

Innovations in AgriFood Law: Rethinking Food System Governance through the *Declaration on the Rights of Peasants and Other People Working in Rural Areas*

Nadia Lambek

University of Toronto Faculty of Law, SJD Candidate

Innovations in Agrifood Law: Outline

1. Background

- a) Evolution of the Declaration
- b) Current standing

2. Major Provisions of the Text

- a) New rights
- b) Old rights in new contexts
- c) New dimensions to rights

3. Innovations in Food Law and Policy

Part I: The Evolution of the *Declaration*

Declaration: Time Line

Late 1990s: “The Peasants’ Rights Charter” drafted by Serikat Petani Indonesia, previously the Federation of Indonesian Peasants Unions

2008: “Declaration of the Rights of Peasants – Women and Men” adopted by La Vía Campesina

2008 (October): La Vía Campesina members launch a Global Campaign on the International Convention on the Rights of the Peasants

2010: UN Human Rights Council mandates the Advisory Committee to undertake a preliminary study

2011: Advisory Committee submits a Preliminary Study

2012: Advisory Committee submits a Final Study

2012 (October): the UN Human Rights Council adopts resolution 21/19, establishing an Open-Ended Intergovernmental Working Group (OEIWG) to negotiate, finalize and submit a draft

2013 (July): First Session of the OEIWG

2015 (February): Second Session of the OEIWG

2016 (May): Third Session of the OEIWG

2017 (May): Fourth Session of the OEIWG

2018 (April): Fifth Session of the OEIWG

2018 (September): Presented to the UN Human Rights Council for a vote

La Vía Campesina: A Global Social Movement

“La Via Campesina is an international movement bringing together millions of peasants, small and medium size farmers, landless people, rural women and youth, indigenous people, migrants and agricultural workers from around the world. Built on a strong sense of unity, solidarity between these groups, it defends peasant agriculture for food sovereignty as a way to promote social justice and dignity and strongly opposes corporate driven agriculture that destroys social relations and nature.”

182 local and national organizations in 81 countries

Represents 200 million farmers



La Via Campesina
International Peasant's Movement

Declaration: Time Line

Late 1990s: “The Peasants’ Rights Charter” drafted by Serikat Petani Indonesia, previously the Federation of Indonesian Peasants Unions

2008: “Declaration of the Rights of Peasants – Women and Men” adopted by La Vía Campesina

2008 (October): La Vía Campesina members launch a Global Campaign on the International Convention on the Rights of the Peasants

2010: UN Human Rights Council mandates the Advisory Committee to undertake a preliminary study

2011: Advisory Committee submits a Preliminary Study

2012: Advisory Committee submits a Final Study

2012 (October): the UN Human Rights Council adopts resolution 21/19, establishing an Open-Ended Intergovernmental Working Group (OEIWG) to negotiate, finalize and submit a draft

2013 (July): First Session of the OEIWG

2015 (February): Second Session of the OEIWG

2016 (May): Third Session of the OEIWG

2017 (May): Fourth Session of the OEIWG

2018 (April): Fifth Session of the OEIWG

2018 (September): Presented to the UN Human Rights Council for a vote

UN Human Rights Council: *Resolution 21/19*

Recognizing “that hunger, like poverty, is still predominately a rural problem, and that in the rural population it is those who produce food who suffer disproportionately”

... establishes an Intergovernmental Open-ended Working Group ...

“with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft

United Nations declaration on the rights of peasants and other people working in rural areas”

Declaration: Time Line

Late 1990s: “The Peasants’ Rights Charter” drafted by Serikat Petani Indonesia, previously the Federation of Indonesian Peasants Unions

2008: “Declaration of the Rights of Peasants – Women and Men” adopted by La Vía Campesina

2008 (October): La Vía Campesina members launch a Global Campaign on the International Convention on the Rights of the Peasants

2010: UN Human Rights Council mandates the Advisory Committee to undertake a preliminary study

