FILLING IN THE GAPS IN HUMAN RIGHTS PROTECTION OF A DIVERSE RURAL WORLD
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towards a coherent and “pro persona -natura” interpretation of the United Nations Declaration on the Rights of Indigenous Peoples, Declaration on the Rights of Peasants and Other People Working in Rural Areas, and relevant international labour organization conventions.

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The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (hereinafter, UNDROP) was adopted by the United Nations General Assembly on 17 December 2018. This briefing note is part of a series of briefings published by FIAN International to better explain the content adopted in UNDROP.

The first series of briefings cover: the right to sovereignty over natural resources, development and food sovereignty; the right to land and other natural resources; the right to seeds and biological diversity; states obligations; rural women’s rights; right to a decent income and livelihood; collective rights; and the right to water.

The second series of briefings cover: rural women’s rights; rights to water and sanitation; the right to adequate food and nutrition, and to food sovereignty; the rights to biodiversity and seeds; interlinkages between UNDROP and UNDRIP; environmental and climate justice; agroecology; businesses and human rights; the right to land; and digitalization.

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The whitebait opens its black eye in the net of the law.
- Basho
ABSTRACT

This briefing proposes two ways to fill in the gaps in international human rights protection of a diverse rural world, created by a fragmented corpus juris of applicable international law and relevant policymaking. Firstly, it presents a systemic integration of contemporary rural ad hoc international human rights instruments - The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), international environmental and climate law, in line with a proposal for the recognition of a new “pro persona-natura” principle that reflects the specific relationship between rights holders and their ecosystems as a source of their dignity and self-understanding. Secondly, it explores ways to overcome fragmented and single-issue-struggles of multidimensional and ever-evolving rights holders within a rural kaleidoscope with a complex and fluid process of countryside and city relationships, in order to transform current food and economic systems based on people’s sovereignty, autonomy and self-determination. At the same time, it puts people in rural areas at the forefront of the struggle for fundamental human and planet life, offering solutions and ways to overcome the systemic crisis. The proposals and analysis draw upon FIAN’s experience and work with organizations of people in rural areas, especially those of small-scale food producers and Indigenous Peoples, and aim at contributing to the discussions within the environmental and climate spaces.
1. INTRODUCTION

People and groups in the rural kaleidoscope face similar challenges for the realization of their human rights, however crucial challenges remain specific to certain groups. International human rights law has made progress in acknowledging this diversity by recognizing the rights of specific groups with the adoption of contemporary rural ad hoc international human rights instruments such as UNDRIP and UNDROP, as well as with relevant International Labor Organization conventions. However, the fragmentation between international human rights, international labor law, and international environmental and climate law, and relevant policymaking have created gaps in the human rights protection of the diverse and fluid rights holders in the rural world: Indigenous Peoples, peasants, pastoralists, artisanal fishers, and forest dwellers.

A proposal for the recognition of a new “pro persona-natura” principle that reflects the specific relationship between rights holders and their ecosystems as a source of their dignity and self-understanding, to illuminate a systemic integration of UNDRIP, UNDROP, international labor law, and international environmental and climate law, could assist in filling the gaps of protection regarding the participation of a wider set of rights holders in international institutional environmental and climate spaces.
2.

**CONTEXT: A DIVERSE AND EVER-EVOLVING RURAL WORLD**

We are steering into the Anthropocene epoch with a deep anthropogenic, ecological crisis—resulting from the capitalist separation of humanity and nature, a narrative that justifies the exploitation of human labor and nature. This includes the extraction of wealth and the transferring of substantive income flows from the productive sectors of the economy to the financial sector (financialization/rogue capitalism). The current global health crisis and disruption in food systems triggered by the zoonotic SARS-CoV-2 made dawn upon us that the narrative of separation is a myth because humans are part of nature and cannot exploit it without destroying themselves. This will continue disproportionately affecting the rural world where 80% of the world’s hungry and 75% of the extremely poor live and work, while currently being the most affected populations in situations of conflict and protracted crisis, including the weaponization of food.

2. Historical patterns of domination and dispossession through colonialism and slavery as well as structural drivers of discrimination and inequity in the rural world are closely linked to human rights violations affecting Indigenous Peoples, peasants, pastoralists, artisanal fishers, and forest dwellers. Throughout the more than 30 years of experience, FIAN has identified certain drivers and patterns of violations against people in rural areas.

