Since the adoption of the Universal Declaration of Human Rights in 1948, international and national laws have for decades recognized that there are universal rights held by all people that are inalienable, unconditional, interdependent and non-discriminatory.

This legal framework also provides for collective rights such as the rights of all peoples’ to determine their

own future; to own, manage and use their traditional lands and natural resources; and to participate in political and policy processes that affect their rights. (1)

UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE LIVING IN RURAL AREAS

The system of human rights protection that has developed has been enhanced in 2018 by the UN Declaration on the Rights of Peasants and Other People Living in Rural Areas (UNDROP) – an instrument to protect the rights of peasants and other people working in rural areas, some of the most discriminated against and marginalized people in the world. Read the UN Declaration in full here.

The UN Declaration on the Rights of Peasants and Other People Living in Rural Areas’—although it is not a binding instrument—explicitly states that :

‘Peasants and other people working in rural areas have the right to access and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions. ‘

They also have the right to participate in the management of these resources (UN Human Rights Council

Resolution 39/12 2018)’.

The declaration on the Rights of Peasants provides an extension to rights-based approaches to conservation. Wherein, local communities are recognized not merely as stakeholders whose rights need to be taken into account but as having a fundamental right to participate in decisions that affect them.

A universal principle that exists in rights-based approaches is the right to participate in decision making as a key process through which right holders can make effective claims to duty bearers such as the state and other actors.

At Resource Africa we are committed to ensuring that all the Southern African states of Angola, Botswana, Mozambique, Namibia, South Africa, Zambia and Zimbabwe take all necessary steps to implement UNDROP, with the full and meaningful participation of people living and working in rural areas. Recognizing that this sector of Africa’s population have historically been discriminated against, and that these rights exist, Resource Africa seeks to further empower strong and independent rural community organizations and to expand and enhance the capacity of people living in rural areas of Southern Africa to secure

1. <https://resourceafrica.net/contested-conservation-implications-for-rights-democratization-and-citizenship-in-southern-africa/>

7 | RESEARCH BRIEF | THE IMPLEMENTATION OF THE UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS

RECOMMENDATIONS

• States shall respect, protect and fulfil the rights of peasants and other people working in rural areas, and

shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full

realization of the rights set forth in the UNDROP that cannot be immediately guaranteed. They shall recognize

the importance of international cooperation in support of national efforts aimed at implementing the UNDROP.

• States and international and regional organizations shall disseminate the UNDROP and promote understanding

of and respect for its provisions. They shall provide or support technical training for government officials,

members of the legislative branch, judicial authorities, national human rights institutions, and international and

regional organizations, organizations of peasants and other people working in rural areas, non-governmental

organizations, and all other relevant actors.

• States, international and regional organizations shall ensure the full and meaningful participation of

peasants and other people working in rural areas in the implementation of the UNDROP, directly and/

or through their representative organizations including in decision-making processes that may affect

their lives, lands and livelihoods.

• States, international and regional organizations shall pay particular attention to the rights 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 and intersectional forms of

discrimination.

• 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 the UNDROP.

• States shall respect and support the establishment and growth of strong and independent organizations of

peasants and other people working in rural areas.

• States should integrate the whole UNDROP or specific rights that it enshrines in domestic law, by revising

their Constitutions or developing new domestic laws.

• States shall ensure the consistency of their national laws and policies, and international agreements and

standards to which they are parties with the UNDROP.

• States should establish national councils on the rights of peasants and other people working in rural areas,

with adequate representation of the different sectors of the government, and of organizations of peasants

and other people working in rural areas.

• States shall strengthen the role of national human rights institutions in promoting and protecting 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 of peasants and other people working in rural

areas.

• Domestic courts should protect the rights of peasants and other people working in rural areas, by directly

applying the UNDROP, or by using it to interpret rights recognized in domestic law or other international

instruments.

8 | RESEARCH BRIEF | THE IMPLEMENTATION OF THE UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS

• National human rights institutions should include the monitoring of the UNDROP in their work, incl

<https://www.geneva-academy.ch/>

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