

GUIDE

INTERNATIONAL AND
REGIONAL INSTRUMENTS TO
DEFEND AND PROMOTE THE
INTERESTS AND RIGHTS OF
FAMILY FARMERS

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Decade of
**FAMILY
FARMING**
2019-2028

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Background

The World Civil Society Organizations Coordination Committee of the United Nations Decade of Family Farming proposed the need to produce a guide that summarizes the different international and regional legal frameworks and instruments that play a role in supporting and defending family farming, with a description of how this support is being put into practice. The World Rural Forum decided to commission the elaboration of the study to the Geneva Academy of International Humanitarian Law and Human Rights. The study was conducted by Dr. Christophe Golay. This study was supported by the International Land Coalition in the framework of the Global Commitment Based Initiative on Family Farming (CBI).

Introduction

In 2017, the United Nations (UN) decided to enhance and strengthen family farmers, by declaring the UN Decade of Family Farming (UNDFF) 2019-2028. The UNDFF puts family farmers and all family-based production models at the centre of interventions for a period of ten years, recognising its potential to support the achievement of the SDGs.

Family farming is the predominant form of food production, accounting for more than 80% of food production in the world.

In 2018, the UN adopted the UN Declaration on the rights of peasants and other people working in rural areas (UNDROP), to protect the rights of some of the most marginalised people, who together represent around two billion people in the world: peasants, landless people, people living from traditional fishing, herding, and hunting activities, and rural workers.

Categories overlap, as family farmers include peasants, indigenous peoples, traditional communities, fisher folk, mountain farmers, forest users and pastoralists. What is clear, is that family farming and peasant agriculture are the predominant forms of food and agricultural production in both developed and developing countries. All together, they produce over 80 percent of the world's food in value terms.

Ironically, peasants and family farmers also represent 70% of those living in extreme poverty and 80% of the world's hungry. It is therefore urgent

to improve their protection.

This guide aims to support family farmers, by providing an overview of international and regional instruments that can be used to protect their interests and rights.

This guide aims to support family farmers, by providing an overview of international and regional instruments that can be used to protect their interests and rights. It starts with the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (1), followed by the UNDFF (2). It then presents international and regional human rights instruments (3), the Convention on Biological Diversity and its Protocols (4), UN Food and Agriculture Organization (FAO) instruments (6), and UN Committee on World Food Security instruments (7).



2030 Agenda for sustainable development – Sustainable Development Goals (2015-2030)

SDGs that aim to protect people are particularly important for family farmers.

End **poverty** and **hunger**, in all their forms and dimensions, and ensure that **all human** beings can fulfil their potential in **dignity** and **equality** and in a **healthy environment**.

SDG 2

Eradicate hunger, achieve food security, improve nutrition and promote sustainable agriculture.

SDG 5

Achieve gender equality and empower all women and girls.

SDG 10

Reduce inequality within and among countries.

SDG 15

Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and biodiversity loss.

SDG 17

Strengthen implementation means and revitalize global partnership for sustainable development.

In September 2015, 170 world leaders adopted the 2030 Agenda for Sustainable Development. The 2030 Agenda covers a broad set of 17 Sustainable Development Goals (SDGs) and 169 targets to be achieved by 2030. SDGs can be grouped under five themes: protecting people, the planet, prosperity, peace, and promoting partnership to achieve these.

End poverty and hunger, in all their forms and dimensions, and ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment.

SDGs that aim to protect people – through which states committed ‘to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment’ – are particularly important for family farmers.

A key SDG, SDG 2 aims to eradicate hunger, achieve food security, improve nutrition and promote sustainable agriculture. SDG 2-related targets include ending hunger and malnutrition and ensuring access for all to safe, nutritious and sufficient food. Other SDG 2-related targets aim at improving agricultural productivity and incomes of rural women, indigenous peoples, family farmers, pastoralists and fishers, providing them with access to land and other natural resources and ensuring sustainable and resilient food production.

The SDGs’ objectives to leave no one behind and to achieve gender equality are also important

for family farmers. Two SDGs are specifically designed to combat formal and substantive inequality and discrimination – SDGs 5 aims at achieving gender equality and empowering all women and girls; and SDG 10 aims at reducing inequality within and among countries – and many other SDGs and related targets also aim at making sure that the needs of the most vulnerable, including rural women and girls, are targeted and fulfilled.

