

# BOOK REVIEW

## Alabrese, Bessa, Bruno and Guiggioli's '*The United Nations' Declaration on Peasants' Rights*'

In December 2018 the United Nations General Assembly adopted a landmark declaration that would be the first one to recognise the rights of people who live in close connection to land, but who are not necessarily indigenous: peasants and other people working in rural areas. Contrary to its older sister, the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the newly adopted declaration with the rather bumpy title UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) did not find as much support and has, in the end, been signed by 121 countries, with 8 voting against and 54 abstaining. Not surprisingly, it was particularly developed nations that not only did not support the declaration by abstaining, but some also voted against it: Australia, Guatemala, Hungary, Israel, New Zealand, Sweden, United Kingdom and the United States. Of the European Union, Portugal was the only country that voted in favour of the declaration while the remaining abstained (apart from those having voted against it).

In an explanation of its vote, Sweden expressed concerns over the new rights that are enshrined in the UNDROP: the right to seeds and the right to food sovereignty, “for which the link to human rights still needs to be clarified” (Sweden, 2018). Moreover, Sweden considers the existing human rights system sufficient for the protection of those the declaration aims to protect. Indeed, the UNDROP contains several provisions that aim to create a new discourse on the rights of peasants. However, as we have argued elsewhere, many of these rights can be found in other legally and non-legally binding documents, such as by the International Labor Organization (ILO), or challenge the status quo of contemporary intellectual property law — such as the right to seeds (see *Sellheim Environmental*, 2022).

Despite this, the UNDROP appears to gain traction, also in international conservation initiatives. For instance, during the 18th Conference of the Parties (CoP18) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 2019, reference to the UNDROP was made in order to justify the establishment of a Rural Communities Committee (RCC), whose purpose it should have been to represent the interests of rural communities in the decision-making processes. The United States argued, however, that reference to UNDROP is not justifiable given the lack of signatures. In the end, the proposal was dismissed (also at CoP19 in 2022, when an amended proposal was tabled) (Sellheim, 2020). Despite these challenges in implementation, academic discourse surrounding the UNDROP continues to flourish, shedding light on its significance and implications within international legal frameworks.

The book *The United Nations' Declaration on Peasants' Rights*, edited by Mariagrazia Alabrese, Adriana Bessa, Margherita Brunori and Pier Filippo Guiggioli, is the first and a much-needed volume that provides an in-depth analysis of the drafting process of the UNDROP and of the different elements it contains. In addition, a plethora of different pieces of background and other information are provided that allow the reader to gain a professional understanding of the declaration and

understand its significance in international human rights law. In 18 chapters, subdivided into four parts — Rights holders; Natural resources access and control; Food and agriculture governance; and The declaration on the ground —, in addition to an Introduction and a Conclusion, the reader gains profound insight into what constitutes the UNDROP.

The first issue that attracts attention is the utilisation of the term ‘peasant’ in the title of the declaration. In contemporary parlance, the term can carry negative connotations implying poverty, lack of education, or backwardness. As Marc Edelman shows in his chapter ‘Defining peasants in the UNDROP’ (pages 19–31), it was especially representatives from the United Kingdom who, behind closed doors, made fun of the term and merely considered it through this lens. What they left out and what in the end led to its inclusion was self-identification, self-ascription and political identity, especially deriving from the term in Spanish, *campesino*, or French, *paysan*. Therefore, while the term appears to be somewhat strange or outdated in a UN declaration, it is nevertheless timely — especially when taking into account the fact that this is a term used by many peasants themselves.

The second issue that again underlines the importance of this book is the relationship between peasants (or ‘traditional local communities’) and indigenous peoples, tackled in the chapter by Adriana Bessa and Jérémie Gilbert (pages 32–46). While at first glance one might assume that the UNDROP might undermine the rights of indigenous peoples, a closer look reveals that this is not the case, but rather that UNDROP provides even more rights that also indigenous peoples might benefit from. After all, many indigenous peoples also fall under the rubric of ‘peasants’ and the UNDRIP is specifically referred to in the declaration’s preamble. That said, Bessa and Gilbert rightly highlight the fact that contrary to the UNDRIP, the UNDROP does not hold any reference to self-determination, which constitutes a key element of indigenous peoples’ rights. While self-determination was part of the negotiations of the declaration and was included in the draft, for political reasons it was in the end removed.

