

RESEARCH BRIEF

THE RIGHTS TO FOOD AND FOOD SOVEREIGNTY IN UNDROP

KEY MESSAGES

- The United Nations (UN) General Assembly adopted the UN Declaration on the rights of peasants and other people working in rural areas (UNDROP) in 2018, after almost 20 years of mobilization by La Via Campesina and its allies. UNDROP is based on several binding international human rights instruments, and has been elaborated in a way that is complementary to these and to other international and regional instruments protecting the rights to food and food sovereignty.
- Peasants and other people working in rural areas, including fisherfolk, pastoralists and herders feed between 70 and 80 per cent of the world population, but they represent 80 per cent of those suffering from hunger, food insecurity and malnutrition. It therefore comes with no surprise that the rights to food and food sovereignty are at the heart of the rights-based struggles of rural communities, that violations of these rights have been at the core of the call for elaborating UNDROP, and that these rights are central in the UN Declaration.
- In UNDROP's article 15, states recognized the right to adequate food and the fundamental right to be free from hunger, as well as the rights of peasants and other people working in rural areas to produce food and to adequate nutrition. They also recognized their right to food sovereignty, for the first time in an international instrument adopted by the UN General Assembly.
- UNDROP's article 15 also provides that states shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the rights to food and food sovereignty. To increase accountability in UNDROP's implementation, it is also important that national, regional and international human rights mechanisms include the rights to food and food sovereignty and UNDROP systematically in their work.

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INTRODUCTION

According to figures from UN agencies, in the last 50 years there have always been more than 800 million undernourished people worldwide, primarily in rural areas in developing countries. Hunger, food insecurity and malnutrition have even been increasing since 2015, when the UN General Assembly adopted the 2030 Agenda for Sustainable Development, in which all UN Member States committed to eradicate them by 2030.

It is in this context that the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) was adopted in 2018, and that it started to be implemented. Since 2020, the COVID-19 crisis, armed conflicts and extreme climatic events added other sets of problems, with detrimental impact on the rights to food and food sovereignty. At the core of the fight against structural discrimination suffered by the most vulnerable people working in rural areas, are the rights to food and food sovereignty enshrined in UNDROP's article 15.

THE RIGHT TO FOOD

The right to food has been enshrined in article 25 of the Universal Declaration of Human Rights, in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and in UNDROP's article 15.1, which provides that 'Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger'.

Building on the definition of the right to food in international human rights law, UNDROP's article 15.2 provides that 'States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs'.

As the right to food must be interpreted as the right to feed oneself and the family with dignity, UNDROP's article 15.1 provides that the right to food of peasants and other people working in rural areas includes their 'right to produce food'.

UNDROP's article 15.1 also recognizes 'the right to

Peasants, fisherfolk, pastoralists and herders have the right to produce food in order to feed themselves and their families with dignity

adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development'. In accordance with the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), UNDROP's article 15.3 provides that 'States shall take appropriate measures to combat malnutrition in

rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have

adequate nutrition during pregnancy and lactation'. It also provides that 'States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding'.

As stated by F. Kroff and A. Castañeda Flores, article 15.3 'lacks a clear gender approach and restricts women to a reproductive role. However, the right to food should be read together with the non-discrimination principle formulated in article 4 of UNDROP. (...) This interpretation recognizes that firstly, the impact of hunger and malnutrition is higher among women and girls, and secondly, the contribution of women to realising the right to food for their families, their community and society in general must be recognised, protected and strengthened'.¹

THE RIGHT TO FOOD SOVEREIGNTY

The right to food sovereignty is at the heart of the rights-based struggles of rural communities all over the world. It is essential to ensuring that peasants and other people working in rural areas are able to exercise control over local food systems and natural and genetic resources.

In the last decades, the right to food sovereignty has been recognized in an increasing number of instruments and documents at national, regional and international levels. In 2018, it has been included in UNDROP's Preamble and article 15.

The Preamble of UNDROP recognizes that 'the concept of food sovereignty has been used in many States and regions

¹ F. Kroff and A. Castañeda Flores, 'Right to Adequate Food and Nutrition, and to Food Sovereignty', UNDROP Series, FIAN International, 2020, p. 5.

to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights’.

UNDROP’ article 15.4 recognizes that ‘Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes around food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods, respecting their cultures’.