Two other SDGs are particularly important for family farmers. SDG 15 aims to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and biodiversity loss; and SDG 17 aims to strengthen implementation means and revitalize global partnerships for sustainable development.



A stylized, light blue graphic of a leafy branch, possibly an olive branch, extending from the bottom left towards the top right of the page. It has a main stem with several smaller branches, each bearing small, pointed leaves.

UN Decade of Family Farming (2019-2028)

UNDEF

The Global Action Plan

Develop
an enabling policy
environment to
strengthen family
farming.

1

Support
youth and ensure
the generational
sustainability of family
farming.

2

Promote
gender equity in
family farming and the
leadership role of rural
women.

3

Improve
socio-economic
inclusion, resilience and
well-being of family farmers,
rural households and
communities.

5

Strengthen
family farmers'
organizations and capacities
to generate knowledge,
represent farmers and
provide inclusive services
in the urban-rural
continuum.

4

Strengthen the
multi-dimensionality
of family farming to
promote social innovations
contributing to territorial
development and food systems
that safeguard biodiversity,
environment and culture.

7

Promote
sustainability
of family farming for
climate-resilient food
systems.

6

In 2017, the UN General Assembly unanimously proclaimed the UN Decade of Family Farming (UNDFF) 2019-2028, following a campaign led by the Government of Costa Rica and the World Rural Forum, supported by the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and a range of other partners. The UNDFF serves as a framework for countries to develop public policies and investments to support family farming, and contribute to the achievement of the SDGs.

The UNDFF serves as a framework for countries to develop public policies and investments to support family farming, and contribute to the achievement of the SDGs.

The UN resolution proclaiming the UNDFF, among other aspects, stressed the importance of reviewing agricultural policies and strategies to ensure that the critical role of women in food security and nutrition is recognized; underlined the role of family farming to ensure productive employment and contribute to combating climate change; and encouraged all States to develop, improve and implement public policies on family farming and share their experiences and best practices of family farming with other States.

Family farming is defined as a means of organizing agricultural, forestry, fisheries, pastoral and aquaculture production that is managed and operated by a family, and is predominantly

reliant on the family labour of both women and men. The family and the farm are linked, co-evolve and combine economic, environmental, social and cultural functions. Family farming is the predominant form of food and agricultural production in both developed and developing countries.

States are urged to develop, improve and implement public policies on family farming, as well as to share with other States their best practices and experiences in the field of family farming.

Family farmers include peasants, indigenous peoples, traditional communities, fisher folk, mountain farmers, forest users and pastoralists. They produce over 80 percent of the world's food in value terms and are described in the UNDIFF as key agents of development strategies.

The Global Action Plan of the UNDIFF aims to support States to put family farming at the centre of interventions for a period of ten years, to contribute to a world free of hunger and poverty, in which natural resources are managed sustainably, and to leave no one behind.

The Global Plan of Action for the Decade aims to support States to put family farming at the center of their interventions over a period of ten years.

The Global Action Plan of the UNDFF describes interconnected actions around 7 pillars, which aim to (1) develop an enabling policy environment to strengthen family farming; (2) support youth and ensure the generational sustainability of family farming; (3) promote gender equity in family farming and the leadership role of rural women; (4) strengthen family farmers' organizations and capacities to generate knowledge, represent farmers and provide inclusive services in the urban-rural continuum; (5) improve socio-economic inclusion, resilience and well-being of family farmers, rural households and communities; 6) promote sustainability of family farming for climate-resilient food systems; and (7) strengthen the multi-dimensionality of family farming to promote social innovations contributing to territorial development and food systems that safeguard biodiversity, environment and culture.

The Global Action Plan promotes multi-actor collaboration and national, holistic and contextualized National Action Plans of the UNDFF.





Turkey, Europe
Mustafa Ergun

A stylized, abstract illustration of a plant with long, slender leaves and a central stalk, rendered in shades of orange and yellow against a light pink background. The plant is positioned centrally, with its leaves extending towards the top and sides of the frame.

