

Towards an international recognition of the environmental component of peasants.

Pathways from the Convention on Biological Diversity.

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Introduction

In this article we propose three approaches to recognize the “environmental component of the peasantry” in international environmental law. This concept, introduced by the Colombian Constitution through Legislative Act 01 of 2023, mandates that decision-making processes affecting peasants take into account their special relationship with the ecosystems they rely on. We argue that this mandate is also present in the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) and other human rights instruments, opening possibilities for implementing international environmental treaties from a peasant rights perspective. We illustrate our proposed recognition pathways using the Convention on Biological Diversity (CBD).

This analysis is driven by the need to develop provisions for the protection of peasant livelihoods. The adoption of UNDROP was a significant step in this direction. However, harmonizing the standard of peasant rights with international hard law treaties predating UNDROP remains an unfinished task. This is particularly necessary in international environmental law for two reasons: peasants continue to face conflicts with private actors and state authorities over the use and conservation of the ecosystems they inhabit, and existing standards for protecting the relationship between rural communities and their territories have primarily focused on indigenous peoples. Therefore, it is necessary to outline action pathways to expand the scope of environmental rights protection in favor of the peasantry.

The text is organized into four parts. The first part presents the environmental conflicts typically faced by peasants and describes how Colombian environmental law seeks to resolve these conflicts through the constitutional duty to “recognize the environmental



component of peasantry.” The following three parts detail the pathways to recognize this peasant-environment relationship within the Convention on Biological Diversity: understanding peasants as subjects of international environmental rights, including the standards for protecting the peasant way of life in the Convention’s instruments, and ensuring the participation and consultation of peasants in decisions involving the Convention’s implementation.

1. What is the “environmental component of peasantry” and why is it necessary to recognize it?

The relationship between peasants and the environment is both ancient and essential. Peasants depend on nature profoundly for their material and symbolic reproduction, making them fundamental actors in its conservation.

Numerous cases attest to such relationships of ecological interdependence.

The Land Access Movement of South Africa (LAMOSA), the Peasant Movement of the Philippines (KMP), and the Landless Workers Movement (MST) in Brazil are tangible examples of social organizations that, while promoting land access for peasants, aim to prevent landscape homogenization due to monoculture.

Similarly, global organizational processes can be traced, such as the peasant solidarity union “Earth” (Solidarność Wiejska “Ziemia”) in Poland, ecological agriculture networks using the terrace system in Yunnan province (China), and Via Campesina International, which promote sustainable food production systems based on agroecology and food sovereignty.

Equally illustrative of the dialogue between peasants and nature are the forms of social reordering of property proposed by peasant organizations such as the National Association of Peasant Reserve Zones (Asociación Nacional de Zonas de Reserva Campesina – ANZORC) and the National Agrarian Coordinator (Coordinador Nacional Agrario – CNA) with the Peasant Agrifood Territories in Colombia. These initiatives advocate for popular agrarian reform, seeking to reconcile small-scale peasant agriculture with its environmental and social dimensions.

¿What do these examples have in common?

Firstly, the practical application of traditional ecological knowledge: in most of the cases



mentioned above, peasants possess deep ecological knowledge passed down through generations, enabling them to manage their resources sustainably.

Secondly, the complex processes of ecological adaptation to the environment are evident: peasants have developed agricultural practices and natural resource management systems that are tailored to local environments.

Thirdly, peasants worldwide face multiple threats and develop strategies of resistance and resilience: In all regions, peasants encounter similar threats, such as the expansion of industrial agriculture, mining, deforestation, and urbanization. Despite these challenges, peasants have shown great capacity for resistance and resilience, defending their territories, ways of life, and advancing their rights.

Fourth and finally, the need for ecologically sustainable policies and territorialities emerges: it is essential to advance a paradigm of territorialities that does not seek to exclude peasants. On the contrary, global diversity conservation policies should aim to integrate peasants, making them fundamental actors in nature conservation.

