

# **Legal reflections on the rights of peasants and other people working in rural areas**

## **Background paper**

Prepared for the first session of the working group on the rights of peasants and  
other people working in rural areas  
(15-19 July 2013)

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## INTRODUCTION

As human beings, peasants and other people working in rural areas are entitled to all human rights that have been recognized by the United Nations (UN) General Assembly since the adoption of the Universal Declaration of Human Rights in 1948, including those enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) adopted in 1966. However, almost 50 years after the adoption of these two instruments, the vulnerability of peasants and other people working in rural areas, including herders, pastoralists and fisherfolk remains of particular concern. They represent 70 per cent of the people living in extreme poverty<sup>2</sup> and 80 per cent of the world hungry.<sup>3</sup> Hundreds of millions of them are victims of multiple discrimination and violations of human rights and most of them are not effectively protected by the International Labour Organization (ILO) conventions because they are not engaged in the formal sector.<sup>4</sup>

To respond to this situation, one of the largest global movements – the international movement of peasant organizations La Via Campesina – adopted a Declaration on the Rights of Peasants – Women and Men in 2008. Two years later, the Human Rights Council tasked its Advisory Committee, composed of 18 independent experts, to propose ways and means to further protect the rights of peasants and other people working in rural areas. The Advisory Committee presented its final study in 2012, with a draft Declaration in Annex. Following one of its main recommendations, the Human Rights Council decided to create an open-ended intergovernmental working group (the working group) to elaborate a UN Declaration on the rights of peasants and other people working in rural areas.

This background paper has been prepared for the first session of the working group that is taking place from 15-19 July 2013. It begins by presenting the history of the creation of the working group (I) before analysing the Advisory Committee's Declaration on the basis of international human rights law (II). In performing the analysis, it explains that some of the rights proposed by the Advisory Committee already exist, while others are new. It also identifies some rights that are missing, and it concludes by describing the nature (individual/collective) of the rights contained in the Advisory Committee's Declaration. In the last part (III), it presents the recognition of the rights of peasants and other people working in rural areas outside the human rights system, with particular emphasis on the rights to land, seeds and biological diversity.

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<sup>2</sup> International Fund for Agriculture and Development (IFAD), *Rural Poverty Report 2011. Overview*, Rome, IFAD, 2010, p. 3.

<sup>3</sup> According to the UN Millennium Project, it is estimated that 50 per cent of the world hungry are smallholder farmers, 20 per cent landless people, and 10 per cent herders, pastoralists or fisherfolk. UN Millennium Project, Task Force on Hunger, *Halving hunger: It can be done: Summary version*, New York, UN Development Programme (UNDP), 2005, pp. 4-6.

<sup>4</sup> On the work of ILO on rural employment and development, see L. de Luca et al., *Unleashing the Potential for Rural Development through Decent Work - Building on the ILO Rural Work Legacy 1970s – 2011*, ILO, Geneva, 2012. See also information available online on the ILO resource guide on the informal economy, at <http://www.ilo.org/public/english/support/lib/resource/subject/informal.htm>.

# I. HISTORY OF THE CREATION OF THE WORKING GROUP

The creation of the working group mandated to elaborate a UN Declaration on the rights of peasants and other people working in rural areas is the result of more than ten years of work by human rights actors and peasant organisations, in particular La Via Campesina.<sup>5</sup> This process accelerated when La Via Campesina adopted its own Declaration in 2008, followed by a mandate given by the Human Rights Council to its Advisory Committee to study the issue in 2010, and the presentation of the final study of the Advisory Committee in 2012, with a proposed Declaration in Annex.

## 1. La Via Campesina's Declaration

La Via Campesina is the largest group of peasant organizations that has ever been created – it is made up of more than 140 peasant organizations from 69 different countries and allegedly represents more than 200 million peasants.<sup>6</sup> It came into being in 1993, two years before the creation of the World Trade Organization (WTO), to defend the life, land and dignity of peasant families over the world. La Via Campesina's main concern has always been food sovereignty.<sup>7</sup> However, for more than ten years now, it has also worked on the promotion and protection of the rights of peasants.<sup>8</sup> La Via Campesina, in collaboration with the non-governmental organizations (NGOs) FIAN (Foodfirst Information and Action Network) and CETIM (Centre Europe-Tiers Monde), has presented annual reports detailing violations of the rights of peasants at side-events of the UN Human Rights Commission/Council in 2004, 2005 and 2006.<sup>9</sup> At the International

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<sup>5</sup> See C. Golay, *The Rights of Peasants*, CETIM, Geneva, 2009, from which the beginning of this part draws inspiration. See also M. Edelman and C. James, "Peasants' rights and the UN system: quixotic struggle? Or emancipatory idea whose time has come?", *Journal of Peasant Studies*, 38(1), 2011, pp. 81-108.

<sup>6</sup> Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, UN doc. A/HRC/19/75, 24 February 2012, §71.

<sup>7</sup> P. Claeys, "The Creation of New Rights by the Food Sovereignty Movement: The Challenge of Institutionalizing Subversion", *Sociology*, 46(5), 2012, pp. 844-860, pp. 845-846; P. Nicholson, X. Montagut et J. Rulli, *Terre et liberté! A la conquête de la souveraineté alimentaire*, CETIM, Genève, 2012.