A similar element that cannot be found in the UNDROP is the right to free, prior and informed consent (FPIC), which also constitutes a cornerstone of indigenous rights. While the declaration requires states to conduct social and environmental impact assessments, consultations in good faith, and ensure benefit-sharing, this does not stand on the same footing as the right to FPIC. While that may be so, however, other bodies, such as the African Commission on Human and Peoples’ Rights or the Inter-American Court of Human Rights have established that participation and consultation must include FPIC in matters that affect indigenous peoples’ lives and livelihoods.

While it is not possible to review every single insightful, informative and thought-provoking chapter of this outstanding book, some chapters warrant further scrutiny. For instance, Chapter 5 ‘Shedding light on the human rights of small-scale fishers: complementarities and contrasts between the UNDROP and the Small-Scale Fisheries Guidelines’ (pages 62–88) by Alisa Morgera and Julia Nakamura. At the centre of attention stand the similarities and differences between the UNDROP and the *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* by the UN’s Food and Agriculture Organization (FAO) (SSF Guidelines; FAO, 2015). First, it is noteworthy that small-scale fishers, even in lieu of a formal definition, have been included into the text of the UNDROP. Second, although both documents differ in their scope, they are nevertheless supportive of one another. While the UNDROP establishes rights of small-scale fishers and therefore creates state obligations, the SSF Guidelines take a ‘human rights-based

approach' and identify good practices in the management of fisheries and fish-stock conservation, especially with regard to food security and environmental sustainability, "emphasising the role of small-scale fishers [...] as benefit holders of the social development, security, and safety, which is the State's responsibility to deliver" (page 68).

While one might be easily inclined to argue that based on the definition of 'peasant' in the declaration which makes 'attachment to the land' crucial to identify the rights holders (Article 1.1), the rights of small-scale fishers only include inland waters, the UN Convention on the Law of the Sea (UNCLOS) extends the sovereign rights of a State into the sea — thereby extending its sovereign lands into marine areas. Therefore, this provides the legal avenue for small-scale fishers to hold rights also in marine areas. In addition, however, Article 17.1 clearly states that the 'right to land' includes "the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein [...]."

The 'Right to land' is tackled further by Lorenzo Cotula in Chapter 6 (pages 91–105), the only chapter that can be accessed free-of-charge online ([here](#)). The chapter emphasises the evolving role of agrarian movements in advocating for peasants' rights to land, from grassroots aspirations to international negotiations. The **UNDROP** emerges as a pivotal instrument, explicitly articulating land rights within a human rights framework and laying the groundwork for agrarian reform. It recognises the cultural significance of land to peasants while also addressing issues of production and control over resources. However, challenges persist in translating the right to land into tangible policy changes, given entrenched power dynamics and vested interests. Furthermore, the authors underscore the need for both legal and political strategies to ensure the implementation of land rights, highlighting the agency of activists in reshaping discourse and catalysing collective action. Ultimately, the struggle for realising the right to land remains a critical milestone in connecting land issues with human rights, demanding continued efforts towards effective implementation.

Here, the authors delve into the multifaceted nature of the right to land, highlighting its intersections with various aspects of rural life, including livelihoods, cultural identity, and production. By emphasising the agency of peasants in shaping their own vision of rural development, the chapter underscores the transformative potential of the right to land beyond merely securing access to basic necessities. It critically examines the structural barriers to realising this right, such as entrenched patterns of land ownership and the influence of transnational businesses. The chapter furthermore raises important questions about the role of legal strategies and international human rights bodies in advancing land rights, while acknowledging the inherent political challenges involved.

The importance of the **UNDROP** as a normative human rights instrument is underlined by Smita Narula's chapter entitled 'Peasants' rights and food systems governance' (Chapter 10, pages 151–164). Here, the author emphasises that the **UNDROP** provides new avenues within human rights contexts on several levels. For instance, while not challenging food systems governance that is rooted in productivity and economics as such, the **UNDROP** links food production with the needs of peasants and thereby establishes rights to food sovereignty linked to peasants' rights to land and the environment. To this end, the right to seeds, which is enshrined in Article 19, for example aims to "change the way agriculture and food systems are presently organised" (page 159). Against this backdrop it is therefore not surprising that many industrialised nations have not endorsed the declaration.

