

Oral statement of FIAN International during the fourth session of the inter-governmental working group for a UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.

Comments on Article 2

May 2017

FIAN International would like to take this opportunity to emphasize two fundamental components of Article 2 of the draft Declaration and also reply here to some comments made by delegations.

First, States' extraterritorial obligations to respect, protect and fulfill the rights of peasants and other people working in rural areas are crucial in today's highly globalized world, where we witness how the decisions and actions taken in one State can impact the human rights of peasants in other States. Climate change, land grabs, practices towards the privatization of seeds or other activities by transnational corporations are examples of why States' human rights obligations cannot be restricted to their own territory. A study commanded by the European Parliament's Subcommittee on Human Rights on the Involvement of European Corporate and Financial Entities in Land Grabbing outside the European Union provides further evidence on the importance of extraterritorial obligations.

The recognition of States' extraterritorial human rights obligations in article 2 of the draft is not a novel obligation, but corresponds to the current state of international human rights law, most notably to the abundant jurisprudence of the Treaty Bodies and Special Procedures on this matter. To quote just a few, there is the Committee on Economic, Social and Cultural Rights General Comment no. 15, the Committee on the Rights of the Child's General Comment no. 16, the Committee on the Elimination of Discrimination against Women's General Recommendation no. 34 and the Guiding Principles on Extreme Poverty and Human Rights adopted by this very Council.

The second important component of States' obligations we want to emphasize is the obligation to obtain the free, prior and informed consent (FPIC) of peasants and other people working in rural areas for decisions which affect their human rights. The current surge in investments and large scale acquisitions of natural resources demonstrates how vital it is to ensure that peasants and other peoples working in rural areas whose livelihood, human rights and dignity depend upon these resources, be involved in decisions which affect these.

It is important to reiterate that this restates provisions already recognized in different international law instruments, such as the UN Declaration on the Rights of Indigenous Peoples and the ILO's Indigenous and Tribal Peoples Convention 169. Although FPIC was originally designed for indigenous peoples, the draft Declaration extends it rightly so to peasants and other people working in rural areas, and to reply here to the concerns raised, this is, once again, in line with the current state of international law such as CEDAW's General Recommendation no. 34 and environmental law sources like the Convention on Biological Diversity which extends FPIC I quote to other communities. FPIC should be understood, and has been understood by Treaty bodies as enabling the realization of the right to self-determination. Furthermore, international legal principles of good faith and pro homine would not allow for this Declaration to diminish or extinguish already recognized human rights, including indigenous peoples rights.

Disregarding States' extraterritorial obligations as well as the application of FPIC to peasants and other people working in rural areas would represent a retrogression of existing international standards and we kindly invite all delegations in particular those having expressed concern on these issues to

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read the briefing notes we have prepared on the topic which includes a more comprehensive compilation of legal sources. Thank you.