaration?

I contributed on two levels. At the sub-regional level, many meetings have been organised with LVC to raise awareness among decision-makers in our various countries and inform them of the importance of this Declaration for economic and social development and for equity between communities.

We also made appeals to the diplomatic representatives of our countries to the Council to raise their awareness of the situation of West African farmers. But also to explain the importance of the Declaration not only for peasants but also to help our African states to free themselves from the external pressures that fall on them because of the neoliberal system, such as the World Bank, which seeks to liberalise land tenure, or the IMF. We did a very important job, which resulted in a large majority of African countries voting in favour at the UN General Assembly in December 2018.

What did you learn by participating in this process?

² Réseau des Organisations Paysannes et des Producteurs Agricoles de L'Afrique de L'Ouest, Network of Peasant and Agricultural Producers Organisations of West Africa

I learned a lot of things. First, in terms of the global situation of the rights of peasants and other rural constituencies, it allowed me to discuss issues with representatives of many organisations. I really enjoyed learning about the situation in other countries and exchanging strategies. Unlike the internal meetings of LVC, here we were able to exchange views with other actors, other allied movements, in particular the World Forum of Fish Harvesters and Fish Workers (WFF) and the World Alliance of Mobile Indigenous Pastoralists (WAMIP), with whom we usually do not have the opportunity to meet. There were many differences among us, because even if the problems are the same, sometimes we approach them differently. Sometimes there are also differences between the problems, for example, the question of land is a problem that we Africans and European farmers experience differently.

The other thing I learned is how to negotiate with decision-makers and to better understand their perceptions, and their difficulty in understanding what we are defending. When we do advocacy, we realise that there is a very significant gap between diplomats and the reality of their countries. They need to be informed about the situation and that of peasants in order to understand the peasantry. Especially in Africa, we have a lot of work to do with our decision-makers. They are totally out of touch with what is happening. The first time I spoke to an African diplomat he said to me, ‘Oh no, what you are saying? We in our country have already settled that’. And as we discussed with him at each session of the negotiations, he finally came to a clearer understanding of the situation.

What moment did you find most moving?

The most moving moment was the last session of the Working Group, in April 2018 in Geneva. We were afraid that the text would not be validated, and we thought, if it does not work, it would be a failure not only for LVC but for all its allies. We were very stressed. We thought that despite all the efforts made, maybe we would not succeed. It was a very difficult time for the delegation. We didn’t have peace of mind. A real moment of doubt. We were thinking, ‘What will everyone’s behaviour be like? Will the states vote in our favour?’

In September 2018, during the vote at the Council, I was in Senegal, but I followed everything live via Skype and WhatsApp. That too was a very difficult time. But when we saw

the votes, when we got the information, it was a relief. We have not yet won the battle, but this recognition of peasants' rights by the UN is already a victory and we must now continue the fight for implementation. As soon as the vote was over, we began to think about how as social movements we could use this Declaration.

Now that the UN has adopted the Declaration, how does the CNCR intend to use it in its actions?

Yes, we are currently reflecting at the level of the CNCR and ROPPA/LVC on what synergies we can put in place to raise awareness about the Declaration, to make it known to peasants and policymakers. We are also thinking of ways to use it in our arguments and in our advocacy actions. For example, at the level of the West African Caravan for the rights to land, water and seeds. There are many NGOs that ask LVC to develop actions towards the implementation, but first LVC must strategize with the involvement of all LVC members and other stakeholders. It is important to avoid LVC being dispersed or everyone going their own way. We need to harmonise our positions and strategies for the dissemination and use of the Declaration.

What do you see as the main challenges in the implementation of the Declaration?

For us in Africa, it is the ownership of the Declaration by our government leaders. Even if they voted in favour, it is not certain that they have all the elements to understand the spirit and the letter of the Declaration, especially if they did not participate in the negotiations. The first thing is to ensure that policymakers gain ownership over the Declaration, that they know that it does not threaten them but rather strengthens their positions on a number of points. For example, on the issue of sovereignty over natural resources, our responsibility is to show them that the Declaration does not mean that the state no longer has sovereignty over natural resources, which is a delicate and complex issue, but to show them that the state can keep its sovereignty but that peasants have rights over the natural resources that are on their land and on which they can rely to fight poverty.

The second challenge is ownership by peasants themselves. Because we negotiated a Declaration and even if there were meetings involving larger groups, now it must become their

instrument, their tool to strengthen their advocacy. This is a challenge for LVC but also for our country.

What innovative strategies did LVC use in this process?

I think we have done a lot of things. The essential point was the involvement, the creation of alliances with other social movements but also with human rights organisations, and resource persons such as academics who have negotiation skills and experience accompanying social movements. The innovative strategy is therefore an alliance strategy. Behind LVC there were always invisible people who accompanied, who supported us on the technical level. There was harmony between these allies and LVC and sincere discussions to see what is possible and what is not possible.

The other innovative strategy was to involve each region in the negotiations, so that each member of the LVC delegation can take charge of advocacy in their region, and dialogue with their policymakers.

The third strategy was to organise side events at the UN but also outside in the city to raise awareness of peasants' rights violations among citizens of the North. These strategies paid off. In Geneva, when demonstrations were organised, it was clear that the population was behind them. They had the same level of information and supported this Declaration.

Last but not least, the internal WhatsApp group was also an extremely important tool during the negotiations at the United Nations. It enabled us to share a country's position, to decide on which country to approach as a result of behind-the-scenes information. It also enabled us to coordinate who would speak out and who would respond to an argument made by a diplomat. This helped us a lot at the end of the process to better position ourselves and see which delegations to meet and which points to discuss.

Do you have an anecdote to share?

Yes. I met an African diplomat who told me that in his country there was no peasant organisation. He told me that he lived in a rural area and that there were no organised farmers in his country. So I introduced them to a peasant organisation active in their country and put them

in contact. This reinforces my opinion that there are diplomats who are a little out of touch with the reality of their countries.

Do you have any regrets about demands that were not included in the final draft?

In a negotiation, each party must be able to drop something. There are elements that we wanted and did not get. My greatest regret is with regard to extraterritorial obligations. We absolutely wanted a reference to these obligations. We are facing multinational companies that come to our countries with impunity and have no responsibilities. They do what they want because they are not companies under Senegalese law. We do not have the possibility of attacking them and holding them accountable. If extraterritorial obligations were recognised, it could lead some countries to enact sanctions against these companies because of what they are doing in our countries.

We want the Declaration to come to life

Diego Montón¹

I am from Carrodilla, a rural town in Mendoza, Argentina, a wine-growing region. I am National Coordinator of the Movimiento Nacional Campesino Indígena (National Peasant and Indigenous Movement, MCNI). I also head the Operational Secretariat of the Coordinadora Latinoamericana de Organizaciones del Campo (Coordination of Latin American Rural Organisations, CLOC), which is part of La Via Campesina (LVC).

When and why did you become involved in grassroots organizing?

My grandparents were wine-growing peasants and they lost their land. I had a childhood that was rural and linked to the urban area and when I was in the university I got involved with agrarian political activism. In the Agrarian Sciences Faculty we worked to bring agrarian realities closer

¹ Skype interview with Marc Edelman, 27 May 2019. Original in Spanish.

to the university, which was quite dissociated from all that. After all, to be trained as an agronomist means living around injustice. When I finished my agronomy studies I went to live with a group of *compañeras* and *compañeros* in a rural zone of Mendoza called La Valle. That was in 2000. From there, we joined the efforts of other groups and cooperatives and founded the Union of Rural Landless Workers (Unión de Trabajadores Rurales sin Tierra), which is where my agrarian militancy began.

How did you get involved in the campaign for the Declaration?

Well, there have been continuous violations of the rights of families in the countryside. Of all kinds, labour rights, the right to land, evictions from the land. We always worked around issues of territory, to organise the resistance and, at the urging of LVC, we also started to look at the possibilities of international law. In 2004, 2005, and 2006 we contributed several paradigmatic cases from Argentina to the reports of human rights violations that FIAN and LVC produced.² Then I was at the Fifth International Conference of LVC in Maputo, Mozambique, in 2008, where LVC approved its Declaration. Maybe that is where we in Latin America committed more fully to this process. And finally, in 2013, at the first Working Group session, I was a LVC delegate for the continent with direct responsibility for the process.