2011: Advisory Committee submits a Preliminary Study

2012: Advisory Committee submits a Final Study

2012 (October): the UN Human Rights Council adopts resolution 21/19, establishing an Open-Ended Intergovernmental Working Group (OEIWG) to negotiate, finalize and submit a draft

2013 (July): First Session of the OEIWG

2015 (February): Second Session of the OEIWG

2016 (May): Third Session of the OEIWG

2017 (May): Fourth Session of the OEIWG

2018 (April): Fifth Session of the OEIWG

2018 (September): Presented to the UN Human Rights Council for a vote

A vote this week



La Via Campesina
International Peasant's Movement

WHO ARE WE? ▾

WHAT ARE WE FIGHTING FOR? ▾

WHAT ARE WE FIGHT

HOME » PEASANTS AND RURAL WORKERS LOOK TO THE UN TO DELIVER ON A PROMISE THAT IS LONG DUE



Peasants and rural workers look to the UN to deliver on a promise that is long due

⌚ 25 SEPTEMBER 2018 ⚖ PEASANTS' RIGHTS

The 'UN Declaration on the Rights of Peasants and Other People Working in Rural Areas' will be up for adoption at the UN Human Rights Council in Geneva this week. People are watching closely.



FORO MUNDIAL DE PUEBLOS PESCADORES
WORLD FORUM OF FISHER PEOPLES
FORUM MONDIAL DES POPULATIONS DE PÊCHEURS



International Indian Treaty Council
Working for the Rights and Recognition of Indigenous Peoples

Consejo Internacional de Tratados Indios
Trabajando por el reconocimiento y los derechos de los Pueblos Indígenas

Part II: The Text

The Text: What is a peasant?

“any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the lands.”

The Text: To whom does the *Declaration* apply?

1. “any person engaged in artisanal or small-scale agriculture, the raising of livestock, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area”
2. “dependent family members of peasants”
3. “indigenous peoples working on the land, transhumant, nomadic and semi-nomadic communities, and the landless” and
4. “hired workers, including all migrant workers, regardless of their legal status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises”

The Text: Preamble

Convinced ... supported ... sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth ... including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Recognizing that the concept of food sovereignty has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights,

The Text: Rights Framed in New Ways

- to natural resources
- to information with regard to production, marketing and distribution
- to work
- to a decent income and livelihood
- to the means of production, to land and other natural resources
- to a safe, clean and healthy environment
- to seeds
- to biological diversity
- to water and sanitation
- to the enjoyment of the highest attainable standard of physical and mental health
- to traditional knowledge
- to education and training, as well as a right to participation



Tensions: Food Sovereignty or Food Security

Food Sovereignty

Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems..

Food Security

Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life.

Tensions: Food Sovereignty or Food Security

Article 15. Right to Adequate Food

4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

Tensions: Food Sovereignty or Food Security

Article 10. Right to Participation

1. Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the formulation, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.

2. States shall take adequate measures to ensure the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that affect their lives, land and livelihoods

The Text: Old Rights in Rural Contexts

- To freedom of movement
- To development
- to equality and non-discrimination
- to life, liberty and security of the person
- to freedom of thought, opinion and expression
- freedom of association
- access to justice
- to safety and health at work
- to adequate food
- to adequate housing
- to social security

The Text: New Dimensions & Collective Rights

Article 16. Right to Decent Income & Livelihood & the Means of Production

right to use, **individually and collectively**, in association with others or as a community, traditional ways of farming, fishing, livestock rearing and forestry, and to develop community-based commercialization systems

Article 17. Right to Land & Other Natural Resources

Peasants and other people living in rural areas have the right to land, **individually and collectively**

Article 20. Right to Biological Diversity

Peasants and other people working in rural areas have the right, **individually or collectively**, in association with others or as a community, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, forestry, fishing and livestock.

Part III: An Innovation in Food Law and Policy

The Declaration: Innovations in Agri-food Law

- Defined from below
- Holistic approach – response to fragmentation and policy/legal coherence
- Integration of producers and workers
- Rights to resources, infrastructure and livelihood
- A path to SDG 2

Thank you! Merci!

Nadia Lambek
nadia.lambek@mail.utoronto.ca