Thus, an environmental component of peasantry should include at least the following attributes: i) Recognition and appreciation of the traditional ecological knowledge of peasants as custodians of invaluable knowledge on sustainable natural resource management; ii) The State's duty to support sustainable agricultural practices that bolster peasant agriculture and local agrifood systems; and iii) The symbiosis between environmental conservation and the protection of peasants' rights, as they are closely related, ensuring that social and environmental justice occur in interdependent landscapes.

2. First route: peasants as subjects of the rights of the Convention on Biological Diversity.

To recognize the environmental component of peasants, it is necessary to define them as subjects of environmental rights. UNDROF precisely proposes this. This instrument contains a range of guarantees, including some that seek to protect the relationship between peasants and their environment (we will discuss these in more detail in the following sections). Additionally, the Declaration proposes a definition of “peasantry” to determine who might be its beneficiaries. According to numeral 1 of its Article 1¹ :

1 In paragraphs 2, 3 and 4 of Article 1, the Declaration makes sure to include subjects engaged in activities related to agriculture, indigenous peoples, and landless workers.



peasant” means any person who engages or intends to engage, either individually or in association with others or as a community, in small-scale agricultural production for subsistence or trade, and who for this purpose relies largely, though not necessarily exclusively, on the labor of family or household members and other non-monetary forms of work organization, and who has a special bond of dependence and attachment to the land.

Such a definition can inspire the design of new international treaties, as well as be used to interpret the definition of subjects of environmental rights in existing treaties. The Convention on Biological Diversity offers a good example for doing so.

The Convention defined four rights for what it textually calls “local and indigenous communities” in its articles 8(j) and 10(c, d): i) to the regulation, respect, preservation and maintenance of their traditional knowledge; ii) to promote the application of such practices and knowledge with prior authorization of the communities; iii) to the equitable sharing of the benefits of such knowledge; and iv) to the protection and encouragement of their customary uses of biodiversity². These rights were recognized to respect the interdependence that exists between the life systems of certain human groups and the biological resources from which they derive their sustenance³. ¿Can it be understood that the peasantry is part of the “local and indigenous communities”? We believe so.

An auxiliary instrument of interpretation, developed within the framework of the Convention, helps to support our thesis: the criteria of the “Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity”⁴; and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas -UNDROP-.

There are 24 criteria that the 8(j) Group suggested, at its 2011 session, as common elements of social groups that have livelihood systems based on the use of biodiversity. Peasantry meets most of them. For example, part of being a peasant implies: self-identification; traditional occupation of a definable territory; the presence of traditional knowledge and know-how; spiritual and cultural values of biodiversity; social cohesion and willingness to be represented as communities; among other criteria considered by the 8(j) Group⁵.

2 See Articles 8(j) and 10(c) of the Convention on Biological Diversity.

3 According to the twelfth preambular paragraph of the CBD.

4 See UNEP/CBD/WG8J/7/8/Add.1*.

5 It is true that some of these criteria do not necessarily correspond to peasant lifestyles, such as the “weak concept of property rights” (criterion x); but Group 8(j) does not establish any order of priority or exhaustiveness in the fulfillment of the criteria to define “local communities”; beyond considering that self-identification “must be essential and fundamental”.



Now, it should be clarified that this interpretative option is viable if States adopt it internally, in the implementation of the Convention within their borders. The reason is that the Convention does not contain an explicit definition of “local and indigenous communities” and that the Conference of the Parties recommended not to adopt one⁶. Thus, there is no international consensus on it. Hence, if the recognition of peasants as subjects of environmental rights is to have an international linkage, beyond domestic interpretations, there are at least two options.

The first is through an amendment to the CBD. This involves activating the amendment procedure contained in Article 29 of the treaty. According to this rule, any Party may propose amendments, which must be approved by consensus among the Parties, or by a majority of $\frac{2}{3}$ in the last resort. This seems to be a complicated and unworkable option.

