

Policy Brief

Policy Highlights

IMPLEMENT UNDROP USING A FEMINIST PERSPECTIVE:

governments, civil society and international organisations should ground the implementation of UNDROP in a progressive interpretation of international human rights law, drawing on recent guidance on gender equality from the UN Committee on the Elimination of Discrimination Against Women (CEDAW) and the Committee on World Food Security (CFS).

SECURE WOMEN'S RIGHT TO INHERIT LAND:

National governments, international organisations and civil society should prioritise equal inheritance rights for women in accordance with the CFS Voluntary Guidelines on the Governance of Land, Fisheries and Forests (VGGT).

TAKE INTERSECTIONALITY SERIOUSLY:

All actors involved in implementing UNDROP should develop approaches that account for the intersection of patriarchal oppression with race, social class, age, ability and sexual orientation.

LINK FOOD SOVEREIGNTY AND FEMINISM:

Civil society and social movements should work together to create more effective synergies between food sovereignty and feminist agendas, using participatory and gender transformative methodologies.

WOMEN ARE PEASANTS TOO: Gender equality and the UN Declaration on the Rights of Peasants

Food sovereignty cannot be achieved for all people unless structural inequalities in food systems are identified and redressed. Women within agrarian social movements have long campaigned for gender equality and women's rights to be fully integrated into policies and legal instruments designed to guarantee the rights to food, land, work and social security. The 2018 UN Declaration on the Rights of Peasants (UNDROP) is an important achievement for rural people as it explicitly recognises the human rights to land, seeds and food sovereignty. However, it fails to directly include key gender equality provisions, such as women's right to inherit land. This brief discusses the various pressures that led to agrarian women's demands being excluded from the final version of the declaration. It recommends steps that governments, civil society and international organisations can take to ensure that UNDROP is implemented in a way that promotes gender equality and women's rights effectively.

UNDROP is a landmark in the acknowledgement of the peasantry as political and legal subjects. Agrarian movements such as La Via Campesina (LVC) celebrated its recognition of the rights to land, seeds and food sovereignty. The participatory process that led to the creation of UNDROP has also been lauded, with peasants playing a protagonist role in the formulation of these new human rights (Claeys 2015).

Despite these achievements, UNDROP fails to recognise several crucial issues for women and gender equality:

- women's equal rights to inherit land and equal tenure rights in agrarian reform processes, including through the redistribution or allocation of communal land;
- women's rights to equality in marriage and in family relations; and women's sexual and reproductive health and rights;
- the disproportionate burden of unpaid reproductive and agricultural labour performed by women;
- the use of gender identity as well as sexual orientation as grounds for discrimination;
- patriarchy as a source of violence and structural oppression against women and nature.

The failure of UNDROP to directly address these issues robs the declaration of much of its political power. However, UNDROP reasserts the need to ensure women's substantive equality as enunciated in the UN International Covenant on the Elimination of all forms of Discrimination Against Women (ICEDAW), and can be interpreted progressively.

Two years after the adoption of UNDROP and as civil society advocates for its implementation by governments and other duty bearers, this brief aims to explain why the text of UNDROP fails to adequately reflect the feminist claims that women within LVC put forward for inclusion. It does so by analysing three pressure points in the process which led to their claims being diluted (see Diagram 1 below). It aims to advance women's rights by pointing to concrete ways in which social movements, governments and international organisations can push for a progressive interpretation of the rights contained in UNDROP, using intersectional and feminist approaches.

Pressure point 1 – Feminist claims are missing from earlier LVC draft declarations

In the early 1990s, women within La Via Campesina, particularly in Latin America, began highlighting the gender aspects of food sovereignty, and the need to redress structural discrimination against women (Desmarais, 2003). They demanded

Intersectionality: Discrimination can affect all aspects of social and political identities (gender, race, class, sexuality, disability, age, etc.) and the way these overlap (or “intersect”). Applying an intersectional approach means assessing how multiple forms of oppression come together to create new types of discrimination and inequality.

Feminism(s): A range of social and political movements and ideologies that share a common goal: to expose and redress sociopolitical power hierarchies and privilege revealed in patriarchal gender relations but extending to and influenced by other power factors such as class, post/neo-colonial relationships, ethnicity, and religion. There are numerous feminisms, with different viewpoints and aims.

Gender justice/equality: Movement demanding equal ease of access to resources and opportunities regardless of gender, including economic participation and decision making; and valuing different behaviours, aspirations and needs equally, regardless of gender.