What could you contribute to the collective effort to convince states to support the Declaration?

On the one hand, I believe that we contributed to having GRULAC, the Group of Countries of Latin America and the Caribbean, take on the project. We were able to work on it being taken as a progressive issue in the discussions in the blocs that form in the UN around geopolitical power disputes. I think we also contributed to the necessary rapprochement with China and Russia, which played an important role in the face of the most belligerent offensive against the process by the United States and the United Kingdom. This Declaration was also part of a vision, of the

² For example, FIAN and La Via Campesina (2004).

fight against developed-country hegemony within the UN, another way of asserting the pluralism especially of the Third World. The Declaration's adoption enriches the UN human rights system inasmuch as it puts democratic debate among states above the interests of capital. It brings the human rights system up to date with a pluricultural perspective and respecting the billions of people who see collective rights as fundamental for the enjoyment of individual rights. We also contributed to making known the situation of the peasants in the countryside and above all how this impacts the rest of humanity, especially in the food crisis. Our idea was that the Declaration is not only to guarantee the rights of the peasants, but that it has direct consequences for advancing the fight against hunger. And finally, I believe we made a lot of progress in consolidating a collective dynamic in Latin America for advancing peasants' rights. For me, one of the most important things is the direct link of the Declaration with daily struggles in the countryside.

Could you give an example of this?

Of course. In the struggle for peace in Colombia the peasant movement put the Declaration on the negotiation table as an instrument or framework for dialogue between the state and the peasant movements. In Argentina, the peasant organisations are debating a proposal for an agrarian program and the Declaration is a tool for initiating dialogue. In Honduras, progress is also being made in relation to the historic struggle for land, and the Declaration is part of the material that peasant organisations are already putting on the negotiating agenda. We have managed to begin to make the Declaration visible in a campaign against the stigmatisation of agrarian reform and of peasants. The fact that the UN recommends state-led agrarian reform as a way to guarantee peasants' rights legitimises our struggles.

In 2012 the Group of Latin America and Caribbean Countries (GRULAC) was quite consolidated and over the years with the right turn in the region — with Macri, lately with Bolsonaro, and so on — the Latin American bloc in the United Nations is no longer so unified. Some important countries now manifest opposition to peasants' interests. How did this shift to the right influence the strategy of the movements in the UN?

I think we began to see the change some years before 2012. It was part of the offensive that has been happening for a long time on the continent. There was a series of actions, of new forms of interference, with the media, the judiciary, and pressures on progressive governments. We started to discuss mainly with the government of Bolivia, which conducted the strategy in the UN very well, about how to time the negotiation of the Declaration. The decision to push for a vote in the Human Rights Council in 2018 had to do with this changing scenario. The Brazilian government, which had accompanied the process in a very positive way, tried to block a vote on the Declaration in the Council in the final stages of the process. In Argentina, the government had already changed. It had always had a critical but positive attitude, but towards the end it took a different position. At least it was no longer a voting member of the Council. So in the face of all that, and knowing that the composition of the Council was going to change, we decided to accelerate the process. Because GRULAC is much more disjointed it is necessary from now on to take the approved Declaration and work with it in practice until we have better political conditions, which we believe will happen again in the short or medium term.

What have you learned personally from this experience?

For me it was a process of many lessons. In the first place, to be able to translate struggles and realities into a diplomatic language that is much more complex and with the objective of just being understood in some cases and in other cases of applying pressure to meet our goals. The very construction of the Declaration meant bringing all the experiences from different territories that are vast and diverse and using them to develop concrete proposals for the Declaration. This was very productive on two levels: first, in working out how to translate these experiences into rights and, second, in thinking about how to specify the obligations of the states. There we have really been able to advance proposals for public policies for the sector. These took hours of discussion and analysis regarding what should be the role of the states for agrarian policy. We were also able to see the great diversity of situations in the world in terms of what constitutes the greatest threats to peasant families. Perhaps in Latin America the issue of land is the most important, but in Asia the role commerce and free trade play is very important too. So having been able to achieve a synthesis of that great diversity was a great lesson. We had to learn how to debate with and use the language that states use.

Was there any element that was in the previous drafts that was a bit weak in the final text?

There were several that were the product of negotiations. The whole issue of the rights of peasant women is one example. For cultural reasons, some states that supported the Declaration but that are very behind as regards women's rights pushed to weaken the language. Although much has been achieved in terms of the rights of women in the countryside, we would have wanted to advance more. In terms of territory we had to give up a bit because the association between 'territory' and the word 'sovereignty' that we used when talking about food sovereignty worried some countries that are made up of several nations. They feared this could justify pro-independence or secessionist demands, so the concept of territory ended up less strong in the Declaration. The territory question was closely related to free, prior and informed consent. For peasants to have strong rights to territory, they would have to have rights to free, prior and informed consent (FPIC) as a condition for the exploitation of natural resources in their communities. So without territory in the Declaration, FPIC too ended up weaker in the text. Several of these elements are much stronger in the Declaration on the Rights of Indigenous Peoples.

During the process was there a moment that seemed more moving or more surprising to you?

Without a doubt, I was surprised when China backed the Declaration and also when several representatives of China attended our side events to inform themselves about the process. I was surprised given what China represents in the world today. And what was most moving for me was the meeting we had with Bolivian President Evo Morales in Geneva. And of course the adoption in the Council and especially the adoption in the General Assembly were two moments that we experienced with great intensity.

Can you comment on the issue of implementation and about the meeting of the LVC International Coordination Committee that took place in Senegal in May 2019?

We are proposing different levels of action around implementation. On the one hand, we want the Declaration to become a tool for all the organisations and communities that are struggling in the five continents. We want to give the Declaration momentum through national laws that can be developed on this basis in different countries, whether they adopt the Declaration completely or take a part of it and build a specific law. These national processes will be important, but also provincial or even municipal processes. We want the Declaration to come to life that way. There is also the whole judicial field with which we are working, first to train the lawyers of our movements but then to begin to influence universities, lawyers' associations, and human rights organisations, so that the Declaration becomes a fundamental instrument in litigation, both civil and criminal. We want to advance new regional processes. We in Latin America intend to work with the Inter-American Commission on Human Rights. And we are debating options for UN mechanisms to promote the Declaration, and for monitoring the rights of peasants in the world. We are hoping such mechanisms can be very flexible and able to take the Declaration to different corners of the world. We also made a brief evaluation of the process. We reorganised LVC's international peasants' rights collective, so that all regions will be able to monitor the whole process. We intend to use our communications system so that we all can be updated on the uses and advances around the Declaration in each of the places.

European peasants fighting for recognition and human rights

Geneviève Savigny and Paula Gioia¹

Geneviève, could you introduce yourself in a few words?

I started farming in 1992. I produce free range poultry, prepared on the farm for direct sale on a local market. My partner grows wheat, lavender and fodder crops on a medium-size hill farm in southeast France. I have been involved in the French peasant union Confédération paysanne for over 20 years and was part of the coordination committee of the European Coordination Via Campesina (ECVC) from 2009 to 2018. I am now a member of the European Economic and

¹ Email interview with Priscilla Claeys, June 2019.

Social Committee, a civil society consultative body that makes recommendations to the European Commission and the European Parliament.

And you, Paula?

I started farming in 2009 and did a four-year independent agriculture apprenticeship. I live in a farm community near Berlin and am a beekeeper. I belong to a farm group that produces vegetables, beef and other products. The farm is member of the Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL, Working Community on Peasant Agriculture), the German organisation affiliated with La Via Campesina (LVC). Since 2015, I am part of the coordination committee of ECVC.

From the perspective of ECVC, what is the significance of the Declaration and what are the specific challenges facing the European peasants?