Today, 50% of the world’s hungry are smallholder farmers who directly or partly depend on agriculture for their livelihoods. Some 20% of those suffering...
from hunger are landless families who survive as tenant farmers or poorly paid agricultural laborers who often have to migrate from one insecure, informal job to another. And 10 % of the world’s hungry live from traditional fishing, hunting and herding activities in rural communities. “While many Indigenous Peoples are traditionally small farmers, many are instead or also fishers, herders, hunters, or gatherers. Likewise, other small farmers (aka “campesinos”) are not members of Indigenous Peoples. In many countries, there are direct conflicts between Indigenous Peoples living on their traditional lands, including many forest Peoples, and small farmers seeking access to their lands and resources, sometimes with the direct involvement of State law enforcement, military, and private security.”

There are over 476 million Indigenous and tribal Peoples, constituting over 6% of the global population. Factors behind this include colonialism, their disadvantaged position in the labor market, their high proportion among the poor and those with existing health conditions, their limited access to infrastructure and public services including health, water, and sanitation services, as well as their particular vulnerabilities to the impact of climate change on their ecosystems. These have particular implications for indigenous women who also tend to face discrimination from both within and outside their communities. However, Indigenous women and men are more likely to be found in the informal economy. Although over 70% of Indigenous Peoples live in rural areas, many have migrated to urban centers in search of work and livelihoods.

The main challenges faced by more than 450 million waged agricultural workers across the globe, representing 40% of the agricultural workforce are the following: Fundamental rights at work are frequently violated in the agricultural sector. Less than 20% of agricultural workers have access to basic social protection and about 70% of child labor in the world is in agriculture, representing approximately 108 million girls and boys aged 5 to 14. As most waged women workers in agriculture are employed in casual, temporary or seasonal work, they do not receive any form of social security unemployment benefit, holidays with pay or sickness or maternity leave.

Women in rural areas represent a quarter of the world’s population and face systemic and multiple discrimination in accessing land, land rights, natural resources, and financial services including credit. They carry most of the unpaid work burden due to stereotyped gender roles, intra-household inequality, and lack of infrastructure and services, concerning food production and care work. With the feminization of agriculture, women’s share in the agricultural workforce has been rising but, in many countries, women are not legally recognized as peasants or farmers, nor legally registered as waged agricultural workers. Indeed, many are not even paid.

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5 | Andrea Carmen, International Indian Treaty Council, Yaqui peoples. The International Indian Treaty Council (IITC) does not agree with the translation of “campesino” as “peasant” in English, at least as it pertains to Indigenous small farmers and rural food producers whose inherent rights to subsistence, land, culture, resources, seeds etc. are already protected under the UN Declaration on the Rights of Indigenous Peoples. IITC letter to the Human Rights Council, August 2017.
6 | Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future.
8 | Ibid
9 | ILO 2007 Agricultural Workers and their Role in Sustainable Agriculture and Rural Development.
10 | UN. Committee on the Elimination of Discrimination against Women. General recommendation No. 34 (2016) on the rights of rural women, Par. 3
FIAN has also identified certain emerging issues that have exacerbated human rights violations of rights holders in the rural world. The destruction of biodiversity and ecosystems in a context of increasing financialization of the economy and climate change has escalated pressure on land, water, and related natural resources and ecosystems enabled by increasingly important digital technologies (digitalization) that allow global finance to exert control over people’s and communities’ land and related resources. Further, those that defend the environment and ecosystems are among the human rights defenders most exposed to violence and criminalization.1

The identity and self-understanding of rights holders in the rural world are multidimensional, ever-evolving, and interplay within a rural kaleidoscope with complex and fluid relationships among different rights holders as well as countryside and city relationships. For those people, nature is not only the basis of their livelihoods, survival, identity, and self-understanding but also the source of their dignity, which is the cornerstone of human rights.
3. A NEW “PRO PERSONA-NATURA” PRINCIPLE: ILLUMINATING A SYSTEMIC INTEGRATION OF CONTEMPORARY RURAL AD HOC INTERNATIONAL HUMAN RIGHTS INSTRUMENTS, INTERNATIONAL ENVIRONMENTAL AND CLIMATE LAW