Gender sensitive/transformational: An approach that actively examines, questions and changes rigid gender norms and imbalances of power.

LGBTIQ+: Umbrella term to discuss issues relating to sexuality and gender identity. The acronym stands for Lesbian, Gay, Bisexual, and Transgender, with recent addition of Intersex, Queer and + to encompass spectrums of sexuality and gender.

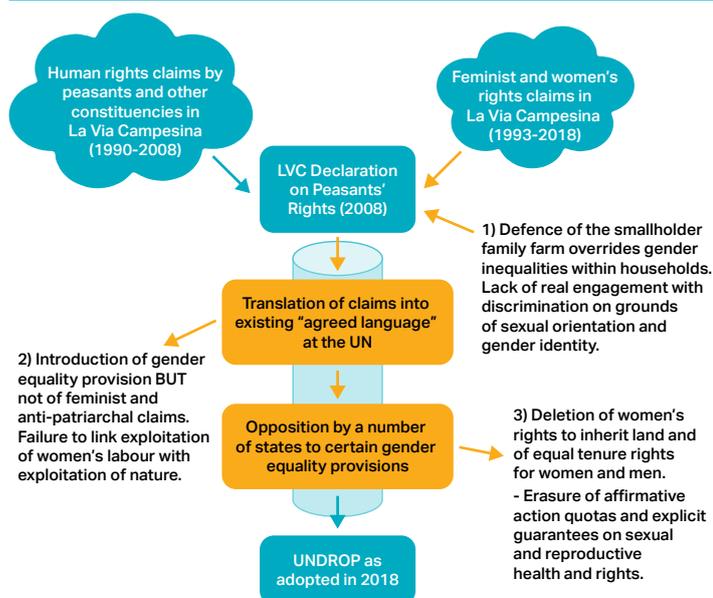


Diagram 1: The watering down of women's rights in negotiating UNDROP

gender equitable participation and representation within peasant organisations, the elimination of all forms of gender-based violence and discrimination, and protection for women's bodily autonomy and their sexual and reproductive health and rights. They also insisted on the importance of guaranteeing women's equal rights to land and resources, and made explicit connections between the capitalist exploitation of women's labour and the exploitation of nature, using ecofeminist approaches. More recently, discussions have taken place within LVC around the rights of LGBTIQ+ persons in rural areas with a view to ensuring a more inclusive, non-binary approach to sex and gender-based discrimination.

Yet, the early draft declarations developed by Indonesian and South East Asian peasant organisations between 1990 and 2002 did not take a feminist approach to peasants' rights. Provisions in the drafts consistently referred to both men and women as rights-holders but the focus was the protection of the smallholder family farming unit from neoliberal/capitalist agriculture. This meant that inequalities within agrarian farming households were effectively erased. The final LVC draft, adopted in 2008 after consultations with all the different regions, contained only a few articles on non-discrimination and women's rights to be protected from gender-based violence.

The development of the over-arching peasants' human rights agenda thus became disconnected from feminist and gender-related claims being made by women in LVC. The invisibility of feminist demands in the 2008 LVC draft declaration is something of a paradox, given that popular peasant feminism was already emerging as a powerful political idea within certain LVC regions, particularly in Latin America.

Pressure point 2 – Peasant claims translated into agreed human rights language

When states started negotiating the UNDROP in 2013 they used the 2008 LVC draft declaration on the Rights of Peasants - Women and Men as a basis for discussion. This is unprecedented in the history of the UN Human Rights Council (HRC) and gives the UNDROP additional legitimacy due to its emergence 'from below' (Claeys and Edelman, 2020).

In 2015, the Chair of the negotiations, the Bolivian Ambassador, released a revised draft in an effort to reinforce the coherence of the text with existing human rights standards, respond to states' objections and "translate" peasant claims into more "acceptable" demands. To do this, she drew from what diplomats call "agreed language", i.e. language from previously adopted international human rights covenants, such as ICEDAW (Ramli and Yahya 2014). This move was positive for gender equality as new gender equality provisions drawn from existing international human rights instruments were introduced into the text:

- a stand-alone article on **gender equality** (Article 4) which stated that 'gender identity is not a barrier to realising human rights';
- a separate article on the **rights of rural working women** (Article 6), based on Article 14 of ICEDAW with some additions, including recognition of the discriminatory impact of gender-based violence against women, as well as gender identity as a ground for discrimination;
- language on **non-discrimination in land rights** (Article 19), which went beyond the guarantees contained in Articles 14 and 16 of ICEDAW to include women's equal 'right to inherit and bequeath' land tenure rights.