The adoption of the Declaration is a great success of LVC. At first, we followed the international activities relating to the Declaration. Then we became more involved, since European countries were opposing the Declaration. We engaged in this process with a double responsibility: towards our peasants in Europe and towards the international community of small-scale farmers, food producers and agricultural workers. In Europe, we face two main challenges. The first is to be recognised as peasants, while mainstream farmers' organisations promote a 'professional' model and leave little space for diverse forms of farming. The second is that many European countries fail to recognise that peasants, smallholder farmers and land workers in Europe face discrimination. This must be demystified. In Europe, as elsewhere, there is land grabbing, a rural exodus due to the lack of prosperity in the food production sector, the labour rights of seasonal workers are violated, and migrant women are harassed on a daily basis. In addition, many peasants face big difficulties accessing the market and are affected by climate instability and decreasing biodiversity. The climate crises can no longer be ignored in Europe! For all these reasons, the Declaration is relevant for European peasants.

Geneviève, what was your personal involvement in efforts to have the UN adopt the Declaration? What roles did you play? What did you learn from this process?

I learned about the Declaration through Josie Riffaud from the Confédération paysanne. Josie was a member of the International Coordination Committee of LVC and tried to tell us how important the process was. Then, in 2012, when the UN negotiations actually started, I read an article by Valentina Hemmeler Maïga, from our sister organisation Uniterre in Switzerland. I was shocked when I heard the European Union countries were opposed. So I was really happy when I was invited as a panellist to the first Working Group in July 2013, to share my experiences as a European farmer. ECVC got more and more involved and we tried to make sense of the decision-making process in European institutions. It was difficult to figure out with whom we had to meet, which European Commission's Directorate-General was in charge of what, where and how decisions were made. We realised we needed to act at the country level, especially with some influential countries like Germany (where Paula Gioia got deeply involved), France (where I was responsible) and Eastern European countries (where Ramona Dumincioiu organised many activities to involve peasants and allies). We learned a lot about European and UN institutions, but also on the diplomatic attitudes of Western countries in international negotiations. I was really upset with their weak support for human rights instruments and their arrogance.

And you, Paula?

For me it is important to highlight that this has not been a process of single personalities or personal involvement, but rather an extremely collective process in which coordination and mobilisation were essential. I got involved after others from the AbL were engaged already some years before me, coordinating the work in Germany together with FIAN Germany. In early 2016, another German farmers' organisation had the idea of organising an international congress on farmers' rights in the town of Schwäbisch Hall, and they invited FIAN to co-organise the congress. FIAN informed them that for many years already there was an ongoing process on peasants' rights and recommended that they contact AbL/LVC, which they did. When ECVC then agreed to co-organise that congress, it immediately became obvious that as the Germany-

based member of ECVC's Coordination Committee, I would need to get more involved, even though at that moment I was in charge of other political processes within the movement. I had to study a lot in order to understand this process. The work together with FIAN was extremely helpful for understanding the German and international contexts. The congress gave us visibility among German NGOs and helped us build a German civil society alliance with which we have been intensively working since 2017.

The fact that the process was already well advanced, the strong role played by Germany within the EU, the priorities set by LVC, the conversations I had with allies, the mandate AbL had given me, and my role within ECVC/LVC all made it obvious to me after the congress that there was no way back. I had to dedicate energy and efforts to the campaign for the Declaration, and I did. For me — and, I would say, for LVC — the process was a school in several respects. I learned about a lot of things: about human rights in general; about how to articulate agricultural challenges with human rights aspects; about new dimensions of the peasants' realities in the German, European and international contexts; about the UN's structure, mechanisms, procedures, spaces and about how to articulate our actions with them; about how to engage with countries, country groups and their representatives; about the German NGO environment and how to work together with them; about how to dialogue with key German ministries and to coordinate these actions with the German parliament, while realizing the power that Germany exercises within the EU and the gaps in vision that exist between the different German ministries; about how to coordinate actions among ECVC/LVC members; about how to work with communications and media; about how to work with international allies from different sectors, such as social movements, NGOs, and academics; about how to translate 'peasant language' into legal language and the other way around, and much more.

In what advocacy and mobilisation activities did you and ECVC participate as part of the campaign to have the EU adopt this new international instrument?

It was always difficult to know who was taking the decisions and where. Geneva? Brussels? The capitals? Starting with Geneva, we attended the five Working Group sessions between 2013 and 2018, as part of the international delegation of LVC. We learned to be patient, to advance step by step, to stay focused while hoping to convince European countries to become more supportive.

The positive vote of Portugal was a great moment. One of the worst moments for me was witnessing the endless deliberations of European delegates before the vote on the final text of the Declaration in 2018. They stood huddled in the negotiation room for two hours, discussing among themselves without taking notice of the Chair or of the delegates from the rest of the world.

In the capitals, we had to adapt to local circumstances. In France, the Confédération paysanne tried to influence the different ministries, together with close allies, mainly CFSI² and Pascal Erard, acting on behalf of the larger platform Coordination Sud (South Coordination). Towards the end of the process, when the text was to be adopted in New York, we managed to organise meetings in France with the cabinet of the Prime Minister, the Environment Ministry, seemingly in favour, the Agriculture Ministry, clearly not in favour, not to say hostile, and the Foreign Affairs Ministry, with the hope France would vote in favour. But in the end France abstained, like most of European states.

In Germany, we organised internal trainings, wrote a position paper, disseminated several press releases and with the support of the German Institute for Human Rights (DIMR) we organised two meetings with different ministries and civil society organisations in 2017 and 2018. The government rarely gave us concrete arguments and answers, maybe because they did not have a common position among different ministries and agencies. We also organised a very successful parliamentarians' breakfast in March 2018. As a result, different parliamentarians wrote to the German Ministers demanding their support for the Declaration and, in September 2018, the Greens passed a motion in the national parliament requesting that the government support the Declaration. Our alliance also wrote a letter to the Foreign Affairs Minister. In addition, we produced pedagogical and informative materials and shared them with the Austrian civil society alliance working in Vienna. We participated in and/or organised public events to raise awareness of the Declaration among civil society. In the end, we were not able to move Germany's position towards a positive vote, but our work helped avoiding a vote against and the risk that this would contaminate other EU (and non-EU) countries. Our alliance continues to work together. Four days after the adoption of the Declaration in New York, we had a meeting in Berlin with the German government's person in charge of human rights in order to explore

² The Comité français de solidarité internationale (French International Solidarity Committee).

strategies for implementation. As follow up she invited several ministries and civil society to a round table this summer. Besides a strong presence of civil society, though, only the Agriculture and Foreign Affairs Ministries attended. We can nonetheless affirm that we have taken the first steps towards the implementation of the Declaration in and by Germany.

In Brussels, we concentrated our efforts on the European Council's Working Party on Human Rights (COHOM), which is the committee of delegates in charge of human rights from the different member states. We had a first meeting in 2017, and ECVC and FIAN made presentations. Very few countries seemed to be informed about the process. We had a second meeting in 2018, where Olivier De Schutter joined us as an expert in human rights issues. The meeting was very disappointing, as none of the delegates engaged in substantive discussions about content. De Schutter was very upset at this and he subsequently wrote an op-ed which he opened to signatures from various European personalities. It was published in Belgium, France and Spain in national newspapers.³ There were several initiatives of that kind in Europe, including an online petition run by ECVC that the WeMove.EU platform disseminated.⁴ However, we found it difficult to explain peasants' rights issues in a clear and succinct way to the European public.

Finally, between October and November 2018, ECVC and LVC sent a delegation to conduct the final lobbying efforts during the UN General Assembly session in New York, where we received great logistical support from our U.S.-based allied organisation Why Hunger. It was a very tough period. On one hand because the New York institutional space was completely new for us and its dynamics are very different than the ones we knew from Geneva or even from Rome. On the other hand because New York is such a huge city, not always easy for peasants coming from rural areas to smoothly get around in.

Do you have a particular anecdote or memory about the negotiation process that you would like to share? As LVC, did you use any innovative strategies?

³ See De Schutter et al. (2018a; 2018b; 2018c).

