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**UPR Prospects for Promoting Support for the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP)<sup>1</sup>**

**Dr Louisa Ashley**

**Presentation at Human Rights Council 55<sup>th</sup> Session Side Event, Room XXVII, Building E,  
Palais de Nations, Geneva**

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[Acknowledgements and thanks]

Members of the Human Rights Council voted to adopt the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, or UNDROP in September 2018.<sup>2</sup> It was subsequently adopted by the General Assembly,<sup>3</sup> prior to the start of the United Nation's Decade of Family Farming (2019-2028).<sup>4</sup> UNDROP is the result of rights emerging 'from below' as it were - campaigning started over 20 years ago led by the international peasants' social movement, La Via Campesina, followed by over six years negotiation by an inter-governmental panel.<sup>5</sup> UNDROP has been described as a controversial declaration because of the low proportion of votes in its favour relative to voting on other human rights instruments.<sup>6</sup> This makes it all the more important for the UPR to play an active role in raising state support.

The Declaration is an important instrument that sits at the nexus of human rights and the sustainable use of resources,<sup>7</sup> at a time when there is increasing consensus on addressing the need for a healthy environment in human rights terms.<sup>8</sup>

It provides a thematic reference point for rights and protections that are otherwise dispersed across various human rights treaties and instruments, or are entirely absent. UNDROP addresses intersecting rights and cross cutting issues, much like the UPR.

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<sup>1</sup> <https://upr-info.org/en/news/side-event-upr-and-domestic-human-rights-protection>

<sup>2</sup> 'United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas' (Resolution adopted by the United Nations Human Rights Council 2018) A/HRC/39/L.16 <<https://digitallibrary.un.org/record/1650750?ln=en>> accessed 10 January 2023.

<sup>3</sup> 24/09/2024 09:21:00

<sup>4</sup> 'Introducing the UN Decade of Family Farming' (Food and Agriculture Organization of the United Nations) <<https://www.fao.org/family-farming-decade/home/en/>> accessed 3 April 2023.

<sup>5</sup> 'La Via Campesina Calls on States to Exit the WTO and to Create a New Framework Based on Food Sovereignty' (La Via Campesina 2022) <<https://viacampesina.org/en/la-via-campesina-calls-on-states-to-exit-the-wto-and-to-create-a-new-framework-based-on-food-sovereignty/>> accessed 3 April 2023.

<sup>6</sup> Lorenzo Gradoni and Luca Pasquet, 'Voice under Domination: Notes on the Making and Significance of the United Nations Declaration on the Rights of Peasants' (2022) 33 European Journal of International Law 39, 41.

<sup>7</sup> Louisa Ashley and Diana Rodriguez, 'Seed Saving and Seed Sharing: Occupying a Liminal Legal Space' (forthcoming).

<sup>8</sup> 'The Human Right to a Clean, Healthy and Sustainable Environment' (Resolution adopted by the General Assembly on 28 July 2022 2022) A/RES/76/300.

In the Preamble, concern is expressed for the disproportionate level of poverty, hunger and malnutrition suffered by peasants and other people working in rural areas, and the burdens caused by environmental degradation and climate change, as well as youth migration to urban areas. The human rights issues arising from these matters engage economic, social and cultural (ESC) rights of course and, unsurprisingly, the Committee on ESC rights has already made specific reference to UNDROP and the rights of peasants in its 2022 General Comment no. 26.

UNDROP comprises 28 Articles that are broad in scope, addressing rights that can be exercised individually or collectively.<sup>9</sup> It encompasses, for example, food sovereignty, seed sovereignty, land rights, fishing rights, hunting and gathering, protection of sustainable approaches to farming, gender equality, and protection of the use of resources, as well as noting the impact of climate change, transboundary environmental harms and the abuses of non-state actors.

[Article 1 defines a peasant as:

...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 land.]

My research reveals that the UPR is already being used as a way to raise awareness of the rights of peasants and specifically UNDROP. The research I undertook focused on the first three UPR cycles. I wanted to track what, if any, UPR recommendations had been made that referenced peasant rights / the declaration, both before the adoption of UNDROP and after. And the extent of support for those recommendations.

During the first three UPR cycles then, 37 UPR recommendations referred either to peasant rights and/or the Declaration – of those, all were supported save for three that were noted, although one of those three is also reported as supported. Four peasant related UPR recommendations have been recorded so far for cycle 4 – of those four recommendations, two have been supported and two noted. If this pattern continues, it would indicate reduced support for the rights of peasants compared to the previous cycles. We shall have to see.

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<sup>9</sup> ‘General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights’ (Committee on Economic, Social and Cultural Rights 2022) E/C.12/GC/26 para 18 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/000/35/PDF/G2300035.pdf?OpenElement>> accessed 21 April 2023 with specific reference to the right to land, Articles 5 and 17.