<sup>8</sup> The first draft Declaration on the rights of peasants was elaborated in 1999 by La Via Campesina's member organization Serika Petani Indonesia, and then discussed in a La Via Campesina conference in 2002 in Jakarta. Via Campesina, *Peasant rights – droits des paysans – derechos campesinos*, Via Campesina, Jakarta, 2002. See also H. Saragih, *The world peasant farmers need a peasant farmers rights convention: the way for the United Nations to end the oppression and the extinction of peasant farmers*, available online at <http://www.cetim.ch/en/documents/05-onu2-saraghi.pdf>, published in French as H. Saragih, "Les paysans du monde ont besoin d'une convention protégeant leurs droits: le rôle attendu de l'ONU", in J. Duchatel, F. Rochat, *ONU. Droits pour tous ou loi du plus fort?*, CETIM, Genève, 2005, pp. 349-365; P. Claeys, "The Creation of New Rights by the Food Sovereignty Movement: The Challenge of Institutionalizing Subversion", *Sociology*, 46(5), 2012, pp. 844-860, pp. 850-851; M. Edelman and C. James, "Peasants rights and the UN system: quixotic struggle? Or emancipatory idea whose time has come?", *Journal of Peasant Studies*, 38(1), pp. 81-108, pp. 92-93.

<sup>9</sup> See FIAN and La Via Campesina, *Violations of peasants' human rights*, Heidelberg, FIAN, 2004; FIAN, *Violations of peasants' human rights*, Heidelberg, FIAN, 2005; La Via Campesina, *Violations of Peasants' Human Rights*, Jakarta, La Via Campesina, 2006.

Conference on Peasants' Rights in Jakarta in June 2008, after several years of internal discussion and consultation, it adopted its Declaration of the Rights of Peasants - Women and Men.<sup>10</sup>

La Via Campesina's Declaration follows the same structure as the United Nations Declaration on the Rights of Indigenous Peoples. It begins with a long introduction which recalls the large number of peasants all over the world who have fought throughout history for the recognition of their rights, and for free and just societies, and concludes with the hope that this declaration will represent a major step forward in the recognition, promotion and protection of the rights and liberties of peasants. Following the model of the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration of the Rights of Peasants – Women and Men reaffirms existing civil, political, economic, social and cultural rights of peasants, and reinforces them by incorporating new rights, such as the right to land, the right to seeds and the right to the means of agricultural production. For La Via Campesina, the adoption of the Declaration of the Rights of Peasants – Women and Men was only a first step and needs to be followed by the drawing up of an International Convention on the Rights of Peasants by the UN, with the full participation of La Via Campesina and other representatives of civil society.<sup>11</sup>

## **2. The Human Rights Council, its Special Rapporteur on the right to food and its Advisory Committee**

The UN human rights system reacted to the call of La Via Campesina in the context of its responses to the 2008 global food crisis.<sup>12</sup> In 2009, the UN Human Right Council and General Assembly both invited La Via Campesina to give its views on the ways in which the food crisis could be remedied. At these two occasions, La Via Campesina presented its Declaration on the Rights of Peasants – Women and Men as one of the solutions to the food crisis.<sup>13</sup>

Since the beginning of his mandate in May 2008, the UN Special Rapporteur on the right to food Olivier De Schutter has also put emphasis on the need to protect peasants in response to the global food crisis.<sup>14</sup> In many of his reports, he underlined the need to better protect peasants'

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<sup>10</sup> La Via Campesina, *Declaration of the Rights of Peasants – Women and Men*, adopted by the International Conference on the Rights of Peasants in Jakarta in June 2008, available online at <http://viacampesina.net/downloads/PDF/EN-3.pdf>. The final text of the Declaration was then formally endorsed in Seoul in March 2009 by the International Coordination Committee of La Via Campesina.

<sup>11</sup> See La Via Campesina, Introduction to the *Declaration of the Rights of Peasants – Men and Women*. See also Final Declaration of the International Conference on Peasants' Rights, Jakarta, 24 June 2008, available on La Via Campesina's website, [www.viacampesina.org](http://www.viacampesina.org).

<sup>12</sup> On the global food crisis and the responses by States and the UN, see C. Golay, "The Food Crisis and Food Security: Towards a New World Food Order?", *International Development Policy Series*, Vol. 1, 2010, pp. 215-232.

<sup>13</sup> La Via Campesina Statement to the UN General Assembly, 6 April 2009, and Statement by P. Nicholson to the UN Human Rights Council, 9 March 2009, available online on La Via Campesina's website, [www.viacampesina.org](http://www.viacampesina.org).

<sup>14</sup> See in particular the report of the Special Rapporteur on the right to food Olivier De Schutter (on building resilience: a human rights framework for world food and nutrition security), UN doc. A/HRC/9/23, 8 September 2008; and the report of the Special Rapporteur on the right to food Olivier De Schutter (on crisis into opportunity: reinforcing multilateralism), UN doc. A/HRC/12/31, 21 July 2009. See also the report of the Human Rights Council on its seventh special session (on the negative impact of the worsening of the world food crisis on the realization of the right to food for all), UN doc. A/HRC/S-7/2, 17 July 2008.

rights, including their rights to seeds and to land.<sup>15</sup> He was followed by the Advisory Committee of the Human Rights Council, which from the beginning of its work in August 2008 had been mandated to work on two specific areas: human rights education and the right to food.<sup>16</sup> It was in the context of the right to food that the Advisory Committee began to study the need to protect peasants' rights.

