



HEKS/EPER Land Forum – December 10, 2021

Putting Peasants Rights into practice

Online event – final report

Background

In 2018, the United Nations adopted the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). A coalition of Swiss CSOs, the 'Friends of the Declaration'¹ are pushing for UNDROP's full implementation in Switzerland, as well as abroad through Swiss foreign policy. The December 2021 HEKS/EPER Land Forum brought together civil society members, parliamentarians, academics, government officials and others to formulate recommendations and identify activities for ensuring that Swiss foreign policy is consistent with UNDROP.

This report presents highlights of the day's discussions. Readers wanting more detail may watch the video recordings of discussions on the different thematic issues via the links indicated at relevant points in the report.

The declaration

Peasants provide immense services to the world such as through producing food and preserving biodiversity and other services derived from healthy ecosystems, but they suffer disproportionately from poverty and malnutrition, and are subject to ongoing human rights violations such as eviction, political repression or poor working conditions. La Via Campesina (LVC) along with other civil society organisations (CSOs) and social movements started highlighting the need for specific legal protections for the rights of peasants and other people in rural areas in the early 2000s. This work resulted in the adoption of the UNDROP by the 2018 UN General Assembly.

The UNDROP reiterates the rights protected in existing legally binding treaties, such as peasants' rights to health, to participate in policymaking and to be free from discrimination. It further strengthens protection of peasants' rights through articles that recognize specific individual and collective rights, such as the right to land and natural resources, seeds and biodiversity. It articulates States' obligations to respect, protect and fulfil peasants' rights, as well as to take measures to ensure that private enterprises also respect these rights.

Implementing the declaration

Civil society groups, policy influencers and others are now taking the articles from the pages of the Declaration into communities, countries, and territories to transform them from demands into realities.² With this objective in mind, the Friends of the Declaration coalition commissioned a study of Switzerland's foreign policy to identify measures that can support or run counter to UNDROP, and to formulate recommendations as to how Switzerland can meet its obligations towards peasants and other people working in rural areas.

The study, titled '[Switzerland's Foreign Policy and the United Nations Declaration on the Rights of Peasants](#)'³ was published in 2020 and analysed Swiss foreign policy, but most of its findings and recommendations apply equally to other countries.

Key findings of the study

Action in areas as diverse as trade, migration, investment, finance or climate change impact peasants' lives, land and livelihoods. The study considered four areas of Switzerland's foreign policy: (1) its role in international bodies such as the UN Human Rights Council or FAO (UN Food and Agriculture Organization), (2) trade (3) intellectual property and (4) development cooperation.

The study found that most government officials have little awareness of the fact that programmes and projects in areas other than food security or agriculture may impact peasants. It recommends that awareness should be raised about the content of the UNDROP Declaration within the Swiss Federal Administration among all those involved in foreign policy. It also calls for Swiss representatives to be instructed to ensure that UNDROP is taken into account in

¹ "The Friends of the Declaration" is a coalition of Swiss civil society organizations (CSOs) working for the implementation of UNDROP. The members are Alliance Sud, CETIM, Fastenaktion, FIAN Switzerland, Geneva Academy, HEKS/EPER - Brot für alle, Swissaid and Uniterre.

² La Via Campesina (2021): [Implementation of the UNDROP: Analysis from the ground](#).

³ The [full study in French](#) is summarised in a [Research Brief in English, French and German](#).

all international fora, including Sustainable Development Goal (SDG) monitoring and international organizations concerned with labour, trade or development. Moreover, the study encourages Switzerland to propose that the UN Human Rights Council create a Special Procedure to monitor the enjoyment of peasants' rights.

The study observes that while peasants (represented by farmers union) play an important role in the development of Swiss national laws and policies, they are less heard in foreign policy, being particularly absent from the formulation of governmental positions on trade and development cooperation for instance. The study notes that market-based approaches and integration of rural producers and workers into global value chains have been found to produce unsatisfactory results for peasants' rights, and echoes many peasants' calls for developing local, territorial markets.