While many of these provisions were later shortened, deleted or revised in the negotiations, the use of the women's rights framework of ICEDAW helped move the draft declaration away from its initial emphasis on family farming to give greater visibility to the human rights of rural women. At the same time, reliance on "agreed language" and in particular on "traditional" language from ICEDAW did not support the inclusion of many of the more far-reaching, feminist claims made by women's rights advocates in LVC, including the linkages between violence against nature and gender-based violence against women, the need to guarantee women's sovereignty and control over their own bodies, and the relationship between patriarchy and capitalist exploitation of women's productive and reproductive labour. This illustrates the limitations of the 1979 ICEDAW, which advances women's rights within the confines of mainstream gender equality policies and legal frameworks without advocating for radical or systemic change (Bourke Martignoni 2018).

While some feminist claims are contained in more recent and progressive developments in international law, such as CEDAW's interpretive General Recommendation (GR) no. 34 on the rights of rural women (2016), they were not included in UNDROP because

both processes developed in parallel. Some of the important issues articulated in GR no. 34 that resonate with ideas from feminist groups in LVC include:

- the 'negative and differential impact' of trade liberalisation, privatisation and commodification of land and natural resources on the rights of rural women;
- the obligations of states and other duty bearers to redress the disproportionate burden of unpaid care and agricultural work performed by women;
- the importance of temporary special measures for the achievement of substantive gender equality in inheritance and user rights over land, including communal lands;
- the need to guarantee women's sexual and reproductive health and rights.

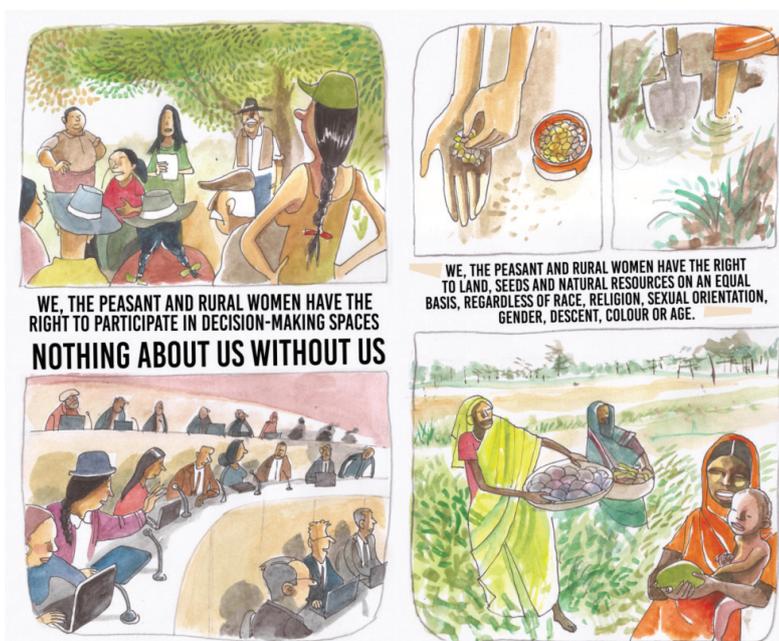
Pressure point 3 – Hostility to gender equality by some states within the Human Rights Council

Negotiations continued in the HRC between 2015 and 2018, leading to several new drafts before the adoption of the final text of UNDROP. In this period, the Bolivian Chair viewed it as politically expedient not to insist upon a number of key gender equality provisions which elicited opposition from Egypt and other allies (making up the non-aligned movement). Securing support from these members was key to ensuring the number of votes needed for the Declaration to be adopted.

As a result, the following women's rights issues – which are included in other international human rights instruments – are not provided for in the final text of UNDROP:

- women's equal rights to inherit land;
- temporary special measures (including gender parity quotas) for achieving gender equality;
- explicit acknowledgement of women's sexual and reproductive health and rights;
- discrimination against peasants on the grounds of their gender identity or sexual orientation.

The reaction of LVC to the whittling away of these provisions in UNDROP was as diverse as the movement itself. UNDROP was widely seen by LVC and other rural participating constituencies (such as pastoralists, fishers or indigenous peoples) as a way to assert their collective rights to land, seeds, biodiversity and food sovereignty. Achieving recognition of these rights was the movement's priority and the LVC negotiating team clearly did not want to risk losing that battle in order to advance peasant women's



Photos: Carlos Julio Sánchez, Argentina - MNCI - La Vía Campesina

rights. Time pressures towards the end of the negotiations in 2018 meant that some of the final revisions to the draft of UNDROP went largely unnoticed by social movement actors and their NGO allies.