The second option is to adopt a recommendation for a terminology change from the Conference of the Parties. This was an option adopted by COP12 in 2014, in Pyeongchang⁷, to change the term “indigenous and local communities” to “indigenous peoples and local communities”. This was a change recommended by the UN Permanent Forum on Indigenous Issues, which found resonance in the discussions of the Conference of the Parties and the Working Group on Article 8(j)⁸. All in order to recognize indigenous claims to autonomy and sovereignty.

However, since it was not treated as an amendment to the Convention, the Conference of the Parties determined that the terminology change: applied to future decisions and ancillary documents, was “exceptional” in nature, “without prejudice to the terminology used in the Convention” and had no legal effect on “interpretation or application of the Convention”.

Likewise, it could be suggested through a similar route to the Conference of the Parties that another terminological change be adopted to, for example, adopt the category of “indigenous peoples, peasant and local communities” for future decisions and ancillary documents. However, the cost would be that such a decision would not oblige States Parties to recognize peasant subjects, as it would have no effect on the interpretation of the treaty; and thus, on the absence of international consensus on the meaning of “local communities”.

6 Since COP14 in Sharm el-Sheikh in 2018.

7 See Decision XII/12 F of the 2014 COP12 in Pyongyang.

8 See Decision XI/14 G of COP11, 2012, in Hyderabad.



3. Second route: Inclusion of Peasants Rights in Biodiversity Strategies and Action Plans

The environmental component of peasants underpins several of the environmental rights established in UNDROP. Similarly, the Convention on Biological Diversity contains provisions that align with these peasant rights in at least two areas: autonomy in managing environmental elements and the promotion of sustainable livelihoods. Let's explore this further.

Table 1

Consistency between UNDROP environmental rights and CBD obligations.

Axes	UNDROP	CDB
<i>Environmental autonomy</i>	<ul style="list-style-type: none"> • Right of peasant participation and consultation (art. 2,3) (art. 5,2,a) (art.10.2) (art.11) (art.27) • Rights over seeds (art. 19) • Obligation to protect traditional peasant knowledge (art. 20, 2). 	<p>Article 8 (j) on knowledge and lifestyles relevant to conservation</p> <p>Article 10 (c) on the protection of customary use of biological resources</p> <p>Article 14.1 (a) On public participation in the reduction of impacts on biodiversity</p>



Axes	UNDROP	CDB
<i>Sustainable living systems</i>	<ul style="list-style-type: none"> • Environmental occupational safety guarantees (art. 14, 1 and 2) • Right to choose own agri-food systems (art. 15, 4) • Right to an adequate means of livelihood (art. 16) • Right to the conservation and protection of the environment (art. 18). • Obligations of environmental conservation and protection against the spread of living organisms (art. 20). • Right to education (art. 25) 	<p>Article 8 (a, b, c, d, e, h, i, k, l, m), on in-situ conservation</p> <p>Article 10 (a, b, d, and e), on sustainable use of the components of biological diversity</p> <p>Article 11, on incentives.</p> <p>Article 12, on research and training.</p> <p>Article 13, on education and public awareness</p>

By *environmental autonomy* rights, we refer to attributes that allow peasants to determine how they relate to the environment through participatory processes that respect their traditional knowledge and uses. As described above, the Convention on Biological Diversity explicitly recognizes such guarantees for “local communities” in Articles 8(j) and 10(c), as well as for the “general public” in the context of Article 14.1(a). UNDROP reiterates these rules in its articles 2, 5, 10, 11, 20 and 27, which recognize participatory rights - to be discussed in more detail below - and define obligations on traditional peasant knowledge, but, in addition, article 19 specifies several standards on the specific issue of seeds. These include: the right to save, use and exchange seeds saved after harvest (art. 19, 1, d); and the right to maintain, control, protect and develop their own seeds (art. 19, 2).