This definition of food sovereignty does not provide peasants and other people working in rural areas, or their communities, with a degree of autonomy that is equivalent to national sovereignty. Like the rights to development, self-determination and free disposal of natural resources, the right to food sovereignty can be described as having an internal dimension – the rights of individuals, communities and peoples to define their food and agricultural systems and to participate in decision-making processes around food and agricultural policies – and an external dimension – the right of states to define their food and agricultural policies and development. It is this internal dimension that has been enshrined in UNDROP’s article 15.

INTERDEPENDENT RIGHTS

UNDROP enshrines several other rights that are important for the enjoyment of the rights to food and food sovereignty. These include the rights to land and other natural resources (articles 5 and 17), to participation and information (articles 10 and 11), to decent work (article 13), to an adequate standard of living (article 16), to facilitated access to the means of production, to engage in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems (article 16), to a safe, clean and healthy environment (article 18), to seeds and biological diversity (articles 19 and 20), to water for personal and domestic use, and for farming, fishing and livestock keeping (article 21), to social security (article 22) and to adequate

With UNDROP, the right to food sovereignty was included for the first time in an international instrument adopted by the UN General Assembly

The rights to food and food sovereignty must be central in the responses to the current global crises, including the food and climate crises

training suited to the specific agroecological, sociocultural and economic environments in which peasants and other people working in rural areas find themselves (article 25).

STATES’ OBLIGATIONS

UNDROP builds on, and includes agreed language taken from a number of binding international treaties, including the ICESCR, the International Covenant on Civil and Political Rights (ICCPR), CEDAW, CRC, the Convention on Biological Diversity (CBD) and its Protocols, and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). States must therefore play a key role in UNDROP’s implementation, in line with the numerous provisions of UNDROP defining their obligations.

UNDROP provides that states shall, inter alia, respect, protect and fulfil the rights of peasants and other people working in rural areas (article 2.1), ensure the enjoyment of these rights without any discrimination (articles 3 and 4), and engage in international cooperation for the same purposes (article 2.6).

UNDROP provides that states shall pay particular attention to the rights and special needs of individuals and groups who have historically been discriminated against, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination (article 2.2). It also provides that states shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination (article 3.3).

UNDROP provides that states shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas, to promote their empowerment, and to ensure that they enjoy without discrimination all the human rights and fundamental freedoms set out in UNDROP (article 4.2).

A majority of peasants, fisherfolk, pastoralists and herders struggle to ensure their right to food by using their own resources, whether alone or in community with others. States shall respect and protect their right to food. States shall also fulfil the right to food of people and communities that do not have access to food by their own means.

To ensure that states respect the rights of peasants and

other people working in rural areas, UNDROP provides that they shall, inter alia, respect their right not to be arbitrarily or unlawfully evicted or displaced from their land and other natural resources (articles 17.3 and 17.4). States shall also recognize the natural commons and their related systems of collective use and management (articles 17.3). It is also important that they choose policies that do not threaten local food production and quality.

UNDROP provides that to protect the rights of peasants and other people working in rural areas, states shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights enshrined in UNDROP (article 2.5). Such measures include the need to ensure that no hazardous material, substance or waste is stored or disposed of on their land (article 18.4), and to prevent risks arising from the development, handling, transport, use, transfer or release of any living modified organisms (article 20(3)).

UNDROP provides that states shall fulfil the rights of peasants and other people working in rural areas, inter alia, by carrying out agrarian reforms, by giving priority to landless peasants, young people, small-scale fishers and other rural workers in the allocation of public lands, fisheries and forests (article 17.6), by supporting peasant seed systems and promoting the use of peasant seeds and agrobiodiversity (article 19.6), and by establishing or maintaining social protection floors comprising basic social security guarantees (article 22.3). When food distribution programmes are established, they shall give priority to food production that promote peasant farming, artisanal fisheries and local food production.

Article 15.5 also provides that ‘States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration’. States shall also establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in UNDROP.