⁴ <https://you.wemove.eu/campaigns/peasants-rights>

Unfortunately, WhatsApp turned out to be an essential working tool for us, particularly during the negotiations. It was important not only for us to communicate among each other — LVC delegates and allies present in Geneva — but also with our leaders and staff people around the world and even with country representatives. I am scared at the contradiction between our struggle for food and people’s sovereignty and the use of this kind of corporate media, which has recently shown its flaws in the dissemination of fake news during electoral processes, as in Brazil in 2018 and in other places. It certainly highlights the urgent need to develop people’s independent media!

‘The mother of all exclusions’: the situation of agricultural workers

Tirso Moreno¹

I recently retired as General Coordinator of the Farmworker Association of Florida. I represent the Rural Coalition in La Via Campesina (LVC) and I am an alternate member of LVC’s North American regional coordination.

You were born in Mexico and came young to the United States to work in agriculture...

I was born in a small rural town in Tamaulipas, in northeastern Mexico, about twenty-five miles from the border, and came to the United States when I was seventeen. My father was already here. He was a US citizen, so that’s how I came in as a permanent resident. He was working in California with an uncle who came and got my older sister and me and we went to California to work picking and grading tomatoes. That was my first job. I did some other jobs when the season was over and we went back to Mexico. Then my father invited them to come to Florida to pick oranges. That’s how I ended up in Florida.

When did you begin to work with rural labour organisations?

¹ Skype interview with Marc Edelman, 7 June 2019.

For the first few years as a farmworker I didn't participate in organisations. I started participating in the Catholic Church when I was more established here, when I was already married. I started doing some things. There were workers' strikes. There were co-workers who were being abused by employers. I didn't agree with the way we were treated, so I would do things that I thought needed to be done. Of course there were consequences. I was fired. The labour contractor's family wanted so badly to fight me and some of them injured me.

While we were living in the labour camp, in the first years with my wife, someone came to the camp from the United Farmworkers of America (UFW). They had a campaign to change the law in Florida to permit the organisation of farmworkers, like what they were doing in California. I went to the state capital, Tallahassee, with them and learned that not far from where I was then living they had a contract with Coca-Cola Minute Maid. So the next season, when we came back to the States, I went to the UFW hiring hall and got a job under that union contract. That was in 1976. My oldest child was three months old, born in Ohio when we were picking tomatoes there. From there we went to Michigan and then to Florida.

So I started working there and made some friends, and my wife and I got very involved in the Union. I started as an alternate steward and not much later I became the president of the local and my wife became the steward.

I didn't speak much English and the reality was that I needed to speak more English. People elected me there. Some people didn't want these responsibilities and the company representatives were not encouraging people to get involved with the Union. So that's probably why they elected me. I was newer there. A good number of the crews were not Latinos, they didn't speak Spanish, and that was a problem. Most of the workers were from the Caribbean, from Jamaica, Bahamas, or from some of the southern states, Afro-Caribbean and African American farmworkers, and a smaller number of crews were Latinos, mostly Mexicans. So I got involved with the Union and tried to keep on communicating, keep on learning more. I moved to a rural area and rented a small RV trailer to live in from the former president of the Union local, who was from Appalachia, from North Carolina. I practiced English with him and his family after work and on weekends.

After that I became part of the committee that negotiated contracts with the company. Blanca, my wife, and I became part of the committee negotiating piece rates in the citrus groves.

We ended up at one of the UFW conventions in California. I learned a lot there about the policies that were not protecting farmworkers and the politics of the companies of pushing for us not improve wages, working conditions and benefits. They accepted subsidies for the corporate farmers that ended up helping them. I learned how to use those subsidies — health care, legal services, emergency health care. That was the way the industry wanted to improve things, not by paying better wages, improving working conditions or paying for benefits.

Turning to the UNDROP, could you comment on the significance of the Declaration for agricultural workers in Florida or in general?

For me, the Declaration was very important and the inclusion of farmworkers was a very good thing. In most of the world, including the United States, in the so-called developed countries, farmworkers don't have the same rights as other workers. There have been improvements, of course, in this country. But not to the point where the workers have the same rights that other workers enjoy. A big example in this country is the denial in the 1935 National Labor Relations Act (NLRA) of farmworkers' right to organise. Under NLRA, all workers can organise and request union representation, except farmworkers. California, and I think maybe Hawaii, has a state law that gives farmworkers the right to organise. The Farmworkers Union succeeded there. It was not an easy thing. There was a lot of resistance and violence against our people. So we have been excluded from the right to organise since the 1930s. Another class of workers that was also excluded was domestic workers. That of course is connected with what kind of jobs the descendants of slaves used to do in the 1930s. Not having the right to organise is the mother of all exclusions, because then workers have to negotiate with employers on an individual basis. The employers also have rights under the law. They can fire you for any reason or not hire you.

Other exclusions are important too. Farmworkers are excluded from overtime pay. They don't have any guarantee of how much work they're going to have. We used to not have any protections regarding working conditions. Most workers are protected under the 1970 Occupational Safety and Health Act (OSHA). But farmworkers don't have any right not to be put to work with spraying of pesticides and toxic chemicals going on. Not until 1992 or so did we have some protections. And they're still not the same as the protections under OSHA. All workers have protections against child labour, but farmworkers can work at age twelve and full-

time at 16. The children can work after school, but there are a lot of abuses. We still have children at work.

Workers won rights to have water and bathrooms in the fields. That law came in 1987. But you have to have four workers on a jobsite to have the right to field sanitation. No water, no bathrooms. That's under state law. Under federal law it's even worse. There have been a lot of sacrifices, but we still have not been able to get rights like other workers. The big agricultural industries have too much money, too much influence on the politicians.

Things are getting worse now, as the industry continues to take away rights from workers. Right now the employers are getting permits to bring temporary guest workers. Their conditions are worse than the undocumented workers. And I'm talking about the United States, which is supposed to be a model for the world. For that reason, I consider that the inclusion in the Declaration of farmworkers, fishers, gatherers of wild products, is hugely important.

What activities did you participate in as part of the efforts to have the UN adopt this Declaration?

The struggle to try to get this Declaration was already taking place when the Farmworker Association of Florida joined LVC. I came in during the last two or three years of the process. I went to meetings in Geneva, and some preparatory meetings in Europe. We reviewed the content of the Declaration we were proposing and debated among ourselves. I didn't see that there were enough people involved who had experience with farmworkers. I attended some sessions of the Human Rights Council, where the ambassadors were discussing and debating. We had the opportunity to make changes, to defend the parts of the content that we were seeking. I didn't go at the very end when they approved it. The majority of the states voted in favour of the Declaration. It was not new for me to find out that the United States and some other developed countries did not vote in favour.

Could you comment on the challenges of implementing the Declaration?

We already knew that a UN declaration is not like a policy that can be implemented. It's a very symbolic declaration that we can at least start using as a guideline to claim the rights of rural

workers. The workers and farmers and other people in rural communities, not all of them were necessarily looking for this Declaration. We have to disseminate this Declaration in rural communities all over the world. We have to pass this on in all the languages that our folks speak. We probably have to use popular education or similar methods for our people, who are not highly educated. We have to work on making the materials simple so that people can understand the content.

There is an important part of the Declaration that protects what we call food sovereignty, which gives rural communities the right to culturally appropriate food. The lack of food and of food sovereignty has contributed to all of these migrations and to environmental disasters. The intent of the Declaration is to have all of those protections, for food sovereignty, for small farmers, for the environment, natural resources, for farmworkers. It's a very good, rich document.

Do you have a particular anecdote or memory that you would like to share?

I feel very good about being able to contribute with my knowledge about issues affecting farmworkers and migrant communities. I was very interested and careful when these issues came to react when they were trying to negotiate things that affect us. People were very respectful of me. I don't have much formal education, but I have practical knowledge, lived experience, as a migrant, as a former farmworker. I participated in defending the rights of our people.

One thing I noticed is that the most developed countries, like the European Union, joined forces with the United States and other countries to oppose the Declaration as a whole. They influenced other countries. I made my own conclusions. One country in one session in Geneva, Guatemala, was actively opposing the Declaration. They said they didn't have any peasants there. That was very, very surprising to me. We know that they do and that many farmworkers in the United States are Guatemalans, migrants.