Amongst its recommendations on trade, the study calls on Switzerland to assess and monitor its trade agreements, with particular attention to the rights of peasants and people working in rural areas. It also suggests that Switzerland could support the development of indicators on peasants' rights to gauge the UNDROP-compatibility of planned trade agreements and Swiss international cooperation activities.

Intellectual property is probably the area in which Switzerland's foreign policy most clearly diverges from the country's obligations to peasants under human rights law. The country's domestic laws and practices relating to seeds incorporate a number of flexibilities that allow peasants to save, exchange and sell seeds. But Switzerland limits its trading partners' ability to protect these rights, by often requiring them to adopt strict intellectual property laws as a condition for entering into trade agreements that offer them access to Swiss markets. The study enjoins Switzerland to support the protection of peasants' right to seeds at the UN and in other international fora, such as UPOV (the International Union for the Protection of New Varieties of Plants). It also calls on Switzerland, through its international development cooperation, to promote agrobiodiversity, the use of peasants' seeds and the adoption of seed systems that are flexible and adapted to developing countries' agricultural systems.

Key Messages from the Land Forum

The [2021 HEKS/EPER Land Forum](#) was planned and organised jointly by HEKS/EPER and the Friends of the Declaration coalition. It brought together a diverse group of experts (including parliamentarians, government officials, civil society, and academics) to identify concrete steps towards UNDROP implementation internationally. The Forum drew on the recommendations of the study on Switzerland's Foreign Policy and UNDROP. Like the study's recommendations, many of the proposals that emerged from the Land Forum are as relevant for other countries' foreign policy as for Switzerland.

The plenary session of the Land Forum started with Caroline Dommen and Christophe Golay's presentation of the [study and its recommendations](#). Participants heard [messages from four key speakers](#): Michael Fakhri, the UN Special Rapporteur on the Right to Food; Tatiana Oliveira, Political Advisor with the Institute of Socioeconomic Studies (INESC) in Brazil; Morgane Ody, General Coordinator of La Via Campesina; and Vanessa Renfer⁴, Peasant and Permanent Secretary of [Uniterre](#) (Swiss farmers' union member of LVC).

Ana Maria Suarez Franco moderated a lively [high-level panel](#) with Carlo Sommaruga, Christine Schneeberger, Alwin Kopse, Benjamin Müller and Markus Schlagenhof discussing several recommendations of the study.



⁴ [Vanessa Renfer \(2021\) : Les droits paysans, un outil au service de tous](#) (French)

In the afternoon, the Land Forum narrowed down its focus to centre on three topics: (1) mainstreaming UNDROP to make it a key reference point at the international level, (2) trade, including trade-related intellectual property protection for seeds, and (3) food systems.

Mainstreaming UNDROP into the UN System ⁵



The objective of mainstreaming UNDROP throughout the UN system is to make it a reference point at the international level, so as to support domestic implementation around the world. It is encouraging that the Declaration is gaining this status. The human rights treaty bodies now regularly mention it as do Human Rights Council special procedures.

Civil society organisations (CSOs) within Switzerland are engaged in advocacy in the Human Rights Council towards creating a new special procedure wholly dedicated to peasants' rights, with a side-event planned in June 2022. It

is hoped that the Swiss government will support the side-event and the creation of the new procedure. At the same time various civil society groups are monitoring implementation of the Declaration and documenting enjoyment of peasants' rights in different countries. They plan to share the findings of these efforts at the Human Rights Council.

Whilst Switzerland's governmental human rights delegates are actively committed to bringing UNDROP to life and promoting it in multilateral human rights fora, there are tensions between other areas of Swiss foreign policy and peasants' rights.