The Advisory Committee presented a first report on the right to food to the Human Rights Council in 2009, in which it analysed the effects of the food crisis on peasants and recommended to the Human Rights Council that it conduct a study on the food crisis, the right to food, agricultural subsidies, and the rights of peasants.<sup>17</sup> The Human Rights Council was divided on the issue and a compromise was expressed in Human Rights Council resolution 10/12 adopted in March 2009, which requested the Advisory Committee to undertake a study on “discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies”.<sup>18</sup>

In its preliminary study on discrimination in the context of the right to food presented to the Human Rights Council in March 2010, the Advisory Committee concluded that peasants were amongst the first victims of discrimination in the realization of human rights, including the right to food.<sup>19</sup> La Via Campesina's Declaration, which was annexed to the study, was described as “[o]ne of the most important developments in the protection against discrimination in the context of the right to food”.<sup>20</sup> Finally, the Advisory Committee concluded that it was “time to undertake

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<sup>15</sup> See report of the Special Rapporteur on the right to food Olivier De Schutter (on seed policies and the right to food), UN doc. A/64/170, 23 July 2009; report of the Special Rapporteur on the right to food Olivier De Schutter (on access to land and security of tenure and the right to food), UN doc. A/65/281, 11 August 2011. See also report of the Special Rapporteur on the right to food Olivier De Schutter (on large-scale land acquisitions and leases: a set of minimum principles and measures to address the human rights challenge), UN doc. A/HRC/13/33/Add.2, 28 December 2009; report of the Special Rapporteur on the right to food Jean Ziegler (on access to land and land reform and the right to food), UN doc. A/57/356, 27 August 2002, §§22-42.

<sup>16</sup> See resolution 7/14 of the Human Rights Council on the right to food, adopted without a vote on 27 March 2008, §34. According to this resolution, “80 per cent of hungry people live in rural areas, and 50 per cent are small-scale farm-holders, and (...) these people are especially vulnerable to food insecurity, given the increasing cost of inputs, and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; and that support by States for small farmers, fishing communities and local enterprises is an element key to food security and provision of the right to food” (§ 10).

<sup>17</sup> See report of the Advisory Committee on its second session (Geneva, 26-30 January 2009), UN doc. A/HRC/AC/2/2, 24 February 2009, p. 19.

<sup>18</sup> Resolution 10/12 of the Human Rights Council, adopted without a vote on 26 March 2009, §36. During the negotiations of this resolution, several Latin-American States were in favour of tasking the Advisory Committee to produce a study on the global food crisis and the rights of peasants, but other States, particularly from the Western group, were against it.

<sup>19</sup> Preliminary study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food, UN doc. A/HRC/13/32, 22 February 2009, §§ 21-28. Jean Ziegler produced two working documents in preparation of this study on discrimination and the right to food. The first document reported on ‘noma’, a neglected disease that affects children suffering from malnutrition; the second was entitled ‘Peasant Farmers and the Right to Food: a History of Discrimination and Exploitation’. In this second document, he described the different kind of peasant farmers and the many forms of discrimination that they have suffered over the centuries. He then introduced the international movement La Via Campesina and its work to defend peasants' rights. See working paper prepared by J. Ziegler, member of the UN Human Rights Council Advisory Committee (on peasant farmers and the right to food: a history of discrimination and exploitation), UN doc. A/HRC/AC/3/CRP.5, 4 August 2009.

<sup>20</sup> Preliminary study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food, UN doc. A/HRC/13/32, 22 February 2009, §78.

a preliminary study on the significance and importance of a possible new instrument on the rights of peasants and other people living in rural areas, including from traditional fishing, hunting and herding activities”.<sup>21</sup>

The Human Rights Council accepted this recommendation and decided, in March 2010, to mandate its Advisory Committee “to undertake a preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and/or other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities”.<sup>22</sup> In its final study on the topic presented to the Human Rights Council in March 2012, the Advisory Committee identified the following groups of people working in rural areas as being particularly vulnerable and subject to discrimination: smallholder farmers, landless people working as tenant farmers or agricultural labourers, people living from traditional fishing, hunting and herding activities, and peasant women.<sup>23</sup> It then identified the following main causes of their vulnerability and discrimination: expropriation of land, forced evictions and displacement, gender discrimination, the absence of agrarian reform and rural development policies, the lack of a minimum wage and social protection, and the repression and criminalization of movements protecting their rights.<sup>24</sup>

The Advisory Committee described the protection of the rights of these vulnerable people under international human rights law<sup>25</sup> and concluded that, “despite the existing human rights framework, peasants and other people working in rural areas are victims of multiple human rights violations that lead to their extreme vulnerability to hunger and poverty”.<sup>26</sup> In order to overcome this situation, the Advisory Committee recommended to the HRC (a) to better implement existing international norms, (b) to address the normative gaps under international human rights law, including by recognizing the right to land, and (c) to elaborate a new legal instrument on the rights of people working in rural areas.<sup>27</sup> For the Advisory Committee:

[T]he best way to further advance the protection of the rights of peasants and other people working in rural areas is to adopt a new instrument – initially, a declaration – to better promote and protect these rights. In the annex to the present study, it therefore proposes a declaration on the rights of peasants and other people working in rural areas. The Declaration adopted by the Advisory

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<sup>21</sup> Preliminary study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food, UN doc. A/HRC/13/32, 22 February 2009, §78.

<sup>22</sup> Resolution 13/4 of the Human Rights Council, adopted without a vote on 14 April 2010, §44. In its resolution 16/27, adopted without a vote on 25 March 2011, the Human Rights Council requested the Advisory Committee to present its final study on the topic at the 19<sup>th</sup> session of the Human Rights Council in March 2012 (§46).

<sup>23</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §§9-23.

<sup>24</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §§24-42.

<sup>25</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §§43-62.

<sup>26</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §63.

<sup>27</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §63.