International and regional human rights instruments

**Universal
Declaration of
Human Rights**
(UDHR)

**International
Covenant on
Economic, Social
and Cultural Rights**
(ICESCR)

**International
Covenant on Civil and
Political Rights**
(ICCPR)

**International
Convention on the
Elimination of All
Forms of Racial
Discrimination**
(CERD)

**Convention on the
Elimination of All Forms
of Discrimination
Against Women**
(CEDAW)

**Convention on the
Rights of the Child**
(CRC)

**UN Declaration
on the Rights of
Indigenous Peoples**
(UNDRIP)

**UN Declaration on the
Rights of Peasants
and Other People
Working in Rural Areas**
(UNDROP)

**African Human
Rights Instruments**

**Inter-American Human
Rights Instruments**

**European Human
Rights Instruments**

States adopted a number of international and regional instruments between 1948 and 2018. In this part, we will focus on the most important ones for family farmers.

Universal Declaration of Human Rights (UDHR)

Among the rights related to family agricultural production, it is worth highlighting those related to food, health and social security.

The Universal Declaration of Human Rights (UDHR) was adopted in 1948. In the UDHR, UN Member States proclaimed civil and political rights (CPR) as well as economic, social and cultural rights (ESCR). Among the rights that are particularly important for family farmers, one can mention the rights to food, health and social security enshrined in UDHR's articles 21 and 25.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The Pact establishes the obligation of States to protect the population in the most vulnerable situation, providing them with access to the necessary resources for a decent diet.

The International Covenant on Economic,

Social and Cultural Rights (ICESCR) was adopted in 1966, and it has more than 170 States Parties. The ICESCR protects the rights to social security (article 9), food (article 11) and health (article 12), among other ESCR. The right to food in ICESCR is composed of the right to adequate food (article 11.1) and of the fundamental right to be free from hunger (article 11.2). It has been interpreted by the UN Committee on ESCR, in charge of supervising the ICESCR, as the right to food that is available, adequate and accessible to all. Correlative obligations include the need for States to take steps to protect the most vulnerable people, including family farmers, and to provide them with access to the natural resources that they need to feed themselves and their family in dignity.

International Covenant on Civil and Political Rights (ICCPR)

The United Nations Committee has interpreted the Pact to protect the right to food and land of people engaged in family farming.

The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1966, and it has more than 170 States Parties. The ICCPR protects important rights for family farmers, such as the right to life and physical security (articles 6, 7), freedom of movement (article 12), access to justice (article 14), the right to privacy, family and home (article 17), freedoms of expression, assembly and association (articles 19, 21, 22), the rights of

minorities to their own culture (article 27) and the right to non-discrimination (article 26). The UN Human Rights Committee, in charge of monitoring the ICCPR, has recently interpreted some of these rights to protect the rights to food and to land of family farmers.

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

States Parties shall fight discrimination in the access to food and land by vulnerable persons and groups, which include family farmers.

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) was adopted in 1965. It has more than 180 States Parties, which have committed to prohibiting and eliminating racial discrimination in all its forms and guaranteeing every person's right to equality before the law, without distinction of race, colour or ethnic or national origin, in particular in the enjoyment of ESCR (article 5). Important rights for family farmers that are mentioned explicitly in CERD's article 5 include the rights to a just and favourable remuneration, to social security and social services, and to own property alone or in association with others.

The Committee for the Elimination of Racial Discrimination, in charge of monitoring CERD, noted that on the basis of CERD's article 5, States Parties shall fight discrimination in access to food and land

by vulnerable persons and groups, which include family farmers.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)



*Mexico, North and
Central America
Alain Soloro*

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted in 1979, and it has 189 States Parties. Its article 14 is particularly important for women family farmers.

CEDAW's article 14 provides that States Parties to CEDAW shall take into account the particular problems faced by rural women and the significant roles that rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and that they shall eliminate all forms of discrimination against women in rural areas. It provides that States Parties shall ensure the equal rights of rural women to participate in development planning; to adequate

health services; to social security; to training and education; to organize self-help groups and co-operatives; to agricultural credit and loans, marketing facilities and appropriate technology; to equal treatment in land and agrarian reform as well as in land resettlement schemes; and to adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Rural women are critical to achieving food security, reducing poverty, malnutrition and hunger, and in promoting rural development.

The UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee), in charge of monitoring CEDAW, underlined that ‘rural women are critical to achieving food security, reducing poverty, malnutrition and hunger, and in promoting rural development’. It provided that States Parties to CEDAW should ensure rural women’s rights to food, nutrition and seeds, as well as their rights to manage and control natural resources, within the framework of food sovereignty, and in accordance with their right to equality in marriage and family relations.

Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) was adopted in 1989, and it has 196 States Parties. The CRC accords a central place to the

protection of the right to food of children, justified by the prevalence of malnutrition as the primary cause of infant mortality throughout the world.

Article 27 of the convention establishes that States Parties must take appropriate measures and must offer, when necessary, material assistance and support programs, especially with regard to food.

The CRC is based on the principle that States are not the sole guarantors of the fulfilment of the protected rights. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. To facilitate their task, CRC's article 27 provides that States Parties must adopt appropriate measures and must offer, if need be, material assistance and support programmes, especially regarding food.



*United States, North and
Central*
Jennifer Rowe

The CRC also aims at fighting child labour, which for 71% – 108 million children – takes place in agriculture. CRC's article 32 recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with child's education, or to be harmful to child's health or development.

UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

The Declaration contains important rights for indigenous peoples' family farmers.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted in 2007, after 25 years of mobilisation by indigenous peoples' organizations and their supporters, and 11 years of negotiations at the UN Human Rights Council and General Assembly.

UNDRIP enshrines several rights that are important for indigenous family farmers, such as the rights of indigenous peoples to their lands, territories and resources (articles 10, 25 to 32), their right to development (article 23), their right to the conservation and protection of the environment (article 29), their right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, and

knowledge of the properties of fauna and flora (article 31), and their right to have access to justice (article 40). UNDRIP's article 17.2 also protects indigenous children against child labour, and its article 39 provides that indigenous peoples have the right to have access to financial and technical assistance from states and through international cooperation, for the enjoyment of their rights.



Colombia, South America
Hernan Vanegas

UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)

The UN Declaration on the rights of peasants and other people working in rural areas (UNDROP) has been adopted in 2018, after almost 20 years of mobilization by La Via Campesina and its allies, and 6 years of negotiation at the UN Human Rights Council and General Assembly.

UNDROP expresses deep concern at the structural discrimination faced by peasants and other people working in rural areas, including

family farmers, who disproportionately suffer from, *inter alia*, poverty, hunger, and malnutrition, forced evictions and displacements, and criminalisation (Preamble and art. 3.3), and it recognises an important number of rights to overcome that situation.

The Declaration includes a series of important rights to overcome the situation of structural discrimination that affects the peasantry and other people who work in rural areas.

UNDROP' article 1 defines peasant as any person who engages or who seeks to engage, alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land. It also provides that UNDROP applies to any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area, as well as to dependent family members of peasants, indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless engaged in the above-mentioned activities. And it adds that it also applies to hired workers, including all migrant workers regardless

of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

India, Asia, Pacific and
Oceania
Binay Rungta



For family farmers, the most important rights enshrined in UNDROP include the rights to land and other natural resources (articles 5 and 17), to freedom of thought, conscience, religion, opinion, expression, and peaceful assembly (art. 8), to create and join organizations to defend their rights (art. 9), to participation and information (arts. 10 and 11), to access to justice (art. 12), to food and food sovereignty (article 15), to an adequate standard of living, including the right to sell products at prices that guarantee a decent income and livelihood (art. 16), to seeds and biological diversity (articles 19, 20), to water, including for irrigation, and to sanitation (art. 21), to social security (art. 22), to health (art. 23), to a safe, clean and healthy environment (art. 18), to housing (art. 24), to education and training (art. 25), as well as cultural rights (art. 26).

UNDROP's article 4 provides that states shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas, including women family farmers, to promote their empowerment, and to ensure that they enjoy without discrimination all the human rights and fundamental freedoms set out in the UNDROP. It is also important to mention that UNDROP's articles 13.2 and 13.6 aim at protecting children in agriculture from child labour.

African Human Rights Instruments

On the African continent, human rights are recognized in three instruments: the African Charter on Human and Peoples' Rights (ACHPR), the African Charter on the Rights and Welfare of the Child, and the Protocol to the ACHPR on the Rights of Women.

The African Charter on Human and Peoples' Rights recognizes important rights for farmers, including the right to health and a comprehensive and satisfactory environment that promotes development.