Trade, intellectual property, and seeds ⁶

One of the main tensions lies in the Swiss government's position on intellectual property (IP) and this question was discussed at length. Thus, the Land Forum offered a welcome opportunity for in-depth exchange of views between representatives of government, civil society, practitioners and academics on this topic. The discussion covered four aspects of the issue: (1) whether and how Switzerland should revise the interpretative statement it made at the UN General Assembly when UNDROP was adopted. As detailed in the study, in this statement the Swiss delegation said that the country would prioritize IP protection over UNDROP's article 19 on peasants' right to seeds. (2) Switzerland's domestic seed legislation and practice include flexibilities that are supportive of peasants' seed systems. Would these be considered compatible with UPOV 1991 (the 1991 version of the International Convention for the Protection of New Varieties of Plants), and who should determine such compatibility? This issue is of particular relevance for Liechtenstein. (3) Switzerland's common practice of asking trading partners to join UPOV 1991. In other words, Switzerland tends to ask trading partners to adopt higher IP standards than Switzerland itself applies. Several Land Forum participants called for Switzerland to desist from this practice, and instead to encourage countries to design sui generis systems of plant variety protection adapted to their agricultural and social specificities, which enable them to protect the rights of both plant breeders and peasants. (4) The desirability for development cooperation actors to promote agrobiodiversity and peasants' seed systems, including sui generis IP laws, that recognize diverse seed systems. In this connection, several Land Forum participants called on the Swiss Development Cooperation Agency (SDC) to take a more active role in discussions on the benefits of sui generis systems in the Global South, and for Switzerland to provide technical assistance to countries on how to develop a legal



⁵ see the [video of the group work results regarding "mainstreaming UNDROP into the UN system"](#) on Vimeo

⁶ see the [video of the group work results regarding "Trade Agreements"](#) on Vimeo

framework that, like Switzerland's provide flexibility to recognize diverse seed systems including peasants' seed systems.

With regard to other aspects of trade policy, Land Forum participants noted the increasing recognition in the international community that agriculture needs support. Given that Switzerland maintains measures in favour of Swiss peasants in its trade relations, participants put forward specific ways that the country could work in the World Trade Organization (WTO) and the European Free Trade Area (EFTA) so that these organizations recognize the need for safeguards and support for peasants' agricultural products. One concrete activity would be to improve understanding of the content and rationale of UNDROP amongst WTO and EFTA trade negotiators. Another suggestion was that Swiss development cooperation undertake activities to strengthen and support farmers' organisations and local authorities so as to improve their ability to participate in relevant trade and development policy decisions. In this connection, the fundamental contradiction between peasants' right to participate and the secretive nature of trade negotiations was highlighted.

Within Switzerland there is now a window of opportunity for improving the outcomes of trade negotiations, as the government is developing a methodology for assessing environmental and social impacts of its trade agreements. Civil society, parliamentarians and academics can usefully make input into the governmental process to ensure that human rights, including peasants' rights, are adequately reflected.

Food systems ⁷

Regarding food systems, there was general agreement that it is necessary to develop food policies based on agricultural frameworks that strengthen local, territorial food systems, recognize the concepts of food sovereignty and agroecology as well as the crucial role of women producer groups. This is a matter for Switzerland nationally and in its foreign policy.



Land Forum participants noted the necessity of shifting international finance streams from supporting industrialized agriculture towards an increasing support of family farming

based on the principles of agroecology, as put forward in the International Assessment of Agricultural Knowledge, Science and Technology for Development⁸. Participants flagged the need for dialogue to promote better understanding of the complexities of sustainable food systems and the linkages to agroecology and natural landscapes. Building environmentally and socially sustainable food systems that recognize the traditional knowledge of local communities need the active participation of those communities. If peasants are dependent on private companies, this is likely to be undermined. At the same time, many peasant farmers and their cooperatives do have commercial relations with the private sector and urban consumers. Therefore, participants identified the need to better understand who these consumers and the private sector are.

A clear action point emerged from this discussion: to build a narrative to help governments understand the advantage of strengthening smallholder farmers is (e.g. what does it mean for food security, for biodiversity and crucial ecosystem services conservation).