Committee could serve as a model for a new instrument to be developed by the Human Rights Council.<sup>28</sup>

Before presenting the response of the Human Rights Council to this recommendation, it is worth mentioning that at the side-event on “The need of increased protection of human rights of peasants” organized on 9 March 2011, the UN Special Rapporteur on the right to food Olivier De Schutter identified four main reasons to adopt a new international human rights instrument on the rights of peasants and other people working in rural areas. The Special Rapporteur stated that such an international instrument “is needed in international law; it will improve the fight against hunger; it is one of the best ways to ensure that subsistence agriculture will not be replaced by industrial agriculture; and it will increase access to the means of production in rural areas”.<sup>29</sup> The UN Special Rapporteur also underlined that “the adoption of a Declaration on the rights of peasants and other people working in rural areas would increase visibility on the rights that are already recognized in international law, and help to recognize new rights, such as the rights to land, to seeds and to compensation for the losses due to food subsidies given to farmers in other countries”.<sup>30</sup>

### **3. Resolution 21/19 of the Human Rights Council**

In September 2012, the Human Rights Council followed the main recommendation of the Advisory Committee’s final study, in adopting a new resolution on the promotion and protection of the human rights of peasants and other people working in rural areas, by which it decided:

[T]o establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft UN declaration on the rights of peasants and other people working in rural areas, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals.<sup>31</sup>

The content of this paragraph was debated until the last moment. Some states expressed reluctance to use the Advisory Committee’s draft as the basis for elaborating a UN Declaration. A solution was found when it was proposed to end the paragraph with the mention that this will be “without prejudging relevant past, present and future views and proposals”. With that addition, the resolution was adopted by a vote of 23 in favour, 9 against, and 15 abstentions. The votes were as follows:

- *In favour:* Angola, Bangladesh, Benin, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India,

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<sup>28</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §72.

<sup>29</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §70.

<sup>30</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §70.

<sup>31</sup> Resolution 21/19 of the Human Rights Council (on the promotion and protection of the human rights of peasants and other people working in rural areas), adopted by a vote of 23 to 9, with 15 abstentions on 27 September 2012, §1.

Indonesia, Kyrgyzstan, Malaysia, Peru, Philippines, Russian Federation, Thailand, Uganda, Uruguay.

- *Against:* Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Romania, Spain, United States of America.
- *Abstaining:* Botswana, Jordan, Kuwait, Libya, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Switzerland.

In the same resolution, the Human Rights Council requested its President to invite a representative of the Advisory Committee to participate in the working group discussion, and it encouraged states, civil society and all relevant stakeholders to contribute actively and constructively to the working group's negotiations.<sup>32</sup> This should allow a broad participation in the negotiations of the UN Declaration.

## II. THE ADVISORY COMMITTEE'S DECLARATION AND INTERNATIONAL HUMAN RIGHTS LAW

The Declaration proposed by the Advisory Committee of the Human Rights Council reaffirms a number of existing human rights, and it proposes new rights for peasants and other people working in rural areas, with the aim of reinforcing the protection of these people against discrimination.<sup>33</sup> The practice of combining already recognized rights as well as new rights in a single human rights instrument is not a novelty. In fact, it has been the rule for all declarations and conventions adopted by the UN in the last 40 years.<sup>34</sup> In this part, we analyse the rights that already exist, those that are new, the ones that are missing, and we demonstrate that these rights proposed by the Advisory Committee are individual rights that can be exercised collectively.

### 1. Already existing rights

In its final study, the Advisory Committee describes the following rights as already existing under international human rights law: the right to life and the right to an adequate standard of living, including food, housing, water and sanitation, income, health and education (art. 3 of the

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<sup>32</sup> Resolution 21/19 of the Human Rights Council (on the promotion and protection of the human rights of peasants and other people working in rural areas), adopted on 27 September 2012, §§4-5. The first session of the working group, for which this background paper has been prepared, is taken place on 15-19 July 2013.

<sup>33</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §72.

<sup>34</sup> See for example the following conventions and declarations adopted by the UN General Assembly: the Convention on the Elimination of All Forms of Discrimination Against Women, adopted on 18 December 1979; the Convention on the Rights of the Child, adopted on 20 November 1989; the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted on 18 December 1992; the Declaration on Human Rights Defenders, adopted on 9 December 1998; the Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006; and the Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007.

Advisory Committee's Declaration); the right to freedoms of association, opinion and expression, which includes elements of cultural rights (art. 12), and the right to have access to justice (art. 13).<sup>35</sup> The Advisory Committee does not mention the right to information (art. 7) among the already existing rights, but this right must definitely be included in this category.<sup>36</sup> These rights are all recognized in many international instruments, in particular the ICESCR (arts. 7, 11, 12, 13 and 15) and the ICCPR (arts. 6, 9, 10, 14, 19, 21 and 22).<sup>37</sup>

Without giving a detailed analysis of each provision of articles 3, 12 and 13 of the Advisory Committee's Declaration, it is possible to demonstrate that these provisions apply existing rights to the specific needs of peasants and other people working in rural areas, using different words and greater details. The fact that the content of the rights proposed in the Advisory Committee's Declaration differs from the text of the two Covenants adopted in 1966 must not be considered as an obstacle for their acceptance. In fact, all declarations and conventions adopted by the UN to protect specific categories of people recognize already existing rights in a different manner and very often in greater details than the ICESCR and the ICCPR. By doing so, they complement what was already achieved in 1966 and adapt it to specific needs and vulnerabilities. The following provisions can be given as examples of such practice:

- Articles 7 to 16 of the Convention on the Elimination of All Forms of Discrimination Against Women recognizing women's rights to political participation, a nationality, education, work, health, and equality before the law.
- Articles 7, 13, 14, 24, 27, 28, 29, and 40 of the Convention on the Rights of the Child recognizing children's rights to a nationality, freedoms of expression, thoughts, conscience and religion, health, an adequate standard of living, education, and fair trial.
- Articles 12, 13, 16, 18, 25, 26, and 27 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, recognizing migrant workers' rights to freedom of thought, conscience and religion, freedom of expression and opinion, liberty and security of persons, a fair trial, work and trade unions rights, and social security.
- Articles 5, 6, 8, 9, and 12 of the Declaration on Human Rights Defenders recognizing human rights defenders' rights of association, to information, to freedom of expression and opinion, to political participation, to a fair trial and access to justice.