Finally, UNDROP’ article 2.6 provides that states shall engage in international cooperation in support of national

efforts aimed at implementing UNDROP. It provides that measures that they shall take in this regard include ensuring that international cooperation is inclusive, accessible and pertinent to peasants and other people working in rural areas; facilitating and supporting capacity-building; facilitating cooperation in research and in access to scientific and technical knowledge; providing technical and economic assistance; and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

ROLE OF INTERNATIONAL AND REGIONAL ORGANIZATIONS

UNDROP provides that UN specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to its full realization, including through the mobilization of, inter alia, development assistance and cooperation (article 27.1), and that they shall promote respect for and the full application of UNDROP and follow up on its effectiveness (article 27.2). They shall also ensure that peasants and other people working in rural areas have the means to participate in decision-making processes on issues affecting them (article 27.1).

ACCOUNTABILITY MECHANISMS

UNDROP will never be properly implemented, if strong monitoring mechanisms do not exist at national, regional and international levels to make duty bearers accountable. Civil society organizations and lawyers can be instrumental in supporting peasants and other people working in rural areas who are victims of human rights violations, and in

pushing national, regional and international human rights bodies to protect the rights enshrined in UNDROP.

On 17 December 2019, nine UN special procedures and four members of UN treaty bodies called for more accountability mechanisms to ensure UNDROP’ implementation. They committed to protect the rights enshrined in UNDROP, to integrate UNDROP’s implementation in the exercise of their mandates, and to provide guidance to states on how they can implement

National, regional and international human rights mechanisms shall systematically include the rights to food and food sovereignty in their work

UNDROP. They called the Human Rights Council to create a new special procedure to monitor UNDROP. And they underlined that special measures shall be taken by states and other stakeholders to protect human rights defenders of land, environment and natural resources – who are the first victims of criminalization, intimidation and attacks against their physical integrity and life – and that their safety must be prioritized and protected via all available mechanisms.

On 16 December 2022, twelve additional UN special procedures' mandate holders stated that UNDROP 'is a call for justice, based on the culmination of grievances and struggles of the world's peasantry. It is also a plan of action for governments to respect, protect and fulfil the rights of peasants while also effectively regulating transnational corporations to prevent harm. UNDROP provides a framework to enable a just transition to a food system where biodiversity and human rights flourish. (...) UNDROP provides not only a recognition of peasants' and rural workers' rights and contributions, but also serves as a roadmap for States, the UN, business enterprises and other stakeholders to take concrete actions on the ground'.

The same UN special procedures urged 'States to show leadership and implement the UNDROP by incorporating its norms and standards into national laws and policies'. They encouraged 'the UN human rights mechanisms to closely review state practices in the context of the UNDROP provisions', and they called 'on the United Nations agencies to systematically apply the UNDROP in their programmes and activities, as well as to support and empower peasants and rural workers in throughout their work, both at policy and operational levels'.

CONCLUSION

In a world in which there has been no progress in the fight against hunger in the last 50 years, the protection of the rights to food and food sovereignty enshrined in UNDROP is essential. These two rights need to be central in UNDROP's implementation, to overcome structural discrimination suffered by the most vulnerable people in rural areas, and to ensure that they will be able to exercise control over local food systems and natural and genetic resources.

RECOMMENDATIONS

In accordance with UNDROP, and with the binding international treaties on which it is based:

- States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the rights to food and food sovereignty, and sustainable and equitable food systems that promote and protect the rights contained in UNDROP.
- States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights to food and food sovereignty.
- States shall disseminate UNDROP and promote understanding of and respect for its provisions, including those protecting the rights to food and food sovereignty.
- States shall respect, protect and fulfil the rights to food and food sovereignty, without any discrimination. They shall recognize the importance of international cooperation in support of national efforts aimed at implementing the rights to food and food sovereignty.
- States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas, to promote their empowerment, and to ensure that they enjoy without discrimination the rights to food and food sovereignty.
- States should integrate the whole UNDROP or the rights to food and food sovereignty in domestic law, by revising their Constitutions or developing new national laws.
- States shall ensure the consistency of their national laws and policies, and international agreements and standards to which they are parties with the rights to food and food sovereignty.
- States shall facilitate timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.
- Domestic courts should protect the rights to food and food sovereignty, by directly applying UNDROP, or by using it to interpret rights recognized in domestic law or other international instruments.
- National human rights institutions should include the monitoring of the rights to food and food sovereignty in their work, including through awareness raising activities, training for various stakeholders, the analysis of the compatibility of laws with UNDROP, the possibility to receive complaints about violations of the rights enshrined in UNDROP, and the production of annual reports on UNDROP's implementation for national, regional and international bodies.
- Regional human rights bodies should use UNDROP to protect the rights to food and food sovereignty. At regional level, parliamentary groups should be created on the rights of peasants and other people working in rural areas, and regional / sub-regional institutions should support the implementation of the rights to food and food sovereignty.
- The UN Human Rights Council should create a new special procedure on the rights of peasants and other people working in rural areas. It should also include explicit references to the rights to food and food sovereignty and to UNDROP in all its relevant resolutions, in the mandates that it gives to subsidiary bodies and special procedures, and in the reports that it requests from the UN Secretary-General and the Office of the UN High Commissioner for Human Rights.
- States should use the Universal Periodic Review of the Human Rights Council to push for the implementation of the rights to food and food sovereignty in other states.