Seas, lakes, rivers, lands: the declining space for fisher communities

Margaret Nakato¹

I work with 565 rural women organised in 29 groups in the fisher communities north of Lake Victoria in Mukono, Uganda. I have a passionate interest in placing women as drivers of transformative initiatives with multiplier effects on the wider community. As a teenager growing up in a fisher community in the late 1990s, I experienced the transformation that happened when we started to export fresh fish. Most of the women engaged in fish processing lost their jobs with declining access to fresh fish. Katosi Women Development Trust (KWDT) started organising women to enter the lucrative fishing industry, working as a group to increase their access to productive resources and to place them in a stronger position to govern these resources. We also empowered women to defend their rights, including economic rights, and try to address any social-cultural norms that impede the enjoyment of their rights. Our organisation is a member of the World Forum of Fish Harvesters and Fish Workers (WFF).

What was your personal involvement in the effort to have the UN adopt the Declaration?**In what activities did WFF participate?**

I was one of the panellists to the first session of the Working Group, in July 2013. I was asked to present on the status of small-scale fisheries and to demonstrate the need for a new UN declaration. I shared local experiences and how the Declaration could contribute to securing rural livelihoods, particularly for small-scale fisheries and women. Among the issues I pointed out was the declining space for small-scale fisher communities to engage in the fisheries sector, particularly women, because of increasing investor interest in the sea, coastal land and land close to lakes and rivers. The restriction of access to natural resources or removing freedom to use such resources as they wish also affects their way of life. Apart from fishing, water bodies are used for spiritual beliefs. I emphasised the importance of the UN Declaration in dealing with critical issues facing small-scale fisher communities in terms of use and access, and in addressing rising conflicts. Some years later, I attended the March 2017 Global Peasants' Rights Congress in Schwäbisch Hall, Germany, which attracted more than a hundred representatives

¹ Email interview with Priscilla Claeys, 17 May 2019.

from all over the world. There, again joining other civil society organisations (CSOs), I amplified the voice of rural food producers and emphasised the needs for the Declaration to strengthen the positions of rural food producers in threatening situations.

It is very timely that the General Assembly adopted this new instrument. It will complement other recently adopted instruments, such as the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests (Tenure Guidelines) adopted by the UN Committee on World Food Security in 2012, and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) adopted by the UN Food and Agriculture Organisation (FAO) in 2015.²

From the perspective of WFF, what is the significance of the Declaration? Could you share some challenges facing women in fishing communities and how they could benefit from increased recognition of their rights to resources?

There is increasing interest in sea and coastal land, land close to lakes, and rivers, for non-fishery activities such as tourism development, oil and gas exploration, aquaculture, and agricultural activities. These developments have negative impacts on small-scale fisheries, as they are linked to restricted access to fishing grounds. All this is happening at the backdrop of privatisation of fishing rights, access agreements, pollution, climate change and production for export, which have increased the vulnerability of people working in rural areas calling for their urgent protection. Women are particularly affected because they form the majority of the rural population and derive their livelihood from access to natural resources. In sub-Saharan Africa, where women contribute up to 80 percent of the labour for food production, access to such resources has a direct impact on food security.

Fish is a major commodity for trade for women in fisher communities. Yet, fewer fish are available for rural women for processing. Competition for fish has contributed to the catching of immature fish to satisfy demand. In recent years, this has decimated fish stocks in Lake Victoria, threatening the entire sector. When the competition for fish gets stiffer, women are affected further because they normally have fewer financial resources and depend on fisher men to secure

² CFS (2012) and FAO (2015).

access to fish. As a result, women are often cheated and those who are engaged in fish processing have been compelled to establish sexual relationship with fisher men to guarantee their access to fish. The high birth rates of women in fisher communities are partly a result of their desire to strengthen these relationships for sustainable access to fish. Women are sometimes victims of rape by men who supply them fish. The men use violence to settle trade disputes.

In addition, because men tend to move from one fishing community to another, the competition for land along the shores of the Lake Victoria among the various users threatens the women much more, since they are often both fishers and farmers. While men concentrate on fishing for income, women who engage in both fishing and farming usually do so to provide food for their households and to reduce their dependence on one economic activity. Land adjacent to Lake Victoria is essential for landing boats and drying fish. With the intensified demand for land for the development of beaches, large-scale farming and real estate projects, rural women have been displaced from ancestral land. The situation is exacerbated because most rural women lack legal tenure, such as a certificate of ownership.

Insecurity of land tenure in many fisher communities threatens livelihoods. Household food producers put their investments in economic activities on hold, such as planting seasonal crops like maize and beans. This is not only a threat to household food security but also to the incomes of the majority of the households. KWDT conducted an action-based research project on the impact of large-scale land acquisitions in fisher communities in Uganda as part of a larger project funded by the International Development Research Center (IDRC) and coordinated by FIAN and the Transnational Institute. We discovered that the mountainside that used to be cultivated by the majority of the fisher communities for food production had been fenced and abandoned by farmers when an investor purchased the land. Although there was no ongoing activity on the land at the time of the study, the women could no longer access the land. I recall an elderly lady in her 70s, pointing to the land she used to cultivate to meet household food demands and lamenting how they will die of hunger as they can no longer cultivate it for household food needs.

Increased land speculation has raised land prices in rural fisher communities. With the increase in the number of the people looking for land to purchase, youth have been lured to sell their households' land to cash in on the large profits expected from the sale. This has resulted in

domestic conflict within families, pitting spouses and male children against women who are almost never willing to sell off the land.

What is the specific importance of the Declaration for the East African region? How are you thinking of using it in your work?

The Declaration is of importance for the East African region, since the majority of people in rural areas here depend on natural resources such as land, water bodies, and forests to secure their livelihoods. We will use the Declaration as a point of reference in our advocacy work and in dialogues regarding the review and development of policies in the region. We will also conduct awareness raising, and develop the capacity of the women to be able to enjoy and protect their rights. Finally, we will seek legal assistance by using the Declaration to document and build cases of human rights abuses. Although the rights to land and water bodies are at the heart of the Declaration, it is key that the Declaration be applied comprehensively as each article complements each other in recognising different aspects that are essential to protecting rural livelihoods.

What challenges exist in terms of implementing the Declaration?

Challenges for implementation will probably include how the instrument is interpreted by various governments as well as failure to incorporate the Declaration's provisions into national laws. Additionally, the multiplicity of instruments that are adopted at the international level, such as the Tenure Guidelines and the SSF Guidelines makes their implementation complex at the local level, as it is difficult to assess how these instruments should complement each other. It is still challenging for many to comprehend the content of the SSF Guidelines, so introducing yet another instrument requires double effort, particularly at the local level where resources for awareness and capacity building are limited.

Collective rights in theory and practice

Saúl Vicente Vázquez¹

I am on the Board of Directors of the International Indian Treaty Council (IITC) and am also Secretary General of the Indigenous and Peasant Unity Force (Unidad de la Fuerza Indígena y Campesina) in the Mexican state of Oaxaca.

Do collective rights exist? This is a longstanding debate. For us, the starting point is that collective rights *do* exist, not only in the international sphere of human rights, but in real life. Particularly among indigenous peoples, many activities and assets are collective, and these are exercised, protected and enjoyed collectively. Moreover, various studies indicate that collective rights have been able to coexist, over the years, with individual human rights, although in practice the collective rights of indigenous peoples have been undermined. It is for this reason that indigenous peoples have demanded recognition of their rights in the international sphere and in national legislation.

According to Argentine jurist Andrés Rossetti,

the existence of collective rights (understood as group rights) can be accepted — not without problems — not only as “simple” rights, but also as fundamental rights, as is already the case in legal reality, and there are valid arguments to defend this position....

