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**FAO’s Comments on the March 2016 Draft Declaration on the Rights of Peasants and Other People Working in Rural Areas**

**17 May 2016**

The comments of FAO to the draft Declaration on the Rights of Peasants and other People Working in Rural Areas are provided specifically to the paragraphs/articles of the instrument identified. The provision of comments on some articles and not on others does not imply FAO’s agreement or opposition to the contents or the international legal implications of the Declaration, including those paragraphs on which no views are expressed.

1. **Suggested amendments**

**PREAMBLE**

In the preamble, paragraph 2, FAO would like to suggest a change in the language to better and more accurately reflect the positive links between peasants and biodiversity. Improving biodiversity is a broader statement which, in many cases, would not apply to peasants. Sustainable use is, on the contrary, a positive element of the relation of these communities with their environment that needs to be highlighted and better reflected in the declaration. (NB The “improvement” referred to in Article 22: Right to seeds, or Article 23 which refers to “agricultural biodiversity” are correct and should not be confused with this, which only refers to “biodiversity”.)

Suggested new text underlined and highlighted in yellow:

*Recognizing* the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to conserving, managing, ~~improving~~ sustainably using biodiversity and to ensuring food sovereignty, which are fundamental to attaining internationally agreed development goals,

The above paragraph may also refer more clearly to the Sustainable Development Goals (SDGs)

In relation to the ability of peasants to “make their voices heard”, it should be noted that this does not only apply to small-scale fishers. FAO would suggest adopting a more comprehensive language that involve all small-scale users of natural resources.

*Stressing* that several factors make it difficult for artisanal and small-scale farmers, pastoralists, foresters, fishers and fish workers to make their voices heard, defend their human rights and tenure rights, and secure the sustainable use and management of the ~~fishery~~ natural resources on which they depend,

Considering the thematic relevance of the declaration and the language it adopts, FAO recommends that the following new paragraph be included as paragraph 14 (after the one referring to ILO instruments):

* *Recalling also* that the tenure rights, access to natural resources and a number of other rights of peasants are protected by the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, the International Treaty on Plant Genetic Resources for Food and Agriculture, the Principles for Responsible Investment in Agriculture and Food Systems, and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

While the draft Declaration is generally aligned with the importance of promoting decent work in rural areas with pertinent several substantive provisions (arts 11, 15, 16, 18 and 28), it has not duly coveredthe issue of youth in agricultural and rural employment. To fill this gap, FAO would like to propose the inclusion of the following paragraph in the **preamble**, after the one on labor protection gaps and decent work deficits

* *Deeply concerned* about farmers ageing around the world and youth increasingly turning their backs on agriculture due to lack of incentives and drudgery of rural life, and r*ecognizing* the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for the rural youth

FAO would also strongly suggest the inclusion of a dedicated article on rural youth rights and the rejuvenation of the agricultural sector. See section below “ Additional article”.

**ARTICLE 1**

FAO recommends that the declaration be applicable also to the aquaculture sector. Paragraph 2 should therefore be modified as:

2. The present declaration applies to any person engaged in artisanal or small-scale agriculture, the raising of livestock, pastoralism, fishing, aquaculture, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area.

**ARTICLE 5**

In article 5, paragraph 1, FAO would like to suggest:

[…] They shall have the authority to manage and control their natural resources and to enjoy the benefits of their ~~development and~~ conservation, sustainable use and management.

**ARTICLE 13**

Paragraph 1 could expressly include/emphasize the rights to data, Information and Knowledge

**ARTICLE 22:**

1. Peasants of all regions of the world, particularly those in centers of origin and diversity, have made, and will continue to make, enormous contributions to the conservation and development of plant genetic resources, which constitute the basis of food and agricultural production throughout the world.

3. Peasants and other people working in rural areas have the~~a~~ right to save, store, ….

4. States should take measures to respect, protect and promote traditional knowledge, innovations and practices relevant to plant genetic resources.

8. Peasants and other people working in rural areas have the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources.

9. States should take measures supporting the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops, and create strong links to participatory plant breeding to reduce the erosion of plant genetic resources and promote increased food production compatible with sustainable development.

10. States should adopt measures expanding the use of local and locally adapted crops, varieties and underutilized species, with the participation of peasants and other people working in rural areas.

**ARTICLE 30**

Following up on the importance of relating the Declaration to SDGs, FAO proposes the following addition to article 30, paragraph 1:

“The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations shall contribute to the full realization of the provisions of the present declaration, including through the mobilization of development assistance and cooperation, strengthening collaboration on reporting on relevant SDGs indicators, supporting countries to develop the capacity of statistical systems, and ensuring meaningful disaggregation of data.”

1. **ADDITIONAL ARTICLE**

FAO suggests the inclusion of a dedicated article on rural youth. This new article could read as follows:

***Part II – Substantive Rights***

***ARTICLE 7 – RURAL YOUTH’S RIGHTS AND THE REJUVENATION OF THE AGRICULTURAL SECTOR***

1. States shall take into account the particular problems faced by peasant youth and other youth working in rural areas and the significant roles which they play and will increasingly play in the future towards the sustainability of food systems and the economic survival of their families, communities, regions, and nation states, and shall take all appropriate measures to ensure the application of the provisions of the present Declaration to the youth.

2. In particular, States shall ensure to the youth the right:

a. to participate in the decision-making processes around, and the elaboration and implementation of development planning at all levels;

b. to access decent and productive employment and income-generating activities, both farm and non-farm, particular attention being given to the right to protection of health and safety at work, especially for youth in the age group 15-17 to protect them from falling into hazardous child labour.

c. to receive relevant types of training and education and mentorship services, formal and non-formal, including those relating to functional literacy, in order to increase their life skills, technical proficiency and entrepreneurial capacities;

d. to organise self-help groups and co-operatives and join existing cooperatives and organizations in order to obtain equal access to economic opportunities through wage employment or self-employment;

e. to access innovations and new technologies, combined with traditional knowledge, to attract and enable youth to be drivers of improvement in agriculture and food systems.

f. to participate in all community activities;

g. to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in access to and resettlement schemes regarding land and other natural and productive resources.