- UN special procedures should include the monitoring of the rights to food and food sovereignty in their thematic and country visit reports, and in their communications to states and other stakeholders.
- UN treaty bodies should include the monitoring of the rights to food and food sovereignty in their examination of state parties' periodic reports, in their concluding observations, in their general comments or recommendations in which they define the rights and states obligations in their respective treaties, and in their examination of communications.
- The Committee on World Food Security, the Food and Agriculture Organization of the UN (FAO), the International Fund for Agricultural Development (IFAD) and other UN specialized agencies, funds and programmes shall contribute to the full realization of the rights to food and food sovereignty, including through the mobilization of development assistance and cooperation. They shall also take measures to promote respect for and the full application of the rights to food and food sovereignty and follow up on their effectiveness.
- The rights to food and food sovereignty should be mainstreamed into the strategies aimed at achieving the Sustainable Development Goals and at implementing the UN Decade for Family Farming.
- The World Bank, the International Monetary Fund, the World Trade Organization and other intergovernmental organizations, including international and regional financial organizations, should take the rights to food and food sovereignty into account in their work.
- Civil society organizations and social movements, including peasant organizations, should use UNDROP to protect the rights to food and food sovereignty. They should, inter alia, raise awareness, produce manuals and organize training about the rights to food and food sovereignty.
- Civil society organizations and lawyers should support peasants and other people working in rural areas who are victims of human rights violations, including by using the possibilities that national, regional and international human rights mechanisms offer in terms of monitoring, accountability and remedy. Among other activities, they should send information to these mechanisms, and support victims' claims based on the rights to food and food sovereignty.

SELECTED REFERENCES ON THE RIGHTS TO FOOD AND FOOD SOVEREIGNTY IN UNDROP

UNDROP

[CEDAW - General Recommendation No. 34 on the Rights of Rural Women](#)

[UN Special Rapporteur on the right to food](#)

[UN Special Procedures and Treaty Bodies - Statement on the need to take steps to implement UNDROP](#)

[UN Special Procedures – Statement on the need for action on UNDROP](#)

[FAO - Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security](#)

[IPES-Food and ETC Group - A Long Food Movement: Transforming Food Systems by 2045](#)

[CETIM - The Right to Food and to Food Sovereignty](#)

[FIAN International - Cooking Up Political Agendas. A Feminist Guide on the Right to Food and Nutrition for Women in Rural Areas](#)

[FIAN International - Right to Adequate Food and Nutrition, and to Food Sovereignty](#)

[Global Network for the Right to Food and Nutrition](#)

[Right to Food and Nutrition Watch](#)

[International Planning Committee of Food Sovereignty](#)

[Nyéléni - Declaration of the Forum for Food Sovereignty](#)

[Nyéléni - Food Sovereignty in a Time of Pandemic](#)

[La Via Campesina - Food Sovereignty: 25 Years in the Making](#)

[ECVC - Food Sovereignty Now! A Guide to Food Sovereignty](#)

[P. Claeys work on human rights and food sovereignty](#)

[C. Golay - The Rights to Food and Food Sovereignty in the UNDROP \(full study\)](#)

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SUPPORTING THE IMPLEMENTATION OF UNDROP

In 2018, the UN Human Rights Council and General Assembly adopted UNDROP. After having provided academic support to UNDROP's negotiation for ten years, the Geneva Academy project on the rights of peasants promotes UNDROP's implementation through publications, conferences, expert seminars and training courses, with a focus on the rights to food, food sovereignty, land and seeds.

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