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<sup>35</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §72.

<sup>36</sup> It has for example been recognized in article 19 of the ICCPR, article 13 of the Convention of the Rights of the Child, and article 21 of the Convention on the Rights of Persons with Disabilities.

<sup>37</sup> For a more detailed analysis of the content of these rights enshrined in the two Covenants, see final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §§43-58.

- Articles 2, and 3 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities recognizing these persons' cultural rights.
- Articles 12, 13, 14, 18, 21, and 23 to 30 of the Convention on the Rights of Persons with Disabilities recognizing persons with disabilities' rights to equal recognition before the law, access to justice, liberty of movement and nationality, freedom of expression and opinion, to a family, education, health, housing, work, an adequate standard of living, political participation, and cultural rights.
- Articles 8 to 36 of the Declaration on the Rights of Indigenous Peoples, recognizing indigenous peoples' rights to culture, an adequate standard of living, health, and education.

The fact that the Advisory Committee's Declaration includes already recognized rights in a manner that is different – but complementary – to the ICESCR and the ICCPR is therefore in conformity with UN practice.

## 2. New rights

In its final study, the Advisory Committee describes the following rights as new: “the right to land and territory (art. 4); the right to seeds and traditional agricultural knowledge and practice (art. 5); the right to means of agricultural production (art. 6); ... the freedom to determine prices and markets for agricultural production (art. 8); the right to the protection of local agricultural values (art. 9); the right to biological diversity (art. 10); and the right to preserve the environment (art. 11)”.<sup>38</sup> The Advisory Committee does not mention the right to food sovereignty – defined in article 2, §5 of its Declaration as “the right to healthy and culturally appropriate food produced through ecological sound and sustainable methods, and the right to define their own food and agriculture systems” – but this right definitely falls within this category.<sup>39</sup> This also the case of “the right to participate in the policy design, decision making, implementation, and monitoring of any project, program or policy affecting their land and territories” (art. 2, §4).

While these rights can be described as new in comparison to the ICCPR and the ICESCR, many have been already recognized – even if not exactly in the same terms – in international instruments protecting specific categories of people. For example, the right to land and territory and the right to participate in decision affecting one's land and territory have been recognized in very similar terms for indigenous people in the Declaration on the Rights of Indigenous Peoples<sup>40</sup>, and elements of these rights have been recognized for rural women in the Convention

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<sup>38</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §72.

<sup>39</sup> On the origins of the call to recognize a new right to food sovereignty, see P. Claeys, “The Creation of New Rights by the Food Sovereignty Movement: The Challenge of Institutionalizing Subversion”, *Sociology*, 46(5), 2012, pp. 844-860.

<sup>40</sup> See articles 10, 18, 26, 28 and 32 of the Declaration on the Rights of Indigenous Peoples.

on the Elimination of All Forms of Discrimination Against Women.<sup>41</sup> It has also been argued that the right to land was an emerging right in international human rights law.<sup>42</sup>

The right to the means of agricultural production has also been recognized in similar terms in the Convention on the Elimination of All Forms of Discrimination Against Women, which states that rural women have the right “to have access to agricultural credit and loans, marketing facilities, appropriate technology” and “to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications”.<sup>43</sup> The right to the protection of agricultural values can be described as a detailed recognition of cultural rights of peasants and other people working in rural areas.<sup>44</sup> And the proposed right to preserve the environment includes the right to a healthy environment, which is recognized in more than 90 national constitutions and extensively in regional human rights treaties.<sup>45</sup> The wording proposed to protect this right is also very close to the right to the conservation and protection of the environment recognized in article 29 of the Declaration on the Rights of Indigenous Peoples.

The right to food sovereignty has been recognized in an increasing number of national Constitutions<sup>46</sup>, and it has been included at the regional level in the recent Declaration of Cochabamba on “Food Security with Sovereignty in the Americas” adopted by the General Assembly of the Organization of American States in June 2012.<sup>47</sup>

In conclusion, the rights that can be described as really new under international human rights law are the right to food sovereignty, the right to seeds and traditional agricultural knowledge and practice, the freedom to determine prices and markets for agricultural production, and the right to biological diversity. But it must be noted that although these rights do not exist as self-standing rights in human rights law, they have been defined – at least partially – as components of already existing rights, such as the right to food.<sup>48</sup> And as we will see below (Part. III), some of them have also been recognized outside the human rights system.

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<sup>41</sup> According to article 14, §2 of the Convention on the Elimination of All Forms of Discrimination Against Women, rural women have the rights to “participate in the elaboration and implementation of development planning at all levels” (a) and to “equal treatment in land and agrarian reform as well as in resettlement schemes” (g).

<sup>42</sup> See report of the Special Rapporteur on the right to food Olivier De Schutter, UN doc. A/65/281, 11 August 2011, §§39-43. See also O. De Schutter, ‘The Emerging Human Right to Land’, *International Community Law Review*, 12, 2010, pp. 303-334.

<sup>43</sup> Article 14, §2(g and f) of the Convention on the Elimination of All Forms of Discrimination Against Women.

<sup>44</sup> The wording of article 9 of the Advisory Committee’ Declaration is similar to the recognition of cultural rights in international human rights instruments, including article 15 of the ICESCR and several articles of the Declaration on the Rights of Indigenous Peoples.