The preambles of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights established that individuals’ “rights derive from the inherent dignity of the human person” and fall within a system that recognizes rights and dignity to individuals under international law. Human dignity has been the cornerstone of the normativity and institutional design of international human rights since the adoption of the Universal Declaration of Human Rights in 1948. Such a classic understanding of dignity was shaped in a post-World War II context with almost two-thirds of the world still under European colonial rule. Even more, it is an individualistic and human-centered understanding. Contemporary rural ad hoc international human rights instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) have shown that the classic understanding of dignity needs to be reshaped by other perspectives, including those from people in rural areas for whom nature is also the source of their dignity. This would enable international human rights law to properly address structural drivers and patterns of human rights violations that disproportionately affect the rural world.

12 | Only 58 states were UN members, with 48 signing the Declaration, eight abstaining, and two failing to vote.

13 | For more on the understanding of dignity and the language of human rights please see de Sousa Santos, 2017, p. 253.

The *pro persona* principle sets two interpretative rules in international law. First, human rights norms must be interpreted as extensively as possible when recognizing individuals’ rights and, by contrast, as restrictively as possible when the norm imposes limits on the enjoyment of human rights. Second, in case of doubt or conflict between different human rights norms, the most protective norm to the human person – the victim of human rights violations – must be adopted\(^{15}\). In this way, the *pro persona* principle recognizes the preponderance of the human person without integrating nature.

The separation of humanity and nature narrative has influenced not only the human-centered understanding of dignity and the international human rights normativity and institutional design but also its largely separated development from international environmental law. Even though international human rights law provides an important toolbox to address environmental and climate issues with a clear set of State obligations to articulate claims of groups in the rural world, it still does so without integrating humans. While nature has its *ad hoc* principle under environmental law, the *in dubio pro natura*,\(^{16}\) this nature-centered principle does not integrate humans.

History, race and ethnicity, class, gender, culture, interactions with the State, and specific relationships to ecosystems shape the identities and self-understanding of rights holders within the rural kaleidoscope. Even more so, that relationship is at the core of their dignity and autonomy, and therefore, calls for a rethinking of the human-centrality of the classic *pro persona* principle. This would enable an interpretation of international law that integrates different understandings of human dignity including one that integrates nature and humans. In this way, a “*pro persona-natura*” principle as a base for a systemic integration of ever-evolving international human rights and international environmental and climate law would allow international law to properly address the current manifold ecological crisis including the current global health crisis and disruptions in food systems triggered by the zoonotic SARS-CoV-2. Specifically, interpreting the content of human rights as well as State’s obligations enshrined in UNDRIP, UNDROP, and relevant International Labor Organization Conventions to fill in the gaps in human rights protection of a diverse rural world that a fragmented corpus juris of international law and relevant policymaking have created.


\(^{16}\) In cases of doubt, all matters before courts, administrative agencies, and other decision-makers shall be resolved in a way most likely to favor the protection and conservation of the environment, with preference to be given to alternatives that are least harmful to the environment. Actions shall not be undertaken when their potential adverse impacts on the environment are disproportionate or excessive in relation to the benefits derived therefrom.
4. UNDRIP, UNDROP, AND INTERNATIONAL ENVIRONMENTAL AND CLIMATE LAW

International human rights law acknowledged the historic debt owed to Indigenous Peoples as a result of their colonization, dispossession of their lands, territories, and resources with the adoption of the Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples, 2007 (UNDRIP)\(^\text{17}\). Patterns of domination and dispossession of colonialism as well as structural drivers of discrimination and inequity are closely linked to the human rights violations against Indigenous Peoples.

UNDRIP is primarily a Declaration affirming the inherent collective rights of Indigenous Peoples as Peoples under international law whose rights include self-determination as the foundation of all other rights. This is demonstrated in the way it affirms, for example, in Article 25 and 26, Indigenous Peoples’ rights and relationships to the lands, territories, and resources that they have “traditionally owned, occupied, or otherwise used or acquired”, further affirming their connections to pre-colonial land bases, political, cultural and spiritual identities.\(^\text{18}\)

The relationships to the lands, territories, and resources affirmed by UNDRIP changed the human-centered paradigm of international human rights law.\(^\text{19}\) It recognized human interconnection with nature based on Indigenous Peoples connections to pre-colonial land, political, cultural, and spiritual identities that differentiate them from other people and groups in the rural world.