In this regard, it is enough to point out that Article 1 of each of the two International Human Rights Covenants of the United Nations, consecrated in 1966, on Civil and Political Rights and on Economic, Social and Cultural Rights, provides that “all peoples have the right of self-determination”.²

¹ This essay was presented in Geneva in a side event on the negotiations for the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, on 15 May 2017. It was originally delivered in Spanish. We include it here to illustrate the type of expert knowledge that was contributed by civil society organizations. As discussed in the introduction, the issue of collective rights emerged as one of the most contentious in the negotiations. The conceptual guidance and support provided by representatives from indigenous peoples’ organizations helped make the case for extending the recognition of collective rights to peasants and other people working in rural areas.

² Rossetti (2013, 233–34), ICCPR (1966), ICESCR (1966).

At the same time, Rossetti (following Steiner et al.) asks about human rights,³

Are they inalienable, absolute, universal, and eternal, and based on human dignity, as they are often presented, or rather, are they instead socially constructed, contingent, particular to each culture, historical, and based on their utility and power? According to the answers, the vision of rights in general and of collective rights in particular will change; in relation to the latter group of characteristics there seems to be no problem with the recognition of the existence of collective rights.⁴

For Ecuadorian political scientist Agustín Grijalva,

collective rights are specific human rights to which certain human groups are entitled. They are part of the so-called third-generation rights that received international recognition after civil and political rights (first generation) and economic, social and cultural rights (second generation). Third generation rights include the right to development, to peace, to artistic and cultural heritage, to a healthy environment, the rights of indigenous peoples, and those of consumers.⁵

Critics of the notion of collective rights maintain that group actions may violate individual rights in certain circumstances. In this regard, Canadian philosopher Will Kymlicka argues,

We must distinguish between two types of claims that an ethnic or national group could make. The first is the claim of a group against its own members; the second involves the claim of a group against the society of which it is a part. Both types of claims protect the stability of national or ethnic communities, but they respond to different sources of instability. The first aims to protect the group from the destabilizing impact of internal

³ Steiner et al. (Steiner, Alston, and Goodman 2008, 475).

⁴ Rossetti (2013, 238).

⁵ Grijalva (2009).

dissent (for example, the decision of individual members not to follow traditional practices or customs), while the objective of the second is to protect the group from the impact of external decisions (for example, the political and economic decisions of the broader society). To distinguish these two types of claims, I will call the first “internal restrictions” and the second, “external protections”.⁶

Kymlicka, however, also points out that

external protections do not necessarily create such injustice. The granting of special rights of representation, territorial claims or linguistic rights to a minority does not need, and often does not imply, a position of dominance over other groups. On the contrary, such rights may place the various groups on an equal footing, reducing the extent to which the smaller group is vulnerable to the bigger one.⁷

Importantly, he further argues that,

Non-ethnic groups can claim analogous external protections. Specific group rights (for women, gays and lesbians, or for people with disabilities [or for the case that concerns us here, the rights of peasants] provide forms of external protection, as they reduce the extent to which these groups are vulnerable to — or are in a disadvantageous position in the face of — majoritarian decisions.... The state itself may constitute external protection in relation to the larger world.⁸

For a long time at the United Nations, indigenous peoples mobilised and debated extensively to have their collective rights recognised. In particular, they argued that they should be recognised with the plural word ‘peoples’ as opposed to what governments proposed, using the singular word ‘people’ in English to denote an agglomeration of individuals devoid of any

⁶ Kymlicka (2009, 5).

⁷ Kymlicka (2009, 6–7).

⁸ Kymlicka (2009, 7, fn2).

collective identities. The indigenous peoples claimed that they should be recognised with the word ‘peoples’ in English.

This led to different protest actions, including in a session during the negotiations of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) when the representatives of the indigenous peoples who were in the debate placed a letter ‘S’ on the chairs of the representatives of the governments, as a way to pressure them to accept the word ‘peoples’.

In 1981, Aureliu Cristescu, UN Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, declared that,

- (a) The term “people” denotes a social entity possessing a clear identity and its own characteristics;
- (b) It implies a relationship with a territory, even if the people in question has been wrongfully expelled from it and artificially replaced by another population;
- (c) A people should not be confused with ethnic, religious or linguistic minorities, whose existence and rights are recognised in article 27 of the International Covenant on Civil and Political Rights.⁹

These elements were taken up by indigenous peoples, who said that they fully met these criteria and therefore should be recognised as peoples.

The debate on collective rights continued, and indigenous peoples argued that within the human rights framework, there are individual rights and collective rights. One of the most important of these collective rights is the right to ‘self-determination’, which is recognised in Article 1 in both of the two international human rights Covenants.¹⁰ The indigenous peoples pointed out that this is a right that also belongs to them.

More than 20 years passed before the word ‘peoples’ was accepted and the rights of ‘peoples’ were embodied in the UNDRIP.¹¹ There is still resistance to seeing us as ‘peoples’,

⁹ Cristescu (1981, 41).

¹⁰ ICCPR (1966), ICESCR (1966).

¹¹ UNDRIP (2007).

since in different national laws, as well as in UN agencies and bodies, they continue to consider us ‘indigenous populations’.

Indigenous peoples further claimed to be subjects of rights or rights holders, such that certain specific rights should be guaranteed for them as peoples in international human rights law. This claim was backed by José Martínez Cobo, UN Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who concluded that indigenous peoples possess certain characteristics that make them different from the rest of the societies in which they currently live:

- (a) Occupation of the ancestral lands, or at least a part of them;
- (b) Common ancestry with the original occupants of these lands;
- (c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership in an indigenous community, dress, means of livelihood, life-style, etc.);
- (d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);
- (e) Residence in certain parts of the country, or in certain regions of the world.¹²

In this way, and after a long process of discussion, debate and negotiation, the indigenous peoples achieved the approval, in 2007, of the UNDRIP. UNDRIP recognised their collective rights as peoples equal to other peoples and their rights to self-determination, to development, and to self-government. It recognised their rights to maintain their political, economic and social institutions, and their lands, territories and natural resources.

Rights are not a favour that somebody is giving you

¹² Martínez Cobo (1983, 50–51).

George Dixon Fernandez¹

I come from Kerala, South India. I have been engaged in building grassroots groups of young farmers in our villages since I was fifteen. Farmers and rural people in our communities have been discriminated against over the years. Our rights and control over our productive resources are threatened by agricultural policies favouring landlords, agribusiness and real estate giants. We are forbidden to use our own farm-saved seeds. Farmers suffer a lot in terms of market access and means of production. They have no minimum wage or social protections. Our education systems do not value farming, thus pushing many young people to abandon their farms and land. Being part of such a reality gave me full motivation to struggle for the individual and collective rights of peasants and rural communities. Since 2010 I am the Secretary General of FIMARC² and have been the International President of MIJARC³ for nine years.

How did FIMARC get involved in the process of negotiation of the Declaration?

FIMARC has ECOSOC⁴ consultative status for almost 40 years. As such, we regularly participate in Human Rights Council discussions and specifically in the regular sessions of the Council in March and September. We have a small human rights commission of FIMARC that includes local FIMARC members from France and Switzerland who live close by Geneva and who do the political work of participating in discussions on the right to food, women's rights, the rights of rural people and other pertinent topics which have impact on farmers and rural people. We have an ongoing engagement in the Council and as such we were part of all the pre-steps that made this peasants' rights process possible, including the reports of the Advisory Council and the bilateral discussions early on with La Via Campesina (LVC). When the report of the Advisory Council was presented, and also for the resolution, we made oral and written

¹ Skype interview with Priscilla Claeys, 13 May 2019.

² Fédération Internationale des Mouvements d'Adultes Ruraux Catholiques (International Federation of Rural Adult Catholic Movements).

³ Mouvement International de la Jeunesse Agricole et Rurale Catholique (International Movement of Young Catholic Farmers).

⁴ United Nations Economic and Social Council

statements in support of it. We believed this was an opening to enhance specific rights declared for peasants and rural people, an opportunity to invest ourselves more and push governments to recognise our rights. Since 2012, when the first meeting of the Working Group was held, FIMARC has participated in all sessions, without any absence. I participated in four of the five sessions.