<sup>45</sup> See report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment John H. Knox, UN doc. A/HRC/22/43, 24 December 2012, §§12-27.

<sup>46</sup> The right to food sovereignty has been recognized most recently in the Constitutions of Bolivia and Ecuador and in the Interim Constitution of Nepal.

<sup>47</sup> See Declaration of Cochabamba on “Food Security with Sovereignty in the Americas” adopted by the General Assembly of the Organization of the American States (OAS) at its 42<sup>nd</sup> regular session on 5 June 2012, OAS doc. AG/doc.5329/12 corr. 1, 14 June 2012.

<sup>48</sup> See the general comment no. 12 of the Committee on Economic, Social and Cultural Rights on the right to adequate food, UN doc. E/C.12/1999/5, 12 May 1999. See also the report of the Special Rapporteur on the right to food Olivier De Schutter (on seed policies and the right to food), UN doc. A/64/170, 23 July 2009. See also the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national

It must finally be underlined that recognizing new rights in a new instrument aimed at protecting a specific category of people is conform to UN practice. It can even be stated that such instruments have always had this effect. Among the new rights that have been recognized to a specific category of people in the last 40 years, the following examples can be given:

- Women's right to bank loans, mortgages and other forms of financial credit, and rural women's rights to participate in the elaboration and implementation of development planning at all levels, to organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment, to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes, and to enjoy adequate living conditions, particularly in relation to sanitation, electricity, transport and communications recognized in articles 13 and 14 of the Convention on the Elimination of All Forms of Discrimination Against Women.
- The right of migrant workers who are documented or in a regular situation to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State, recognized in article 47 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The rights of persons belonging to minorities to establish and maintain free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national, ethnic, religious or linguistic ties, recognized in articles 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
- The rights of human rights defenders to develop and discuss new human rights ideas and principles and to advocate their acceptance, and to access to and communication with international bodies with competence to receive and consider communications on matters of human rights and fundamental freedoms recognized in articles 7 and 9, §4, of the Declaration on Human Rights Defenders.
- Indigenous peoples' rights to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, not to be forcibly removed from their lands or territories, to determine and develop priorities and strategies for exercising their right to development, to their traditional medicines and to maintain their health practices, to the lands, territories and

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food security (Right to Food Guidelines) that were adopted by unanimity by the FAO Council in 2004, an in particular Guidelines 8D on genetic resources for food and agriculture and 13 on market systems.

resources which they have traditionally owned, occupied or otherwise used or acquired, to the conservation and protection of the environment and the productive capacity of their lands or territories and resources, to maintain and develop contacts, relations and cooperation with their own members as well as other peoples across borders, to have access to financial and technical assistance from States and through international cooperation for the enjoyment of their rights, recognized in articles 5, 10, 20, 23, 24, 26, 28, 29, 32, 36 and 39 of the Declaration on the Rights of Indigenous Peoples.

In conclusion, the fact that the Advisory Committee's Declaration includes already rights that can be described as new in international human rights law is also in conformity with UN practice.

### **3. Missing rights**

In its final study, the Advisory Committee of the Human Rights Council described the lack of minimum wage and social protection as one of the main causes of vulnerability and discrimination of peasants and other people working in rural areas.<sup>49</sup> To respond to this lack of protection, it included provisions in its Declaration that ensure an adequate protection of the right of peasants and other people working in rural areas to a minimum wage. Its article 3, §3 recognizes the right to an adequate standard of living, including the right to adequate income to fulfil their basic needs and those of their families, and its article 8 recognizes peasants' rights to get a fair price for their production (§4) and a fair payment for their work, to fulfil their basic needs and those of their families (§5).

But the Advisory Committee did not propose an adequate response to the lack of social protection. The vision of the Advisory Committee's Declaration – largely inspired by La Via Campesina's Declaration – is a world in which the autonomy of peasants and other people working in rural areas will be guaranteed by ensuring access to productive resources and an adequate income. This vision does not include situations in which, in normal time or in times of crisis, these accesses cannot be guaranteed. And it is precisely in these situations that social security is essential. In the world today, the great majority of people working in rural areas have no access to comprehensive social protection<sup>50</sup>, despite the recognition of the right to social security in the Universal Declaration of Human Rights and the ICESCR.<sup>51</sup> In elaborating the UN

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<sup>49</sup> Final study of the Human Rights Council Advisory Committee (on the advancement of the rights of peasants and other people working in rural areas), UN doc. A/HRC/19/75, 24 February 2012, §§38-40.

<sup>50</sup> See O. De Schutter, UN Special Rapporteur on the right to food, and M. Sepulveda, UN Special Rapporteur on extreme poverty and human rights, "Underwriting the Poor. A Global Fund for Social Protection", Briefing Note 07, October 2012. According to ILO, a "vast majority (about 80 per cent) of the global population live in conditions of social insecurity, that is, they have little or no access to formal social security beyond the limited possibilities of relying on families, kinship groups or communities to secure their standard of living". ILO, "Social Security for All. Investing in social justice and economic development", Social Security Policy Briefings, Paper 7, Geneva, ILO, 2009, p. 3.

<sup>51</sup> Article 22 of the Universal Declaration of Human Rights proclaims that "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". And article 9 of the ICESCR provides that

Declaration on the rights of peasants and other people working in rural areas, the working group should therefore include a detailed right to social security.<sup>52</sup>

#### 4. Individual or collective rights?

In the negotiations that led to the creation of the working group mandated to elaborate a UN Declaration on the rights of peasants and other people working in rural areas, some states were reluctant about recognizing new collective rights. But this reluctance might be misplaced. In this part, we will argue that an analysis of the human rights instruments adopted in the last 40 years demonstrates that, with few exceptions, all human rights can be described as individual rights that can be exercised collectively.