Obviously, 37 recommendations are not so many, amounting to less than 0.039% of the over 94,000 UPR recommendations made in the first three cycles.<sup>10</sup> UPR recommendations making reference to 'rural' rights are a little higher amounting to just under 1.5%, and arguably rural rights might include peasant rights, but not necessarily. By contrast, the rights of 'women' account for just over 14% of UPR recommendations in cycles 1, 2 and 3, and 'child' just under 13%.<sup>11</sup> Whilst the number and proportion focusing on peasant rights is low, that body of rights is, at least, not entirely absent. And there is the potential for state delegations to increase this.

The majority of the 37 recommendations, 23 in total, were made in the 2<sup>nd</sup> cycle, before UNDROP had been adopted. There is a record of only one recommendation citing 'peasant' being made in Cycle 1. 13 were made during Cycle 3.

Why might more recommendations have been made in Cycle 2, than cycle 3? During Cycle 2 negotiations regarding UNDROP's content were ongoing, and state support ahead of voting on the declaration was crucial for the next stage of success – adoption by the HRC and GA. However, a slowdown in the frequency of UPR recommendations on the rights of peasants and on UNDROP would be detrimental to the movement - securing the declaration was a sign of success, but real success comes now via state support and implementation.

Interestingly 20 of the 23 recommendations made in the second cycle, were by Bolivia. Bolivia was instrumental in the negotiation of UNDROP, and the approach to repeatedly making peasant rights-based recommendations to states under review (SuRs) appears to demonstrate tactical use of the UPR to raise awareness and promote support for peasant rights in the lead up to voting on the Declaration's adoption. Indeed, Bolivia has since taken steps to promote UNDROP's implementation by sponsoring a Social Forum side event in 2022 focusing on experiences and challenges relating to the right to water, in the context of using the implementation of UNDROP as leverage to promote the realisation of the right to water.<sup>12</sup>

In each of the 20 recommendations Bolivia made during the second cycle, it included the wording of the Declaration's title. The way recommendations are constructed in relation to the adjectives used has been coded for some time now by UPR-Info into 'action categories' to capture the strength and specificity of the action recommended.<sup>13</sup>

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<sup>10</sup> Mechanism: UPR, search term: 'peasant', for the duration of the UPR data currently available. Search term: 'UNDROP' returns no recommendations. Search for the total number of UPR recommendation returns a total of 94,335, 'Universal Human Rights Index' (n 48) Searches conducted 07 March 2023.

<sup>11</sup> Search terms: 'rural' returns 1,362, 'women' returns 13,507, and 'child' returns 12,146. *ibid* Searches conducted 07 March 2023.

<sup>12</sup> 'The Implementation of the UN Declaration on the Rights of Peasants as a Leverage to Promote the Realization of the Right to Water: Experiences and Challenges' (Side Event, Room XXVII, Palais des Nations, 3 November 2022) <<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/forums/social-forum/2022/2022-10-29/UNDROP-WASH-BOLIVIAN-MISSION-en.pdf>> accessed 7 March 2023.

<sup>13</sup> Edward McMahon and M Ascherio, 'A Step Ahead in Promoting Human Rights? The Universal Periodic Review of the United Nations Human Rights Council' (2012) 18 *Global Governance*.

The most specific action-oriented 2<sup>nd</sup> cycle recommendation by Bolivia is to Vietnam, to ‘implement a legal system which improves the human rights of peasants and other persons working in rural areas’ (Category 5), whilst others are focused on promotion and protection (Category 4).

Other examples of specific action-oriented UPR recommendations are two by Mexico to Colombia and Peru during the 2<sup>nd</sup> Cycle, both supported. Recommending that Colombia ‘Protect the right to property of the land of the indigenous and traditional peasant communities to prevent dispossession of land suitable for agriculture in the present context of economic and social development’ (2013). And to Peru to ‘Involve indigenous peoples and peasant communities in the implementation and planning of projects related to the extractive sector’ (2012).

I could sit here and share more details on the construction of the recommendations made but we are short of time, and so I will close with a number of my own recommendations:

1. To state delegations and missions to the United Nations, I would urge engagement with UNDROP:
  - a. firstly, include in your recommendations to SuRs that abstained or voted against the declaration to review their position to one of support.
  - b. Secondly, to recommend to those SuRs that voted in favour of UNDROP’s adoption that they take specific action-oriented measures to implement the rights contained in UNDROP
  - c. Thirdly, to table an advance question to those states that abstained, and in particular, those that voted against UNDROP’s adoption by the General Assembly, asking they change their position to one of support (Australia, Hungary, Israel, New Zealand, Sweden, the UK, and the US)
2. To civil society organisations, to emphasise the importance of protecting the rights of peasants via stakeholder submissions. Developing the racial content of UNDROP to support addressing biocultural matters and environmental protection through endogenous development, food sovereignty, seed sovereignty, as well as agroecology, taking note of the threats to the enjoyment of rights arising from transboundary harms, as referred to in Article 18 of UNDROP.
3. Finally, I recommend to UPR-Info and the Universal Human Rights Index that a new specific search term including ‘peasant’ be included in each of the databases. This will support raising the profile of this important issue, and assist researchers, state delegations and CSOs in identifying peasant-rights related recommendations and follow up action.