The rights to sustainable *livelihoods* oblige States to promote and protect the adoption of sustainable production practices by peasants and to prevent damage to the ecosystems and ecological processes on which they depend. In UNDROP, these obligations are scattered across several of its rights. For example: the right to natural resources contains rules on impacts on the resources used by peasants (art. 5, 2); the right to veto agrochemicals (art. 14, 2); the obligation to facilitate transitions to sustainable modes of agricultural production



(art. 16, 4); or the rule that the right to education for peasants must be adapted to their agroecological environments. The Convention on Biological Diversity establishes obligations that are coherent with such guarantees, since they promote the protection and sustainable use of biodiversity, through measures such as: systems of protected areas ⁹), restoration policies and systems to control the risks of biotechnology (article 8); the obligation to provide assistance to populations affected by areas of degraded biological diversity (article 10, d).

However, beyond conceptual coherence, different interpretative approaches are required to make these two types of rights legally enforceable under the Convention on Biological Diversity. The obligations corresponding to the rights to *environmental autonomy* recognized in UNDROP derive directly, in their wording, from articles 8(j) and 10(c) of the CBD, and are therefore directly binding -understanding peasants as “local communities”, according to our argument-; the right to seeds can be understood as a specification of the guarantees of those articles. On the other hand, the Convention’s obligations on *sustainable livelihoods* are of a general nature and are not exclusively aimed at “local communities”; therefore, it would be the task of each State to adopt a differential criterion in favor of peasants in their implementation, in order to make this type of rights recognized in UNDROP binding.

To make such interpretative decisions, the Convention on Biological Diversity provides the “National Biodiversity Strategies and Action Plans” (NBSAPs). This is the planning instrument mandated by the treaty in Article 6(a), in which each State deposits the goals and actions that will guide the implementation of the treaty within its borders. These, in turn, must be consistent with the objectives, specific goals and indicators proposed by the Conference of the Parties to verify compliance with the treaty. Currently ¹⁰, these are defined in the Kunming-Montreal Global Biodiversity Framework¹¹.

The content of the Global Framework is consistent with the two types of peasant rights

9 Protected areas are a measure that has historically come into tension with the tenure and use rights of peasants around the world (Brockington, Duffy & Igoe, 2008). However, as has been recognized by the Conferences of the Parties to the Convention, adequate protection and management of biodiversity requires approaches that harmonize the conservation objectives of the areas with the livelihoods of those who occupy them. Therefore, since the decisions of the CBD COP and the Working Group on Article 8(j), it has been constantly recommended that the adoption of protected area systems should include the participation of the indigenous peoples and local communities of those affected by them. Especially since the decisions of COP9 and COP10, which resulted in the “IUCN-CAMP Guidelines for Good Practice in Protected Areas, on Governance in Protected Areas”.

10 Under the Convention on Biological Diversity, strategic plans have been adopted twice to guide the implementation of the treaty. The first

11 See Decision CBD/COP/15/L.25 of COP15 in Montreal.



we have been discussing. As we show below, several of the goals of this instrument can be pursued through the guarantee of rights to environmental autonomy and rights to sustainable livelihoods for peasants.

Table 2

Consistency between UNDROP environmental rights and the Kunming-Montreal Global Framework Targets

Duty rates -UNDROP-	Kunming-Montreal Framework Goals
<p><i>Environmental autonomy rights</i></p>	<p>Goal 1. According to which, biodiversity spatial planning is participatory.</p> <p>Goal 3. According to which, the objective of having 30% of the world's surface area managed through protected areas is achieved by recognizing indigenous and "traditional" territories (which should include the peasantry) and which also includes other conservation measures.</p> <p>Implement measurement parameters to ensure fair and equitable sharing of benefits from the use of genetic resources and traditional knowledge.</p> <p>Goal 22. On full and equitable participation and representation.</p>