The ACHPR does not explicitly recognize the right to food, but it recognizes many other rights that are important for family farmers, including the rights to health and to a satisfactory and global environment that promotes development. It also enshrines the right of all peoples to the free use of their wealth and natural resources. The African Charter on the Rights and Welfare of the Child

requires States to ensure the provision of adequate nutrition and safe drinking water, and to combat disease and malnutrition within the framework of primary health care (article 14). The Protocol to the ACHPR on the Rights of Women protects women's right to food and their access to the productive resources and means required to realize this right. The Protocol also enshrines the right to health, which includes women's right to nutritional services during pregnancy and breastfeeding, as well as economic rights and the right to social protection.



Burkina Faso, Africa
Nabaloum Gaoussou

Inter-American Human Rights Instruments

On the American continent, three human rights instruments apply as well: the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights (ACHR), and the Additional Protocol to the ACHR in the Area of ESCR (San Salvador Protocol). The right to food is set forth in article XI of the Declaration, which protects the right of all people to health and welfare.

The ACHR does not include the right to food, but it enshrines other rights which are important for family farmers, including the right to life, the right to dignity, and the right to private property, the enjoyment of which may be subordinated under law to the social interest. The ACHR also recognizes the right of every child to protective measures by families, society, and the State.

The right to food, established in Article XI of the Declaration, protects people's rights to health and well-being.

The San Salvador Protocol explicitly protects the right to food. Its article 12 provides that everyone has the right to adequate nutrition which guarantees the possibility to enjoy the highest level of physical, emotional and intellectual development. Its articles 15 and 17 provide additional protection to the right to food of children and elderly persons.

European Human Rights Instruments

The Convention includes the right to equitable remuneration and social security, protection against poverty and social exclusion, and special protection for families, children and the elderly.

In Europe, the European Convention on Human Rights enshrines civil and political rights, some of which are important for family farmers. The other

key human rights instrument – the European Social Charter – includes a number of rights that are important for family farmers, such as the rights to equitable remuneration and to social security. It also provides for the right to protection against poverty and social exclusion. Finally, it includes special protections for families, children and teenagers, and elderly persons.





Guatemala, North and
Central America
Luis Estuardo Aguilar
Figueroa

The Convention on Biological Diversity and its protocols

*The CBD protects
important elements
of the right to seeds
of indigenous and
local communities,
including family
farmers.*

Approved in 1992 • 196 States Parties

The Convention on Biological Diversity (CBD) was adopted in 1992. Today, it has acquired almost universal acceptance, with 196 States Parties. The CBD protects important elements of the right to seeds of indigenous and local communities, including family farmers, through provisions aimed at ensuring the protection of indigenous and local communities' traditional knowledge and practices, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to these resources.

The Agreement contains provisions aimed at guaranteeing the protection of knowledge and traditional practices of indigenous and local communities.

The two Protocols to the CBD are also important for family farmers. In the Cartagena Protocol on Biosafety, adopted in 2000 and to which more than 170 States are parties, States have agreed to take measures to protect biological diversity and indigenous and local communities from the potential risks posed by genetically modified organisms (GMOs). In the Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing (Nagoya Protocol), adopted in 2010 and ratified by more than 110 States, States have further defined benefit-sharing obligations arising from the use of traditional knowledge associated with genetic resources, and from research and development on genetic resources

held by indigenous and local communities (article 5). They have also committed, ‘as far as possible, not to restrict the customary use and exchange of genetic resources and associated traditional knowledge within and amongst indigenous and local communities’ (article 12.4).



Uganda, Africa
Edward Echwalu

FAO instruments

The Plant Treaty establishes a multilateral system to facilitate access to seeds and planting material and to share their benefits in a fair and equitable way.

States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination

States should ensure that small-scale fishers, fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights.

Several FAO instruments are important for family farmers. In this guide, we will focus on the International Treaty on Plant Genetic Resources for Food and Agriculture (Plant Treaty), the Right to Food Guidelines and the Small-Scale Fisheries Guidelines.

Plant Treaty

The Plant Treaty establishes a multilateral system to facilitate access to seeds and planting material and to share their benefits in a fair and equitable way.