This is for example self-evident in the titles of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In these instruments, the recognition of individual rights that can be exercised collectively is the rule<sup>53</sup>, and exceptions are rare.<sup>54</sup> The same can be said for many of the rights that have been recognized in the ICESCR and the ICCPR, such as the rights to work, form and join trade unions, social security, family life, food, housing, water, health, education, liberty of movement and freedom to choose residence, fair trial, freedom of thought, conscience and religion, freedom of opinion and expression, peaceful assembly, freedom of association, child protection, political participation, and cultural rights.<sup>55</sup> These rights are all individual rights that can be exercised collectively.

When states negotiated the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), the same questions arose.<sup>56</sup> To underline that human rights defenders have individual rights that can be exercised

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“The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance”.

<sup>52</sup> In its general comment no. 19 of on the right to social security (UN doc. E/C.12/GC/19, 4 February 2008), the Committee on Economic, Social and Cultural Rights states that “States parties should ... consider schemes that provide social protection to individuals belonging to disadvantaged and marginalized groups, for example crop or natural disaster insurance for small farmers or livelihood protection for self-employed persons in the informal economy” (§49). Footnote omitted.

<sup>53</sup> See for example art. 3, §1, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities which states that “Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination”.

<sup>54</sup> See for example article 22, §1 of the Convention stating that, “Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually.”

<sup>55</sup> These rights have been recognized in articles 6 to 15 of the ICESCR and articles 12, 14, 17, 18, 19, 21, 22, 23, 24, 25 and 27 of the ICCPR.

<sup>56</sup> The Declaration on Human Rights Defenders was adopted without a vote through resolution 53/144 of the UN General Assembly on 9 December 1998. For a short history of the *travaux préparatoires* and proposed steps to implement the declaration, see the report of the Secretary General (on implementation of the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms), UN doc. E/CN.4/2000/95, 30 January 2000.



collectively, states recognized that these rights can be exercised “individually and in association with others” in almost every provisions of the Declaration.<sup>57</sup>

In the Advisory Committee’ Declaration, the rights that are proposed can also be described as individual rights that can be exercised collectively. In the following examples, it has even been stated explicitly:

- The right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms as recognized in the UN Charter, the Universal Declaration of Human Rights and other international human rights instruments (art. 1, §2 of the Advisory Committee’s Declaration)
- The right to own land, individually and collectively, for housing and farming (art. 4, §1)
- The right to choose their own products and varieties, and the ways of farming, fishing, and livestock rearing, individually and collectively (art. 5, §6)
- The right to express his/her spirituality, individually and collectively (art. 8, §7)
- The right to protect, preserve and develop biological diversity, individually and collectively (art. 10, §1)
- The right to expression, individually and collectively, in his/her local customs, languages, local culture, religions, cultural literature and local art (art. 12, §3)

In conclusion, the Advisory Committee’s Declaration recognizes individual rights that can be exercised collectively, which is in conformity with UN practice.

### **III. EXISTING STANDARDS OUTSIDE THE HUMAN RIGHTS SYSTEM**

Some of the rights of peasants and other people working in rural areas that are proposed in the Advisory Committee’s Declaration have been developed outside the human rights system in the last decade. This is particularly true for the right to land and the right to seeds and biological diversity, which have been recognized within the UN Food and Agriculture Organization (FAO).

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<sup>57</sup> See articles 1, 2, 5, 6, 7, 8, 9, 11, 12, 13, and 17 of the Declaration on Human Rights Defenders.

## 1. The right to land

The most important development for the recognition of the right to land took place at the FAO Committee on World Food Security, when states adopted Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (the Guidelines) by consensus in May 2012.<sup>58</sup> The adoption of these Guidelines with provisions that are close to the proposed article 4 of the Advisory Committee's Declaration is the result of several years of negotiations among states, civil society organizations, peasant movements and the private sector, with the participation of the UN Special Rapporteur on the right to food.<sup>59</sup> The main objective of these Guidelines is to promote secure tenure rights and equitable access to land, fisheries and forests in order to reduce poverty and realize the right to food. Two central elements of the Guidelines are the need to identify, record and respect legitimate tenure rights, whether formally recorded or not, and to protect tenure rights holders against forced evictions (guidelines 3.1.1 and 3.1.2). It also provides that special protection should be ensured to smallholders and to indigenous peoples and other communities with customary tenure systems (guidelines 7.3). In the context of investments in agriculture, the Guidelines recommend that states provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment (guideline 12.6). And the Guidelines underline that redistributive reforms can facilitate broad and equitable access to land and inclusive rural development (guidelines 15.1).

The vision that is promoted in these Guidelines is close to the one envisaged in article 4 of the Advisory Committee's Declaration recognizing the right to land and territory and the Guidelines should therefore be used as reference in the negotiations of the working group on these rights. It is a very different vision that the one that focus on promoting individual property titles as the solution to secure land tenure.<sup>60</sup>

## 2. The rights to seeds and biological diversity

The most important international instrument that protects the rights of peasants to seeds is the International Treaty on Plant Genetic Resources for Food and Agriculture that has been adopted

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<sup>58</sup> Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security, adopted by the FAO Committee on World Food Security at its 38th special session held on 11 May 2012. See also Right to Food Guideline 8B.