Duty rates -UNDROP-	Kunming-Montreal Framework Goals
<p><i>Rights to sustainable livelihoods</i></p>	<p>On contamination risk reduction, including pesticides.</p> <p>On the management and sustainable use of wild species, with benefits for “those in vulnerable situations and those most dependent on biological diversity”.</p> <p>On sustainably managed productive areas.</p> <p>On restoration of Nature’s contribution, and protection of environmental risks.</p> <p>On the elimination of perverse incentives that affect biodiversity.</p>

In summary, in this second route, the recognition of the environmental dimension of peasants implies: (a) the decision to use the environmental rights recognized in UNDROP to specify CBD obligations; (b) environmental autonomy rights can be derived directly from the treaty, while rights to sustainable livelihoods require an internal interpretative decision by States to ensure differential criteria in compliance with the CBD; and (c) these decisions can be made in the framework of the elaboration and updating of Biodiversity Strategies and Action Plans, following the Targets established in the Kunming-Montreal Framework that are consistent with peasant rights.



4. Third route: Participation of the peasantry in CBD-related decisions

Finally, the last route proposed for recognizing the environmental component of peasants focuses specifically on the participation of peasant populations in environmental decisions that affect them. This implies their effective inclusion in measures taken within the framework of international treaties.

In principle, the right to participate in public affairs has been recognized globally and regionally in international human rights law. The International Covenant on Civil and Political Rights - in Article 25 - and the American Convention on Human Rights - in Article 23 - regulate it as part of the obligations of States to implement democratic political mechanisms. The content and scope of this right has been left to the internal regulation and interpretation of the States, but, in environmental matters, there have been new developments that specify rules on its implementation.

This is the case with the Escazú and Aarhus agreements. Both stipulate (Article 7; Articles 6, 7, and 8, respectively) that the public must be included in environmental decision-making through differential mechanisms, depending on whether decisions are made on specific or general activities, such as regulations, policies, plans, and projects; timely access to relevant information; at all stages of the process; among other guarantees.

In view of this international duty to promote and guarantee the participation of the general public in environmental decisions, the peasantry—as we saw in the first part of the text—requires a differential approach that recognizes their contributions to the care of nature. This approach also serves as a way to address the significant gaps of inequality and violence that prevent the effective enjoyment of their rights. Additionally, the participation of the peasantry means beginning to dismantle the multiple structural barriers that frequently prevent them from participating in political life. The Convention on Biological Diversity requires this differential approach exclusively for the issues regulated in Article 8(j), that is, in the protection and promotion of traditional knowledge¹².

However, both the Escazú Agreement and the Aarhus Agreement require that the right to participation must be guaranteed according to the specific conditions of the populations

12 According to Article 8(j) of the Convention, decisions on traditional knowledge must “have the approval and participation of the holders of such knowledge, innovations and practices”.



affected and interested in environmental decisions¹³. Thus, a differential approach can be derived for peasants in guaranteeing their right to participation. To specify this measure, the UNDROP and General Comment 26 of the Committee on Economic, Social and Cultural Rights are useful.

The right to participation is defined transversally in the range of UNDROP rights. It obliges States to consult, cooperate in good faith, and promote the inclusion of peasants in decision-making processes that may affect them, to take into account their considerations and support (Article 2.3). According to UNDROP, this right must be guaranteed at different levels and instances of decision-making that affect them: conclusion of international agreements, internal regulations, policies, programs, projects, and concrete measures, as can be seen in Table 3.

Table 3

Mentions of the right of peasant participation through the UNDROP

Article 2.3	Consultation and cooperation in good faith, in any measure affecting them, including the conclusion of international agreements; with “active, free, effective, meaningful and informed” participation.
Article 5.1, 2(b)	Participate in the management of natural resources, and the right to good faith consultation for exploitations with environmental impacts.
Article 10	The right to participate in the preparation and implementation of policies, programs and projects, as well as the promotion of such participation.
Article 11.2	Access to information for effective participation.
Article 14	Participation in occupational health and safety examinations.
Article 15	Right to participate in agrifood policies.
Article 19.1(b and c), 7.	The right to participate in: the equitable sharing of benefits from the use of plant genetic resources; decisions on their conservation and sustainable use; and the definition of research and development priorities.