The most important international treaty for the protection of the right of family farmers to seeds is the Plant Treaty, adopted by consensus at FAO in 2001. It has more than 140 States Parties today. The Plant Treaty establishes a multilateral system to facilitate access to seeds and planting material and to share their benefits in a fair and equitable way. It complements the CBD and its provisions protecting farmers' rights, which aim at drawing attention to the unremunerated innovations of farmers which are the foundation of all modern plant breeding, have been described as vital to the preservation of agro-biodiversity.

In the Plant Treaty's Preamble, States affirmed that 'the rights recognized in this Treaty to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision-making regarding, and in fair and equitable sharing of the benefits arising from, the use of plant genetic resources for food and agriculture, are fundamental

for the realization of Farmers' Rights, as well as for the promotion of Farmers' Rights at national and international levels'.

In the Plant Treaty article 9, States recognized 'the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis for food and agriculture production throughout the world'. The same article requires States Parties to take measures to protect and promote farmers' rights, by: '(a) protecting traditional knowledge relevant to plant genetic resources for food and agriculture, and affirming (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture, and (c) the right to participate in making decisions, at national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture'.

Right to Food Guidelines

The Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (Right to Food Guidelines) were adopted by the FAO Council in 2004. These guidelines provide a practical tool to fight hunger with a rights-based approach. They are voluntary by nature, but they are based on binding international human rights instruments in which the right to food is enshrined.

The Right to Food Guidelines provide guidance

in several domains of States' activities, including democracy, good governance, human rights and the rule of law; economic development policies; market systems; access to resources and assets; food safety and consumer protection; nutrition; education and awareness raising; national financial resources; support to vulnerable groups; safety nets; international food aid; natural and human-made disasters; the role of national human rights institutions; and the international dimension of the right to food.

States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination.

The Right to Food Guideline 8 on access to resources and assets is particularly important for family farmers. It provides that 'States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination. Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists and indigenous people and their relation to natural resources. (...) States should also provide women with secure and equal access to, control over, and

benefits from productive resources, including credit, land, water and appropriate technologies’.

Small-Scale Fisheries Guidelines

To promote and protect the rights of small-scale fishers and fish workers, the FAO Committee on Fisheries adopted the Voluntary Guidelines for securing sustainable small-scale fisheries in the context of food security and poverty eradication (Small-Scale Fisheries Guidelines) in 2014. These guidelines recognize that several ‘factors make it difficult for small-scale fishers and fish workers to make their voices heard, defend their human rights and tenure rights, and secure the sustainable use of the fishery resources on which they depend’ (Preface), and that ‘[s]mall-scale fishing communities need to have secure tenure rights to the resources that form the basis for their social and cultural well-being, their livelihoods and their sustainable development’ (guideline 5.1).

States should ensure that small-scale fishers, fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights.

According to the Small-Scale Fisheries Guideline 5, States should ensure that small-scale fishers, fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights to fishery resources (marine and inland) and small-scale fishing areas and adjacent land, paying special attention to

women's tenure rights. They should also, prior to the implementation of large-scale development projects that might impact small-scale fishing communities, consider the social, economic and environmental impacts through impact studies, and hold effective and meaningful consultations with these communities, in accordance with national legislation. Where transboundary and other similar issues exist, e.g. shared waters and fishery resources, States should work together to ensure that the tenure rights of small-scale fishing communities that are granted are protected.



Hunan Province, China
yue su · Unsplash

UN Committee on World Food Security instruments

PROMOTE SECURE
TENURE RIGHTS.

EQUITABLE
ACCESS TO LAND,
FISHERIES AND
FORESTS.

REDUCE POVERTY
AND REALIZE THE
RIGHT TO FOOD.

The UN Committee on World Food Security was established in response to the 2008 food crisis, with the aim of becoming the principal international and intergovernmental platform on food security. The UN Committee on World Food Security comprises all States and allows for the participation of UN agencies, international and regional financial institutions, civil society organizations, the private sector and international agricultural research institutions. It also includes a High-Level Panel of Experts.

The UN Committee on World Food Security adopted a number of international instruments in the last decade, including the Principles for Responsible Investment in Agriculture and Food Systems in 2014, and the Voluntary Guidelines on Food Systems and Nutrition in 2021. In the coming years, it might produce additional guidance on other important issues for family farmers, including agroecological and other innovative approaches, gender equality and women's and girl's empowerment, and youth engagement and employment in agriculture and food systems. In this last part of the guide, we will focus on the Governance of Tenure Guidelines adopted in 2012.

