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Do smallholders need rights of their own  
– and if so, which ones?

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# The Current Column

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## Do smallholders need rights of their own – and if so, which ones?

Bonn, 12 June 2017. Do farmers have and/or need different rights to other people? Since October 2012 this question has been addressed by an open working group of the United Nations Human Rights Council. In mid May the group met in Geneva for the fourth time, with the goal of drafting a text.

Why should there be a declaration of human rights specifically for farmers? Are human rights not universal, non-discriminatory and indivisible? The fact is that for a long time now there have been specific versions of the universal rights for various, mostly vulnerable groups such as women, children, ethnic minorities, indigenous groups or workers. The current focus of the Human Rights Council on farmers is against the background of 80 % of those going hungry living in rural regions, with 50% of these smallholders. They are highly dependent on natural resources, land and soil, water and biodiversity. Ownership of or access to these resources is often rooted in local traditions and impartially or even unfairly regulated by modern constitutional law. State institutions are frequently in conflict with traditional ones. In many countries around the world there is justified doubt that the central government is acting in the best interests of its rural population. Consequently, the rationale that farmers are especially weak and dependent upon special rights, and that both farmers and laws require special protection and assistance is both reasonable and worthy of support.

What is contained in the draft text? Firstly, a definition of the holders of the rights: primarily, this concerns peasants. The term peasant is essentially drawn purely from their activity in agriculture, i.e. in the sense of farmers. However, in the further course of the text it becomes apparent that social elements, affinity to the land and traditional lifestyle form a key basis for argumentation. Noteworthy here is that in addition to farmers and similar groups such as fishermen and herdsman, landless people, plantation workers and other groups working and living on the land are also included. Although this is justifiable, as these groups are often the most severely disadvantaged, this expansion results in considerable inconsistencies when it comes to specific claims.

A number of general articles are followed by a long list of rights in various fields: legal, social, political, economic, ecological. These are compiled from diverse human rights documents. Many are therefore essentially already recognised, in particular those from the underlying human rights agreements. Many others are assumed and generalised from special agreements or assessments. This results in problematic demands in

some areas. Two examples: a right to food sovereignty is posited, not just at national level, but also at the level of local communities, which derive from this the right to their own agrarian systems, and even the rights of the individual land dwellers to produce an adequate amount of food for themselves. One risk inherent in this is the fragmentation of national markets. Another danger results from the right to land of all rural dwellers. In principle, this is equal to a claim to the land of other rural inhabitants. The possibility (may consider) of land reform becomes a commitment (shall carry out). Conflicts are inevitable, with these not always constructive, especially in view of the fact that in many regions of the world there are no large-scale landowners that can "deliver" the land. In the draft text the internationally-recognised farmers' privilege for agricultural plants - and, where applicable, seed - to be utilised, exchanged and sold in the scope of laws becomes the unrestricted right of farmers to retain, control, protect and develop seed and genetic resources without limitation. If access to genetic resources for modern plant cultivation becomes dependent on individual groups of rural dwellers, in some cases this can constitute a significant obstacle to an extremely important element of global food security, particularly in the era of climate change.

The author of this column is no human rights specialist and far from capable of fully acknowledging and classifying all of the rights proposed within the 30-page draft text. For example, it deals with the right to sovereignty over natural resources; the right to information in the agricultural markets affecting the farmers; the right to impact studies for all use of farming resources; the right not to be exposed to agrochemicals; the right of access to markets and fair prices that guarantee an adequate income; and so on. Many of these rights would only be of use when taken collectively. It is therefore difficult to avoid the impression that for many problems a legal approach is only of limited suitability when deriving meaningful, realistic, realisable and consistent measures. Instead of primarily promoting the justified interests and rights of the disadvantaged groups in a targeted manner, many new problems will be created. The international community should think carefully about whether to lend its weight to this all-encompassing list of demands. Sometimes less is more. The upgrading of existing, informal rights to resources is right, but not the extension to all rural residents and the strive for completely new types of rights. It is all the more important to achieve the active support of rural areas and their people to ensure that they can benefit from progress in the same way as urban dwellers.