13 See Article 7, paragraphs 13 and 14 of the Escazú Agreement, and Articles 6, 7 and 8 of the Aarhus Convention.



For its part, General Comment 26 of the Committee on Economic, Social and Cultural Rights provides interpretative criteria on the guarantee of the right to land. It proposes rules on the right to participation that can be summarized in three components. First, peasant participation must be decision-making, i.e., any decision that may impact the use and tenure of land for peasant communities must have the free and effective participation of these communities (para. 20); second, to ensure that such participation meets a human rights standard, it is essential that all parties involved in the decision-making process have access to sufficient and transparent information, under equal conditions (para 20); and third, in the event that environmental decisions involve the relocation of peasant communities, before proceeding with an eviction or a change in land use that could leave peasant communities without access to their productive resources, the State must guarantee a consultation process to explore all feasible alternatives (para 24).

Now, within the framework of the Convention on Biological Diversity, there are at least two scenarios that would require the guarantee of this right to environmental participation with a differential approach for peasants: the Conference of the Parties (the highest decision-making body of the treaty) and the elaboration of Strategies and Action Plans.

As we saw in the second part, Biodiversity Strategies and Action Plans are the implementation instruments mandated by the CBD. They manifest the mechanisms and theory of change that each State adopts to comply with its obligations. Therefore, and according to the standards discussed above, peasant participation must be guaranteed in the different stages of elaboration and implementation of these instruments.

Now, the CBD did not establish in its articles a special mechanism for the participation of “indigenous peoples and local communities”. However, the matters discussed and decided within the framework of the treaty - beyond traditional knowledge - have the potential to affect these subjects, and therefore, according to the standards reviewed in this part, the Conference of the Parties must include them in its procedures. Facing this need, this body created the Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions, in 1998, during the Bratislava COP4¹⁴. Its function is to provide recommendations for the Convention on issues involving indigenous peoples and local communities, as well as to evaluate the progress of implementation of the treaty in the countries party to it. Thus, this space would be the mechanism for guaranteeing the right of participation for the peasantry, where States should promote the inclusion of their representatives.

14 See CO4 Decision IV/9.



Conclusions

In this article, we have argued that it is necessary to recognize the environmental component of peasants in order to address the inequalities and violence that prevent them from living fully and maintaining their way of life. We show how this concept finds its support in the hermeneutic spirit of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), as well as in several of its articles which aim to provide tools to manage the environmental challenges and conflicts that afflict peasant populations globally.

With this in mind, we have identified three routes for recognizing the environmental dimension of peasants in international law, using the Convention on Biological Diversity as an example. One is subjective, as it implies the recognition of peasants as subjects of rights in the treaty, either through interpretation -understanding them as “local communities”- or direct modification of the articles of the norm. The second is substantive, in the sense that it seeks to incorporate the range of peasants’ rights into the binding obligations of the Convention, seeking conceptual coherence and instruments where they can be incorporated through internal interpretation by the States (the Biodiversity Strategies and Action Plans, in the specific case of the CBD). Finally, the third route is procedural, as it calls for an extra step in environmental decision-making: peasant participation. According to our argument, this implies that the States should adopt differential mechanisms to include them both in the elaboration of the Strategies and Plans required by the treaty, as well as in the scenario of participation of “indigenous peoples and local communities” that the CBD contemplates.

This three-pronged approach may be useful in seeking recognition of the environmental component of peasants in other international environmental law treaties. We hope that our argument can be used to formulate strategies for action by the international peasant movement and allied organizations to ensure their inclusion.

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