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\(^{17}\) “Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests (...)”, Preamble of UNDRIP.

\(^{18}\) Andrea Carmen, IITC.

\(^{19}\) Norma Don Juan (National Coordinator of Indigenous Women in Mexico)’s on-line capacity building on UNDROP and Indigenous women’s rights. March, 2020.
UNDRIP also enshrines, collective rights to territory, and free, prior, and informed consent (FPIC), as well as devotes seventeen out of its forty-five articles to indigenous culture, and how to protect and promote it.

The novel UNDROP - which also encompasses Indigenous Peoples, has recognized a new set of rights holders of individual and collective rights of especial protection covering peasants who engage “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 labor and other non-monetized ways of organizing labor, and who has a special dependency and attachment to the land.” Additionally, other rights-holders to which the UNDROP expands its protection, include people “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. It also applies to dependent family members of peasants.” UNDROP also applies “indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless, as well as hired workers.”

In this way, UNDROP has further reaffirmed the interconnection between humans and nature in international human rights. It has increased human right protection by recognizing that such interconnection also extends to other people and groups in the rural world beyond Indigenous Peoples. Those rights holders that are not necessarily Indigenous People also have a special dependence and attachment to the land, water, and common goods. These are not only a source for their livelihoods but are also the source of their dignity and identity, despite the fact that the new set of right holders does not necessarily have pre-colonial ties to them. In this way, UNDROP recognizes the reality of people and groups in the rural world and the social relationships that serve to maintain them.

Before the adoption of UNDROP, Article 14 of the CEDAW was the only provision in an international human rights instrument specifically dedicated to women in rural areas. The preamble of the UNDROP specifically addresses the rights of peasant women and other women working in rural areas, stressing the fundamental role they play in the economic survival of their families and in contributing to the rural and national economy (Article 4). Through this, it recognizes the rights of women in rural areas to freely determine their political status and pursue their economic social, and cultural development as well as their rights to natural resources, all while addressing negative customs and traditional practices that affect the full enjoyment of their rights. Overall, Article 4 of the UNDROP is focused on the elimination of gender-based violence and discrimination, increasing the attention to the role of
women in the food system, and the cessation of violations of women’s rights throughout their lifetime.

Since 1992 non-ethnic people and groups in rural areas have been categorized under the term “local communities” by States and intergovernmental organizations within multiple international conventions and other multilateral agreements part of international environmental and climate law. Further, Indigenous Peoples were grouped with “local communities” for the first time in the 1992 U.N. Conference on Environment and Development: the Rio Declaration on Environment and Development, Agenda 21, and the Convention on Biological Diversity (CBD).23

Principle 22 of the Rio Declaration groups Indigenous peoples with local communities, and suggests that Indigenous communities are a variety of local community: “Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.”24

Agenda 21 similarly references “indigenous groups and local communities,” “indigenous people and local communities,” as well as “indigenous people and their communities and other local communities”.25

The preamble of the CBD recognizes the “close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources.” Further, Article 8(j) of the treaty enjoins each member state, “Subject to its national legislation, [to] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities.” Thereby highlighting the importance of “embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and [promoting] their wider application with the approval and involvement of the holders of such knowledge innovations and practices and [encouraging] the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.”26

Indigenous peoples and local communities have continued to be grouped together in subsequent multilateral agreements, such as the 2015 Paris Agreement which conflates Indigenous peoples and local communities within the Agreement as well as in Decision 1/CP.21, the resolution enabling the adoption of the Agreement.27 The Agreement’s preamble calls on States to agree to uphold and promote cooperation by all Parties and non-Party stakeholders, including “local communities and indigenous peoples”. Article 7(5) of the

Agreement calls on parties to advance climate adaptation measures by taking into account the best available science and, “as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.”