At the beginning, only two farmers' organisations, LVC and FIMARC, were involved. FIMARC is a federation of farmers as well as rural people. We have these two target groups, so for us the Declaration should have this dual commitment. We made different interventions about what the term 'peasants' means and we advocated for the expansion of the title of the Declaration to include a broader perspective, to add other forms of rural employment. Not to dilute, but to give dignity to all forms of rural life and jobs.

What has been the relationship of FIMARC with LVC and CETIM?

Personally, I have been working with leaders of LVC in different platforms and arenas, such as the FAO or the CFS in Rome or the International Planning Committee for Food Sovereignty (IPC). We have a similar mission to defend the rights and life of smallholder farmers. In Geneva, we have a close relationship with CETIM, which participates from time to time in our own working group meetings on human rights, to get reflections on our work but also to know about which UN meetings or processes we should participate in with more attention. In the case of the Declaration, a strong alliance with LVC was needed, especially in the context of the Council, which traditionally does not have a lot of participation from farmers' organisations.

Were you successful in including more constituencies in the process?

At the beginning there was not so much participation from other groups. But in Rome we have had the chance to share regularly about this process, and engage other constituencies, such as indigenous peoples, pastoralists, fishers. After two years, their participation was increasing, which was not usual before.

What kinds of activities did you facilitate to support this process?

Early on, we saw its importance and the need to have more awareness about it. When the Working Group was created to launch this process, we had a conversation with the Bolivian Ambassador, Angélica Navarro, who asked us to disseminate information and increase our lobbying efforts and awareness among our members.

We made a questionnaire that we circulated to our members, stating the different articles of the Declaration, our preoccupations, and asking them for reflections and inputs on how to defend the rights of farmers and rural people. We collected reflections from people on the ground and we also had a consultation at the global level in 2014 in Volkersburg, Germany, prior to our world assembly, to which we invited CETIM and Angélica Navarro, who was chairing the Working Group. We had a dialogue with the Ambassador and a global consultation with our key national leaders from around 40 countries of five continents, and this motivated our national movements and our members to engage further. We also participated in one of the expert seminars organised by the Geneva Academy for Human Rights. I was a panellist and in my view this seminar enabled us to change the position of Switzerland. In addition, whenever we met new people we tried to talk about the Declaration, including in Rome, with the French Ministry of Agriculture, but also with other countries that were already in favour, we tried to make this happen individually and collectively.

How do you see the bridge between Geneva and Rome?

There are two aspects to this question. First, we have to bring attention to this topic and to its implementation and if we want this to happen in our countries, we need some mechanisms immediately, before the various stakeholders forget their commitments. We need to have a UN organisation taking the lead for the implementation. Otherwise things will not move. The CFS can be used as platform to move this debate. The FAO could be a lead organisation for the technical and political aspects, and the International Fund for Agricultural Development (IFAD) could join for the financial aspects. We also need some reporting mechanisms from the human rights system, some committee that will examine the steps that countries have made. We need to push for some follow-up mechanism, a UN Special Rapporteur or something like this, so that

countries are bound to report on their efforts to implement the Declaration and to take stock of the tools and laws they have developed to enhance the rights of farmers and rural people.

Secondly, this year the UN is launching a decade on family farming and there will be participation of IPC member organisations in the launch event by FAO from 27-29 May 2019. As representative of FIMARC, I stated that if we want to support family farming systems we need not only a decade but real legal tools and mechanisms, we need to translate this Declaration into national laws that can enshrine the rights of peasants.

How do you intend on using the Declaration internally as FIMARC?

CETIM has written a book on the Declaration and has asked us to disseminate it.⁵ We are circulating it to our grassroots members who need to know the final text of the Declaration. They need translations in their own languages. We plan on having a consultation on strengthening family farming systems in Indonesia, South Korea, Philippines, and Thailand, where we will have a space to disseminate this information and discuss what can be done in different countries.

We are also planning a small pedagogical document to make the Declaration easier to understand. It is important that people understand their own rights themselves. It is key that they understand rights are not something that somebody is giving, but that land, seeds are no longer to be dictated by somebody else. It is important to build the confidence of the communities about protecting their livelihoods and resources, and not only their opposition.

How was this process different from other UN processes?

We saw a very good commitment from the Chair. Even though the ambassadors of Bolivia changed over time, they were very committed, as were other states that signed on to the resolution and supported it since the beginning. We also saw the unusual support of big countries like India and China. Contrary to other processes, we did not have to spend a lot of time to convince them. Even regional groups like Africa or Latin America (except Guatemala) were easy to get on board. We saw the usual resistance from the European Union (EU), Canada, the USA

⁵ Hubert (2019).

and Australia. Some of these ambassadors were quite arrogant, but this is usual and I was expecting more of that.

I personally had to condemn one of the interventions made by a Permanent Representative during the process who was pretending that there is no problem for farmers in the United States, that they are well settled and everything is fine. In the Council, people are not used to counter-arguments, as in the CFS, but I had to attack this comment and could not keep quiet when diplomats were taking the floor to defend the economic and profit making interests of big enterprises rather than the vulnerable communities.

We also saw the EU say the same thing over and over again, repeatedly and quite boringly, and express their fear in terms of collective rights. And they were saying that human rights exist and there is no need to have new rights for peasants. We had to state repeatedly that recognizing these rights can change the lives of peasants, as was the case for indigenous peoples, for children's rights, for the disabled, for domestic workers, that it could reduce at least some of the discrimination that we see in our countries.

Which rights of the Declaration are most relevant to FIMARC?

This Declaration is a powerful tool to protect our rights as peasants and people working in rural areas, as it reflects our specific needs and the threats we face worldwide. This is especially so for small family farms, which we try to protect as small centres of knowledge, in order to protect the future of farming. One of the largest obstacles to the expansion of agribusiness is family farms. The agribusiness companies try to extinguish the small family farms, so that they can exploit our resources, and make more profits. This Declaration at least recognises that the peasant community exists, that it makes contributions to the world by producing food for local populations and others and by protecting nature, and that we have specific needs and a specific lifestyle.

In terms of the rights that are most important, I would say the right to save, exchange and sell farm-saved seeds. In many parts of the world like India, the seed bills that our parliaments enacted are killing this right, which is the foundation of food security. If the farmer cannot control the seeds, then it really affects farm management itself. If we depend on external seeds, it changes food production and involves chemicals.

Also important for us is the right to land, because land is dignity. In India, when you marry, for an arranged marriage of course, without land you cannot marry. Land is not a commodity. Land gives dignity.

Another important aspect is a social protection system. Farmers produce, but our communities suffer a lot as they don't have a regular income because of unfair prices, especially with changing and unpredictable scenarios like climate change. Minimum wage exists everywhere else but not for farmers. It is the responsibility of governments to ensure this. And finally, of course, the criminalisation and violence from authorities when we fight for our rights on the ground. When we protest against land evictions, when we fight to protect the forest against tree cutters, we have cases filed against us. We hope that legal mechanisms can prevent this and protect us when we protect our livelihood and biodiversity.

You did not mention food sovereignty, but FIMARC insisted on having this included in the Declaration, correct?

Indeed, food sovereignty and the right to food are regular lines of work for FIMARC. This is a key achievement of this Declaration. We tried many times to have food sovereignty recognised in Rome, but we had to give it up in the end in the name of consensus in political negotiations. It is a great victory that we have it recognised in the Declaration.

The Declaration and the struggles of peasant women: gender as an unachieved question

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¹ Original in Spanish.

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I come from generations and generations of peasants in the mountains of Santander, in the Colombian Andes. Planting seeds, harvesting fruits and raising a few animals formed the basis of their families' and communities' livelihoods. My mother always told us about the farm our grandfather lost because he had to flee during the violence of 1948. During my childhood and adolescence, we periodically returned to the village, to the countryside, and its roots and culture have been key reference points for me. My grandmother lived with our family in Bogotá and every two weeks she would take a bus and go to the countryside. And then she would come back, smelling of cheese wrapped in banana leaves, bearing bags overflowing with tamales and eggs, and with bottles of eggnog (*sabajón*) and fermented maize beer (*chicha*) very well packed in cardboard boxes knotted with twine. Sometimes she would bring a hen under her arm, which would then end up in a delicious stew. My father's family comes from the municipality of El Banco, on the Magdalena River, and in his house they never lacked fish or cassava or mangoes.