Furthermore, the **UNDROP** establishes the right to a healthy environment as a human right. While landmark instruments like the International Covenant on Civil and Political Rights (ICCPR) or the International Covenant on Economic, Social and Cultural Rights (ICESCR) have established fundamental human rights, these have ultimately not been linked to the environment “[d]espite their obvious interdependence” (page 159). It seems, however, that the manuscript of the book was completed before 28 July 2022 since on that very day the UN General Assembly adopted a resolution that established the right to a clean, healthy and sustainable environment as a human right (United Nations, 2022). The chapter would have benefitted from slightly more depth on this issue, especially since already in October 2021, the Human Rights Council adopted a resolution on the very same issue (United Nations, 2021). A compelling inquiry would have delved into the extent to which the negotiations leading to the adoption of the **UNDROP** and those culminating in the 2022 resolution mutually informed or built upon each other.

Chapter 16, written by Adriana Bessa and Miguel Ángel Martín López, as the final example to be dealt with in this review, places its focus on ‘The rights of small-scale fisherwomen in the EU: the potential impact of the **UNDROP**’ (pages 227–236). Based on the *El Palmar* case in Spain, the chapter considers *inter alia* customary, gendered approaches to fisheries management and implementation. In the case, women challenged that they could not become active fishers based on the fishing community’s century-old perception of women not being fishers — a challenge that was in the end supported by the Spanish Supreme Court. Based on this example, the authors demonstrate what an important role the **UNDROP** could play in tackling discrimination. As the authors assert, in Spain, women “represent 5.4% of extractive fishing, 62.9% of all shellfish collectors, and the majority of workers in the fish processing industry [...]” (page 227). The FAO estimates that while approximately 47% of the workforce in the fisheries sectors are women, the vast majority of these conduct post-harvest work (FAO, 2017, p. 7).

While the fisheries industry in the European Union (EU) is regulated by a large number of laws, regulations and policies, it is the EU’s Common Fisheries Policy (CFP), that first arose in 1970 from a common agricultural policy, which now constitutes the legislative framework. While in 2013 the CFP was revised fundamentally and also included special rights of small-scale fishers, it was by and large silent on gender issues. In 2012, the European Parliament (EP) adopted a resolution that called for more recognition of women in the small scale fisheries sector, especially in light of rights to equal pay, unemployment benefits or pension, to name a few (European Parliament, 2012, para. 42).

Unfortunately, however, the EP’s calls were not included in the reformed CFP. Thus, the authors argue, the adoption of the **UNDROP** could provide momentum to include also gender issues in a potential new reform of the CFP. What falls of the table, however, is the fact that the vast majority of the EU Member States have not signed the **UNDROP** (except Portugal, as noted above). This perspective on the **UNDROP** cannot veil the fact that the declaration is not widely recognised as an influential instrument in the EU.

Whether or not a reform of the CFP will include gender issues remains to be seen, but if it does, it may not be rooted in the **UNDROP**, but rather in other developments. For instance, at CoP19 of CITES in 2022, a resolution on gender was adopted, recommending that “that Parties explore ways to further enhance the representation and participation of people of all genders, particularly women and girls, in conservation” (CITES, 2022, para. 4). This resolution, however, makes no reference to the

UNDROP, but rather to UN General Assembly Resolution on ‘Women and development’ (United Nations, 2016) which *inter alia* calls on Member States “to accelerate their efforts and provide adequate resources to increase the voice and full and equal participation of women in all decision-making bodies at the highest levels of government and in the governance structures of international organizations” (ibid., para. 7) or “to ensure the full and equal participation of women in all levels of decision-making on environmental issues” (ibid., para. 11). Whether or not, therefore, the UNDROP will gain any traction in this regard cannot yet be ascertained, even though it is very much hoped for.

*The United Nations’ Declaration on Peasants’ Rights* is a volume that is long overdue, constituting a reference work and authoritative volume on a declaration that has not (yet) fully found its way into international human rights and environmental discourses. The book demonstrates how intricately interlinked human and environmental rights are, enshrined in the declaration itself, and how progressively and comprehensively it approaches the rights of peasants. The authors are experts in their fields and show, on the one hand, where the declaration is normatively located and, on the other hand, what potential it holds to achieve change on the ground — in the interest of those who have not yet had a voice in international law. The book shows how grassroots initiatives and ‘human rights from below’, to paraphrase Jim Ife (Ife, 2009) can influence decision-making on the highest level.

The book should therefore be read, analysed and criticised by human and indigenous rights scholars, experts and practitioners and serve as a basis for further inquiry. It is therefore highly recommended — also in order to shift the focus on those that have too long gone unheard.

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