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UN SPECIAL RAPPORTEUR REPORT ON FARMERS' RIGHT TO SEEDS

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The partners of the project Rights-based and Agroecological Initiatives for Sustainability and Equity in Peasant Communities (RAISE), supported by the Swiss Development Cooperation (SDC), welcome the [Report on Seeds, Right to Life and Farmers' Rights](#) presented today by the United Nations (UN) Special Rapporteur on the right to food, Michael Fakhri, to the UN Human Rights Council.

This report will be used in RAISE's activities, which aim at supporting the implementation of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) in 10 countries of the Global South, as well as through national, regional and international human rights mechanisms.

In his report, the UN Special Rapporteur starts from the premise that “seeds are life” and that seed systems are central to the full realization of the rights to life and food. He reminds us that people have had a domestic relationship with plants for 10'000 years, and that the peasants'/farmers' seed systems – defined by the long-standing continuous renewal of biodiversity and the free circulation of seeds and knowledge among peoples – are more resilient to climate change, pests and pathogens than commodity seed systems.

The UN Special Rapporteur explains that, “although the focus of the present report is plant seeds (and by extension, germ plasm), (...) animal husbandry, pastoralism, fishing and hunting are equally important for the realization of the rights to life and food. Indeed, pastoral, fishing and hunting practices are even older than agriculture and continue to define communities' culture and fundamental ecological relationships”.

Michael Fakhri underlines that the increased global rates of biodiversity loss and soil degradation and erosion are largely due to intensive models of agriculture. He denounces the fact that industrial agriculture has made farmers dependent on the expensive inputs provided by agrochemical companies, not to mention the detrimental impact of pesticides on the rights to life, health and food.

The UN Special Rapporteur criticizes the negative impact of intellectual property rights promoted by the World Trade Organization (WTO), the International Union for the Protection of New Varieties of Plants (UPOV) and many regional institutions on farmers' right to seeds and stresses the need for institutional mechanisms to protect human rights.

In this context, the recognition of farmers' and indigenous peoples' right to seeds in a number of international legal instruments is essential for the protection of the livelihood, and the very lives, of hundreds of millions of farmers, peasants and indigenous peoples. These instruments include the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). The Special Rapporteur also highlights the importance of the Committee on the Elimination of Discrimination against Women (CEDAW Committee)'s General Recommendation No. 34 and the Human Rights Committee's General Comment No. 36.

The UN Special Rapporteur concludes by reiterating that flourishing and resilient seed systems are key to the full realization of the rights to life and food, and deplores that the concentration of corporate power in food systems has made communities vulnerable to harm caused by ecological degradation and pesticides, with Global South communities disproportionately harmed, especially smallholder farmers, peasants, indigenous peoples, women, children and agricultural workers.

RECOMMENDATIONS

The UN Special Rapporteur makes key recommendations to address the issues raised in the report. Among them, the **Human Rights Council** should reaffirm that farmers', indigenous peoples' and workers' rights are human rights; recognize smallholder farmers, peasants and indigenous peoples as stewards of seed systems for all of humankind; and take note that intellectual property rights and commodity seed systems are often implemented in a way that threatens human rights.

The UN Special Rapporteur strongly encourages **UN Member States** to ensure that their national laws recognize farmers' rights as human rights and prioritize their full realization. This includes fulfilling farmers' and indigenous peoples' right to freely save, use, exchange and sell farm-saved seeds as an indivisible and fundamental right.

UN Member States should base their national seed systems on the ITPGRFA and on human rights law as articulated in instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), CEDAW, UNDRIP and UNDROP.

UN Member States should respect and support farmers' and indigenous peoples' right to participate in decision-making regarding all laws, policies and practices that address matters such as seed release, seed registration, seed commercialization laws, access and benefit-sharing laws, plant variety protection laws and trade laws at the national level. This includes providing farmers with an opportunity to jointly design mechanisms intended to respect, protect and fulfil farmers' rights.

UN Member States should protect farmers' and indigenous peoples' traditional knowledge against exploitation resulting from the application of intellectual property rights. They should not pressure other UN Member States to join the UPOV Convention in any way, including as part of bilateral or regional agreements. The UN Special Rapporteur urges UN Member States to remove such requirements from current agreements. He also invites the UPOV Council to develop mechanisms to ensure that the national implementation of the UPOV Convention does not restrict or violate human rights.

The UN Special Rapporteur strongly encourages **UN Member States** to cooperate in transitioning to agroecology and gradually phasing out pesticides, starting with the phasing out and banning of highly hazardous pesticides.

UN Member States should also ensure that human rights are at the core of all negotiations around global governance for digital sequence information and that farmers' rights are the basis for the design of any access and benefit-sharing mechanisms.

In addition, the UN Special Rapporteur urges the **FAO Council** to review the agreement with CropLife International with an eye to human rights concerns, and to consider directing the Director-General of FAO to rescind the agreement.

THE RAISE PROJECT

The UN Special Rapporteur's analysis and recommendations very much echo the positions and work of RAISE partners.

[The Geneva Academy](#) is engaged in a number of projects and activities on the right to food and the rights of peasants. These include activities at the [international level](#) and [regional level](#) to promote peasants' right to seeds enshrined in UNDROP as a human right that take precedence over intellectual property rights.

[SEARICE](#) is active in various regional and global platforms where it brings evidence-based discourses in support of the rights of smallholder farmers to seeds. Through empowering methodologies, SEARICE builds farmers' technical knowledge and skills, as well as their aptitude to claim their rights to seeds.

[DKA Austria](#) is the development agency of the Catholic Children's Movement in Austria. Regarding the right to food, DKA Austria is supporting peasants' and their communities in their transition towards agroecology and advocates for the implementation of UNDROP, for Children's environmental rights and binding commitments to human rights in supply chains.

[VSF-Suisse](#) is a Swiss NGO active in the livestock and livelihoods sector and is present in eight countries in East and West Africa. The Pastoralist Cluster with VSF-Suisse as a Cluster lead is closely collaborating with the Center for Minority Rights Development (CEMIRIDE) and Réseau Billital Maroobé (RBM), engaging for local livestock breeds as well as for local fodder use with the idea of conserving locally adapted varieties of fodder species in the ASALs. VSF-Suisse's "agrobiodiversity" project in Mali (SDC co-

funded) is such an example which aims at assessing the potential of locally adapted fodder production and reproduction for more inclusive livestock market systems (imported fodder species are often heavy in irrigation-needs).

[Rural Women's Assembly](#) (RWA) is a rural women's movement, anchored in ten countries in Southern Africa. Its more than 120'000 members are smallholders, producers, farm workers and fishers, including the most marginalised. It has a longstanding record of accomplishment in empowering its members to demand their rights and in advocacy work towards the Southern African Development Community (SADC), the African Union as well as UN human rights mechanisms.

[SOCLA](#) is a regional association of scholars that works in research and education, from a transdisciplinary perspective, in the productive, economic, social, ecological, cultural and political dimensions of agroecology. SOCLA ultimate purpose is promoting agroecology and its territorial scaling up/out through participatory action research, implementation of practical experiences, promotion of different forms of knowledge and the dialogue among them, as a strategy to achieve sustainable food systems in America Latina, prioritizing the values food sovereignty, restoration and health of ecosystems, conservation of biodiversity, and integral well-being.

[FASTENAKTION](#) is leading the RAISE consortium under the SDC funded project on human rights in food systems. Created in 1961 as Fastenopfer, Fastenaktion has been working with a human rights-based approach for many years. In recent years, it has been involved intensively in strengthening peasants' rights through engaging in international processes, working with partner organizations in the South, and raising awareness in Switzerland.