Governance of Tenure Guidelines

In 2012, the UN Committee on World Food Security adopted the Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (Governance of Tenure Guidelines). The main objective of these guidelines is to promote secure tenure rights and equitable access to land, fisheries and forests in order to reduce poverty and realize

the right to food. Two central elements of these guidelines are the need to identify, record and respect legitimate tenure rights, whether formally recorded or not, and to protect tenure rights holders against forced evictions (guideline 3.1). Special protection should be accorded to smallholders and to indigenous peoples and other communities with customary tenure systems (guideline 7.3). These guidelines also provide that publicly-owned lands, fisheries and forests that are collectively used and managed (such as communal land and ‘commons’), including the resources themselves and their related systems of collective use and management, should be recognized and protected (guideline 8.3).

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With respect to investment in agriculture, the Governance of Tenure Guidelines recommend that States take steps to protect legitimate tenure rights, human rights, livelihoods, food security, and the environment (guideline 12.6). They affirm that redistributive reforms can facilitate broad and equitable access to land and inclusive rural development (guideline 15.1), and that States should cooperate in resolving transboundary issues, including by protecting rangelands, the seasonal migration routes of pastoralists, and the fishing grounds of small-scale fishers when these lie across international boundaries (guidelines 22.1 and 22.2).



Indonesia, Asia, Pacific
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Conclusion






From 1948 onwards, several international and regional instruments have been adopted to promote sustainable development, protect human rights, biological diversity, food security and small-scale fisheries, and to improve the governance of tenure of land, fisheries and forests.

We have described these instruments in this guide, hoping that they can offer a good basis to better protect and promote the interests and rights of family farmers and peasants, who are the first providers of food in the world, and the guardians of agrobiodiversity, but at the same time the first to suffer from hunger and food insecurity.

These instruments recognize and protect, from different angles, family farmers and their vital role in addressing some of today's most important global challenges, including sustainable and resilient food systems, rural development, climate change, and women's empowerment. These instruments are interconnected and should be implemented in a mutually reinforcing manner.



Annex:
*List of international
and regional
instruments to
protect the interests
and rights
of family farmers*

Information about the world rural forum and the geneva academy

1. [World Rural Forum](#)
2. [Geneva Academy Project on the Rights of Peasants](#)
3. [Geneva Academy Project on Economic, Social and Cultural Rights and the Sustainable Development Goals](#)

Annex · List of international and regional instruments to protect family farmers' interests and rights (by chorological order)

1. [Universal Declaration of Human Rights, 1948](#)
2. [American Declaration of the Rights and Duties of Man, 1948](#)
3. [European Convention on Human Rights, 1950](#)
4. [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
5. [International Covenant on Economic, Social and Cultural Rights, 1966](#)
6. [International Covenant on Civil and Political Rights, 1966](#)
7. [American Convention on Human Rights, 1969](#)
8. [Convention on the Elimination of All Forms of Discrimination against Women, 1979](#)
9. [African Charter on Human and Peoples' Rights, 1981](#)
10. [Additional Protocol to the American Convention on Human Rights in the Area](#)

[of Economic, Social and Cultural Rights \(Protocol of San Salvador\), 1988](#)

11. [Convention on the Rights of the Child, 1989](#)
12. [African Charter on the Rights and Welfare of the Child, 1990](#)
13. [Convention on Biological Diversity, 1992](#)
14. [European Social Charter, 1996](#)
15. [Transforming our World: the 2030 Agenda for Sustainable Development, 2000](#)
16. [International Treaty on Plant Genetic Resources for Food and Agriculture, 2001](#)
17. [Protocol to the African Charter on Human and People's Rights on the Rights of Women, 2003](#)
18. [FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, 2004](#)
19. [UN Declaration on the Rights of Indigenous Peoples, 2007](#)
20. [Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010](#)
21. [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 2012](#)
22. [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, 2014](#)
23. [Principles for Responsible Investment in](#)

Agriculture and Food Systems, 2014

24. UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, 2018
25. UN Decade of Family Farming 2019-2028
26. Voluntary Guidelines on Food Systems and Nutrition, 2021