My mother and father migrated to the capital because there were not enough opportunities to study in rural areas and it was a time of tremendous violence. I was born in Bogotá. I studied, I learned many languages and I left to travel. Twenty years ago I arrived in Geneva where I met young people who were struggling against private property, against real estate speculation, and for the occupation of spaces that might offer the possibility of a home, leisure, work and collective reflection. This was in an urban area, but articulated with nearby agriculture, local and seasonal. The demands that arose in this environment ranged from solidarity struggles for the defence of the rights of indigenous peoples and peasants to the practice of a more sustainable way of life associated with the land and the way we feed ourselves.

In the last 20 years I have been involved in many kinds of activism and struggles, especially within social movements that advocate the right to food and a dignified life within the framework of food sovereignty, a concept that has been growing and evolving alongside our struggles. This involvement brought me closer to those in Indonesia who in early 2000 were raising the issue of a declaration on peasants' rights. And I committed myself to them and to the struggle that we have carried out for more than twelve years. Since 2004, at the Fourth

International Conference of LVC in Itaici, Brazil, until September 2017, when Portugal voted in favour of the Declaration in the fourth session of the Working Group in Geneva, my personal and activist life was always centred on the struggle for its adoption. In those years my children were born and we decided to come to live in the countryside in Andalusia, a territory that historically shares with Latin America a history of plunder, exploitation and conflict over land, but also a lot of dignity rooted in its sovereign conception of territory and struggle for self-determination.

Throughout this time, I met many women who played crucial roles in advancing the peasant movement as a plural and diverse space, building on their local struggles for the construction of a space to demand the defence of our rights. Within the women's assemblies at the European and international levels of LVC we spent a lot of time analysing the specific role of women and the problems associated with gender roles within the general context of the struggles for the defence of land and territory through food sovereignty and land reform. We understood that promoting autonomy, social justice and dignity from a gender perspective required new and creative ways of opposing the practices and policies of agribusiness and corporate power that are destroying the livelihoods of those who live in the countryside, their social relations and nature itself.

This challenge made it clear that we need to strip patriarchy of some of its pillars by reasserting the fundamental role of Mother Earth over capital, by reaffirming the central role of women in the decisions that affect all communities and peoples, by valuing the periphery rather than the domination of the centre, and by understanding rural-urban relations in a holistic vision, by repositioning traditional knowledges that have been subjugated by an exclusionary model of 'progress' and hegemonic development. The Declaration recognises the defence of a model of sovereignty, where agriculture and food are not considered just assets or commodities but rather guarantors of a basic right for the people. From this perspective, the Declaration promotes a new approach to production, consumption and distribution, dignifying social and labour conditions, claiming the right to our common goods and changing the public policies that have made precarious the lives of millions of people, especially peasant women, indigenous peoples, racialized minorities, migrants, and seasonal and agricultural workers.

During the drafting of the Declaration's text, women leaders of rural organisations played leading roles. The women from the Dominican Republic were the first to demand, for example,

that the Declaration's title refer to *campesinas* and *campesinos*. They demanded recognition within a process where they understood themselves to be full rights holders. From this perspective, the draft declaration that LVC presented at its Fifth International Conference in Maputo, Mozambique, in 2008, clearly refers to gender as one of the elements of discrimination. It recognised that peasant women have the right to control their own bodies and that *campesinas* and *campesinos* should enjoy respect for their sexual and reproductive rights.

In 2012, the Advisory Committee of the Human Rights Council, in its Final Study on the Advancement of the Rights of Peasants, also identified gender as one of the main causes of discrimination and harm to women.² The draft Declaration presented during the third session of the Working Group in May 2016 reaffirmed that women have the right not to be victims of gender-based violence and that this required special attention during armed conflicts and in post-conflict situations, when rural women face heightened risks of violations of the rights to productivity, subsistence, and access to food and health care, in addition to violations of fundamental human rights, such as the right to life, safety and freedom of movement.³ The final text of the Declaration adopted at the General Assembly in December 2018 does not take the gender dimension into account, either in the differentiation of principles of discrimination or in the rest of the text, which can lead to a gap in the comprehension of the gender issue as a political question.

Throughout the negotiation sessions, women have denounced the growing precarity of women's work, the humiliations that many agricultural and seasonal workers suffer, the invisibility of women's work in general in agrarian systems, and the deep relationship that exists between this structural violence and the depletion of ecosystems and the devaluation of food production. In Andalusia, for example, day labourers are increasingly impoverished. Within a sector such as the cultivation and harvesting of olives, only about one-quarter of hires are women. Women account for about 65 percent of unemployed agricultural workers in Andalusia and to this day thousands of temporary migrant workers continue to toil under conditions of social exclusion, precariousness and exploitation. The way most women in the Andalusian fields are hired produces this marginality and precarity. In the last 20 years, Andalusia has developed

² UNHRC Advisory Committee (2012b).

³ UNHRC (2016).

very tough policies to maintain a capitalist agricultural model, keeping migrant women under conditions of slavery and serfdom in the agricultural and food sectors. The precarity in rural areas derives largely from the skewed structure of agrarian property, which remains concentrated in the hands of a few landowners. Some 600 farms, with an area 4.2 million hectares, control 55 percent of the agricultural land in Andalusia.

The implementation of the Declaration can improve the realisation of the rights to work, social security, freedom of movement, and freedom of association as basic components of the dignity of women's labour in the countryside in southern Europe. Now that the Declaration is adopted it is essential that we work to achieve the implementation in legislation of support measures and public policies that prioritise recognition of the work done by women in the countryside. This is necessary to understand, explain and transform the reality in which women find themselves in rural areas and to give visibility to the social and legal status of women. We are not just talking about laws that regulate land tenure and give precedence to women in land titling. We need states to recognise collective rights to land and territory as well as the usufruct of natural goods and resources, prioritizing the special role of women in maintaining and assuring these resources' survival. Local and national policies must find in this Declaration a basis for addressing the problem of structural violence in the countryside and for promoting guidelines that achieve equal participation in political, economic and social organisations, co-responsibility in the management of reproductive and productive work. Official statistics and data must be adapted and reorganised to make visible the unrecognised contribution of women's work to economic and social sustainability in rural areas.

To understand the root of the social inequalities that perpetuate patriarchal control and that affect the discrimination we women suffer in rural areas, we need to deconstruct the gender stereotypes that affect all women and also LGBTBI⁴ people. That is why the women's struggle intersects, unites, and links with the fight against racism, xenophobia, and homophobia, and against any type of discrimination that this system inflicts on the oppressed on a daily basis. The peasantry is a class, an identity and a political subject that produces the food for nearly 80 percent of humanity. This is a historical reality that has been systematically denied and made

⁴ LGBTBI is an abbreviation for 'lesbian, gay, bisexual, transgender, and intersex'.

invisible. And within this denial, women suffer multiple, simultaneous forms of discrimination. One of the achievements of the Declaration is to redefine the collective dimension of rights and the vision and relationship that people have with the land and the Pachamama or Mother Earth.

The expansion of financial capital in agriculture has exacerbated the vulnerability of rural populations, perhaps with greater intensity than that of other sectors. We are in a moment of corporate capture of the spaces of governance, where discrimination and systematic violations of peasants' rights have increased along with resource grabbing, criminalisation and physical attacks. And we women continue to be the final link in this chain of structural violence, especially in the fields. Many governments also dismiss gender as a dangerous or threatening concept when tackling responses to systemic violence, reproducing traditional attitudes that view women as subordinates both in the legal and private spheres.

The process of the Declaration, its negotiation and its implementation is a contribution of the peasantry as a political subject to a culture of peace and a culture of progress in the face of looming climatic and environmental challenges. Achieving recognition for a Declaration that recognises, promotes and defends peasants' rights requires the construction of a sovereign and feminist perspective so that it may really address the roots of inequalities and do not leave gender as an unachieved question.

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