Concern was expressed that so many actors and governments are focusing on corporate solutions, based on the context of the Global North. These often ignore peasant and Indigenous contexts, but also context-specific approaches to improving food systems – approaches which also help tackle broader environmental and climatic concerns.

⁷ see the [video of the group work results regarding "Food Systems"](#) on Vimeo

⁸ see [IAASTD \(2008\), Global Report: Agriculture at a Crossroads](#)

Furthermore, it was seen as important to assess direct and indirect impacts of development programmes on the rights of peasants and other people living in rural areas by developing an adequate assessment tool. Democratic participation of those at the centre of the food system (for instance in policy making processes or research) was seen to be key to ensure that human rights are respected.

The corporate capture of the UN Food Systems Summit in 2021 was another concern that emerged clearly from the discussions, with participants noting that the private sector cannot replace the responsibility of local or national authorities. The power imbalance that can now be observed gives companies a defining power that needs to be counterbalanced by strong cooperation between civil society, peasants, and private sector actors. In this connection, strengthening States' ability to fulfil their human rights obligations could be a way to hold private sector power in check. This includes setting clear criteria and conditions for collaboration with the private sector.

Cross-cutting themes

Recurrent themes throughout the day's discussions were that peasants in the global North face many of the same challenges as those in the global South, that national food policies are not just for agricultural ministries, that peasants play an important part in the world's wellbeing through their crucial role in food production, stewardship of resources and protection of the climate, and that democratic participation of peasants at all levels in shaping policies is of key importance. The decisive role of parliamentarians in ensuring that the government's foreign policy is supportive of UNDROP was also underlined.

Next steps

The Land Forum demonstrated clear and ongoing energy towards implementing UNDROP in the international policy arena. It reconfirmed the pertinence of activities underway and pointed to other actions that could usefully be undertaken.

Amongst these are the advocacy efforts in favour of the creation of a new UN Human Rights Council Special Procedure on peasants' rights and the side-event scheduled for June 2022. Discussions are underway between participants (including the Centre for Development and Environment of the University of Berne) and the Swiss government on the development of the methodology for future sustainability impact assessments of Switzerland's trade arrangements, with peasants' rights on the agenda. Parliamentarians and CSOs in Switzerland will also continue to discuss the possibility for the Swiss government to stop pushing for UPOV 1991 in free trade agreements, including through contacts with other EFTA member countries' parliamentarians.

Moreover, La Via Campesina, CETIM, FIAN International, the Geneva Academy and other members of the Friends of the Declaration coalition are in the process of creating a website on peasants' rights, which is an opportunity to join forces and share information, within Switzerland and among international partners.

This is HEKS/EPER

In its projects **worldwide** and in its work of raising awareness around development and social policy topics **in Switzerland**, HEKS/EPER emphasizes the four priorities of **climate justice, the right to land and food, refuge and migration, and inclusion**.

In 28 countries across four continents and jointly with 100 partner organizations and global alliances, **HEKS/EPER global cooperation** combats with its projects hunger, poverty and injustice and advocates for a life in dignity for all people. HEKS/EPER cultivates constant policy dialogue with all relevant humanitarian, development, and Government actors, protecting civil society actors, promoting peaceful coexistence, and reinforcing people and communities to advocate for their needs and rights, and to strive towards and self-determined perspectives.

HEKS/EPER campaigns for systemic change throughout its work enabling sustainable land and resource governance, securing basic services such as education or health and social schemes, fostering agroecological production and inclusive market systems. It promotes inclusive governance structures in the countries to overcome social, economic, and political discrimination of disenfranchised people.

Also, HEKS/EPER provides **humanitarian assistance** around the world for victims of disasters caused by natural hazards and armed conflicts and supports the social work of church organizations in Eastern Europe and the Middle East.

Through its work **in Switzerland**, HEKS/EPER fosters social inclusion for marginalized people, promotes equal opportunity and supports jobless people, asylum seekers, migrants, and socially deprived people with legal advice, vocational trainings, language courses and dialogue platforms.




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