<sup>59</sup> See P Seufert, 'The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests', *Globalizations*, 10(1), pp. 181-186; S. Monsalve Suarez, 'Land: Not For Sale!', *Right to Food and Nutrition Watch*, 2010, pp. 33-37. See also C. Golay and I. Biglino, "Human rights responses to land-grabbing: a right to food perspective", *Third World Quarterly*, Special Issue on Contemporary global land grabbing: origins, conditions and trajectories, 2013 (forthcoming).

<sup>60</sup> On the right to property, see C. Golay and I. Cismas, *Legal Opinion: The Right to Property from a Human Rights Perspective*, Montreal, Rights and Democracy, 2010. The UN Special Rapporteur on the right to food Olivier De Schutter has put particular emphasis in one of his reports on the special needs of indigenous people, smallholders cultivating land, herders, pastoralists and fisherfolk, and concluded that for many of them, private property of land and market-led land reforms are not the best options. Instead, he recommended that states recognize the right to land and take measures to make it a tangible reality, through the recognition of different categories of land use, including communal land and commons. See report of the Special Rapporteur on the right to food Olivier De Schutter, UN doc. A/65/281, 11 August 2011, §§39-43.

at the FAO in 2001, and has now 120 States parties.<sup>61</sup> The objective of this treaty is to establish a multilateral system to facilitate access to seeds and planting material and to share the benefits in a fair and equitable way. It completes the UN Convention on Biological Diversity<sup>62</sup> and its provisions protecting farmers' rights have been described as vital to the preservation of agrobiodiversity.<sup>63</sup> Many of its provisions protect the rights of peasants in a way that can inspire the negotiations of the UN Declaration on the rights of peasants and other people working in rural areas.<sup>64</sup>

In its Preamble, states have affirmed that “the rights recognized in this Treaty to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision-making regarding, and in fair and equitable sharing of the benefits arising from, the use of plant genetic resources for food and agriculture, are fundamental to the realization of Farmers' Rights, as well as to the promotion of Farmers' Rights at national and international levels”. By adopting its article 9, they have recognized “the enormous contribution that the local and indigenous communities and farmers of all regions or the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis for food and agriculture production throughout the world”. The same article tasks states parties to take measures to protect and promote farmers' rights, including: (a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture; (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and (c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.<sup>65</sup> The same article 9 also provides that its provisions shall not be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material.<sup>66</sup>

Against the threat that the commercial seed system poses – with intellectual property rights and breeders rights<sup>67</sup> – to the traditional seed systems on which the great majority of world peasants depend to grow their crops<sup>68</sup>, these provisions of the Treaty on Plant Genetic Resources for Food and Agriculture can be a source of inspiration to protect the rights of peasants to seeds and

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<sup>61</sup> See information available online at <http://www.planttreaty.org>.

<sup>62</sup> The UN Convention on Biological Diversity has been opened for signature on 5 June 1992 at the occasion of the Conference on Environment and Development in Rio. It entered into force on 29 December 1993.

<sup>63</sup> See report of the Special Rapporteur on the right to food Olivier De Schutter (on seed policies and the right to food), UN doc. A/64/170, 23 July 2009, §43.

<sup>64</sup> See in particular its articles 9, 5.1c, 5.1d, 6.2b, 6.2c, 6.2d, 6.2e and 6.2f. See also Right to Food Guidelines 8D.

<sup>65</sup> According to the wording of this article 9, this will be done by a state party “as appropriate and subject to its national legislation”.

<sup>66</sup> Information on the implementation of article 9 of the Treaty protecting farmers' rights is available online, at <http://www.planttreaty.org/content/farmers-rights-submissions> and <http://www.farmersrights.org>.

<sup>67</sup> Intellectual property rights and breeders' rights are protected respectively by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) that has been adopted as Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization on 15 April 1994, and the International Convention for the Protection of New Varieties of Plants that has been developed under the auspices of the International Union for the Protection of New Varieties of Plants (UPOV) and adopted in its current version on 19 March 1991.

<sup>68</sup> See report of the Special Rapporteur on the right to food Olivier De Schutter (on seed policies and the right to food), UN doc. A/64/170, 23 July 2009.

biological diversity in the UN Declaration on the rights of peasants and other people working in rural areas.

## **CONCLUSION**

The negotiation that begins within the working group mandated to elaborate a UN Declaration on the rights of peasants and other people working in rural areas is a new exercise for peasant organizations, and in particular La Via Campesina. But it is not a new exercise for the UN and states that have been engaged in similar negotiation in the last 40 years, when they drafted international instruments protecting the rights of women, children, migrant workers and members of their families, persons belonging to minorities, human rights defenders, persons with disabilities, and indigenous peoples.

The draft Declaration proposed by the Advisory Committee of the Human Rights Council is a basis for negotiation that respect existing standards, and that is in conformity with UN practice – for example when it proposes to recognize existing and new rights in a single instrument, and when it defines these rights as individual rights that can be exercised collectively.

Among the new rights proposed by the Advisory Committee, many have been already recognized for other categories of people, or outside the human rights system, in particular within the FAO. Very few have not been recognized as self-standing rights in any international instrument. And for those very few, the practice of the UN Special Rapporteurs and treaty bodies, as well as the Right to Food Guidelines adopted by unanimity by states can provide useful guidance.

We can therefore conclude hoping that the very rich protection of human rights that developed since the adoption of the Universal Declaration of Human Rights in 1948 will be completed by a new instrument protecting the rights of some of the most vulnerable and discriminated people in the world. We can also hope that the working group tasked with elaborating the UN Declaration on the rights of peasants and other people working in rural areas will find a creative way to recognize a right that is missing in the proposed Advisory Committee Declaration, the right to social security. This right, like the other rights proposed by the Advisory Committee, is essential for hundreds of millions of people working in rural areas.