Way forward

Several civil society actors, including FIAN and LVC, are actively promoting methodologies that could be drawn upon to implement UNDROP from a feminist perspective (FIAN 2020). A number of other initiatives can be taken by national governments, international organisations and civil society actors to promote gender equality and women's rights in the implementation of UNDROP.

IMPLEMENT UNDROP USING A FEMINIST PERSPECTIVE:

- Ground the implementation of UNDROP in a progressive, transformative interpretation of international human rights law, drawing on gender equality guidance from human rights institutions, including CEDAW and the Committee on World Food Security (CFS).
- Take concrete steps to address violence against women in intimate relationships as well as in agribusinesses and economic relations.

What should have been included in UNDROP	What was actually included
Women's equal rights to inherit land and equal tenure rights in agrarian reform processes, including through the redistribution or allocation of communal land	Obligation of states to take "appropriate measures to remove and prohibit all forms of discrimination relating to the right to land"
Women's rights to equality in marriage and in family relations; and women's sexual and reproductive health and rights	Rural women's rights to equal access to adequate health-care facilities, information, counselling and services in family planning
The need to address the disproportionate burden of unpaid reproductive and agricultural labour performed by women	Women's rights to decent employment, equal remuneration and social protection benefits, and access to income-generating activities
Temporary special measures (parity quotas) to achieve substantive equality in political and government institutions	Women's rights to participate equally and effectively in formulating and implementing development planning at all levels
The use of gender identity as well as sexual orientation as grounds for discrimination	Peasants' right to be free from discrimination based on origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status
The need to address patriarchy as a source of violence and structural oppression against women and nature.	Women's right to be free from all forms of violence.

- Acknowledge and protect women's rights to sexual and reproductive autonomy in national legislation and policies.
- Explicitly recognise the value of relations of care for humans and nature in policies, legislation and budgets. This could include policies and legislation that acknowledge the intersection of patriarchy, race, social class, age, ability and sexual orientation.
- Adopt policies to redress the disproportionate burden of unpaid caring and agricultural work performed by women and enact temporary special measures to increase women's participation in political and public service (building on CEDAW GR 34 on the Rights of rural women).
- Identify and redress the negative and differential impacts of the privatisation and commodification of land and natural resources on women.

SECURE WOMEN'S RIGHT TO INHERIT LAND:

- Recognise women's right to inherit land, and take measures to ensure the implementation of this right building on the guarantees that exist in the CFS Voluntary Guidelines on the Governance of Land, Fisheries and Forests (VGGT) and especially guideline 4.6. The obligation of states in UNDROP to take "appropriate measures to remove and prohibit all forms of discrimination relating to the right to land" (in Article 17.2) should be interpreted progressively in light of ICEDAW and GR no. 34, as well as the VGGT, in order to realise women's rights in this area.

TAKE INTERSECTIONALITY SERIOUSLY IN IMPLEMENTING THE UNDROP:

- Develop approaches that account for the intersection of patriarchal oppression with race, social class, age, ability and sexual orientation.

REDRESS LGBTIQ+ DISCRIMINATION:

- Recognise and implement policies and legislation to redress discrimination on grounds of gender identity and sexual orientation.
- Civil society and social movements should open spaces for discussion, learning and transformation concerning issues of gender identity and sexual orientation within the food sovereignty and agroecology movements.

LINK FOOD SOVEREIGNTY AND FEMINISM:

- Civil society and social movements should collaborate to create more effective synergies between food sovereignty and feminist movements, agendas and methodologies.
- Civil society and social movements should develop stronger connections between gender justice, radical food politics and agroecology as alternatives to patriarchal and extractivist forms of capitalism.
- Civil society and social movements should recognise and support women's crucial role in food sovereignty, including through the development of peasant, local, and indigenous knowledges and agricultural practices.

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The Centre for Agroecology, Water and Resilience (CAWR) at Coventry University is driving participatory and transdisciplinary research to develop equitable, resilient, and sustainable food and water systems.

The Geneva Academy of International Humanitarian Law and Human Rights provides post-graduate education and training, carries out research and policy studies and advocates for the progressive development of international human rights and humanitarian norms.

FIAN International supports people's struggles against human rights violations in numerous ways: from providing support to affected communities on the ground and bringing their voices to policy discussions, to launching international campaigns.

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Notes

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