

Second session of the Open- Ended Intergovernmental Working Group on the Declaration on the Rights of Peasants and other People Living in Rural Areas.

Oral Statement by FIAN International - Item 4 - Program of Work Geneva, 02 February 2015

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Madame Chair:

FIAN International, in the frame of its mandate to work for the human right to food and nutrition, has documented over the last 29 years multiple cases of violations of the human right to adequate food. The majority of violations identified and documented have been and are experienced by peasants, fisher folks, pastoralists, landless, indigenous peoples and agricultural workers. Within these groups women are very often victims of violations, both for belonging to these constituencies and for their status as women or girls. All there are small food producers contributing to the realization of the right to food and nutrition for their families, their communities and a great proportion of the population in general.

Our work in analyzing states conduct territorially and extraterritorially, public policies at domestic level and in the field of international cooperation, and the actions and omissions of non state actors has demonstrated critical gaps in human rights protection for these population groups. These violations correspond specifically to their rural activities, their special ways of production that are not just based in the accumulation of money and their very specific social and cultural ways to interact with mother earth. This situation has worsened due to phenomena such as resource grabbing, standardization of production and consumption patterns, asymmetries in the existing regulation of trade, and investment and other causes.

In this context, FIAN welcomes the second session of the OEIGWG and the new advanced draft presented by Madame Chair. We particularly thank the Bolivian

ambassador for the efforts invested and recognize that the existing draft is a good basis for the work. Furthermore, we would like to emphasize on three aspects:

First, we consider that the systematic and globalized character of the human rights violations faced by peasants and other communities based in rural areas cannot be marginalized by the international public discussion. It deserves a democratic debate between all UN states in the Human Rights Council, in which those suffering the violations can actively participate and states can agree on the different elements of the human rights that have to be respected, protected and fulfilled to address the specific situations of peasants and other communities based in rural areas. This kind of process allows the ownership required for the implementation in good faith by the states and the comprehensive and effective coverage of the persisting gaps in protection. In this context we reaffirm our call to all states to be actively involved in the discussions of the working group.

Second, we recall the evolutionary character of international human rights law, and reaffirm the need for this declaration to develop the understanding of existing rights and states' obligations as they apply to the specific situations faced by peasants and other people working in rural areas. The declaration should also recognize new rights as for example the rights to land, to seeds, food sovereignty etc. We call state members to participate in this discussion in the light of the principles of good faith, effectiveness, and pro persona, and specially remembering that according the UN Charter, art. 1.3 the UN should "... *achieve international cooperation on solving international problems of an economic, social cultural or humanitarian character, and in prompting and encouraging the respect for human rights and fundamental freedoms for all.*"

Third, we want to highlight that peasants and communities based in rural areas are in theory equal to other people in rights and dignity. Nonetheless, compared with other food producers who concentrate their activities in the mere accumulation of money, (as for example agri-business managers), peasants and other small food producers have a *sui generis* relation with nature. They also have a sense of production focused in social and cultural aspects, which are conditions of food production more compatible with nature, offer a weaker position in the market, and provide less economic capacity to respond to catastrophes and reduced or lacking bargaining spaces in the definition of those public policies

affecting their lives and livelihoods. Despite these differences, currently peasants and other communities included in the draft declaration are frequently regulated by the same agrarian, investment, market, production, sanitary, commercialization and credit rules as those mainly focused on the accumulation of profit. This equalitarian regulation has discriminatory effects for peasants and other peoples living in rural areas. These include the lack of access to and control of natural and productive resources, the marginal participation in markets or the exclusion of markets, as well as the lack of recognition of their own food systems, the lack of a decent income to live a dignified life, less capacity to recuperate after catastrophes, and in general a critical vulnerability to other human rights violations. Therefore we call the states representatives to support all those clauses enshrined in the advanced draft that serve to eliminate such discriminatory situations.

Thank you.