The problem with the term “local communities” is its vagueness and that it refers to groups that are not indigenous and maintain a traditional lifestyle, practices as well as knowledge and value systems, which are intimately connected to land and nature. However, the use of elements such as “traditional” and “indigeneity” to define groups in the rural world is problematic because identities are diverse and fluid and sometimes overlap with Indigenous Peoples in the same people or group. Such diversity and fluidity are not only spontaneous but are also the result of State policies that integrate people and groups in rural areas into value chains to make them efficient and productive, leading them to drop their traditional lifestyle as a consequence. The term “local communities” invisibilizes the diversity within the rural world, that crucial challenges remain specific to certain groups in rural areas and makes that the awareness and understanding about the rights of different groups remain uneven.

In the Colombian context, legal multiculturalism and policy frameworks constructing identities solely around culture have led to indigenization and ethnicization processes, and nowadays it is possible to witness a shift towards an all-encompassing “campesino” category. Such processes and a shift have a lot to do with the recognition of rights and the socio-economic and political options offered by these social categories vis-à-vis the State. In Peru and Bolivia, the “campesino” category encompasses other rural groups, including Indigenous Peoples that identified themselves as “campesinos”. Therefore, Indigenous Peoples’ claims have been occasionally articulated as peasant claims, not always articulated around the territory and sometimes around land rights.

Even though the set of rights holders of UNDROP are not necessarily People under international law, their special dependence, and attachment to their ecosystems – as the source of their dignity and identity, social relationships of communities in rural areas – are the foundation for the set of rights enshrined in the UNDROP. This new set of rights holders under international human rights law is also a tool to advocate for legal and policy frameworks that take into account the social relationships of communities in rural areas and their interactions with the State whose public policies invisibilize certain groups and the human rights violations against them. The microhistories of those new rights holders are also part of a larger history of

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30 | Juana Camacho Segura on the Colombian experience in rural areas.
31 | Ibid.
domination and dispossession which has shaped patterns of human rights violations in the rural world. They are also part of other historic debts such as slavery yet to be acknowledged.

People and groups in rural areas face similar challenges for the realization of their human rights, and yet crucial challenges remain specific to certain groups. International human rights law has made progress in acknowledging this diversity by recognizing the rights of specific groups with the adoption of UNDRIP and UNDROP. However, the degree of awareness and knowledge about the rights of different groups remains uneven. Systemic integration of UNDRIP, UNDROP, and international environmental and climate law following the “pro persona-natura” principle acknowledges the historic debt to Indigenous Peoples as well as their distinct inherent collective rights as People under international law. It also seeks to address that the understanding of the different rights holders remains fragmented and makes small attempts to understand the dynamics and tensions between these diverse rights holders.
5. IDENTIFYING SYNERGIES AND TENSIONS BETWEEN UNDRIP AND UNDROP

The rights of “campesinos” detailed in the UNDROP are seen by some Indigenous small farmers as a welcome confirmation and further elaboration of rights already affirmed in the UN Declaration on the Rights of Indigenous Peoples including Articles 20, 25, 29, 26, and 31, 32, 36, and 37, inter alia. However, other Indigenous Peoples have expressed concerns about the potential for the UNDROP to conflate the rights of farmers, as individuals and groups, with the inherent collective rights of Indigenous Peoples as Peoples under international law whose rights include self-determination as the foundation of all other rights.32

For all these reasons, Indigenous Peoples worked during the development of the UNDROP and up to the final stages of the drafting process to ensure that safeguards were included in the text to prevent any diminishment of their rights in this process regarding, for example, seeds, traditional cultural expressions, land, and water. These safeguards, contained in the preamble which reaffirms the UN Declaration on the Rights of Indigenous Peoples as well as Article 28, are seen by many Indigenous Peoples as falling short in protecting core inherent rights that are already threatened by States, corporation, and third parties. Others have stated their appreciation for these inclusions and will continue to seek points of common concern and mutual interest to shared threats including extractive industries, environmental contamination, toxic pesticide use, industrial large-scale agriculture, genetic modification of original seeds, and climate change.33
In the Convention on Biological Diversity context, some small-scale food producers’ organizations have been trying to obtain official recognition based on UNDROP, to participate in negotiations under the “local communities” category. Some organizations working on Indigenous Peoples’ rights have argued that “local communities” refers only to those communities that have lifestyles and livelihoods similar to Indigenous Peoples. Such category has not been defined by States or inter-governmental organizations, and “local communities” are not a self-organized constituency nor civil society stakeholders. Therefore, UNDROP could assist in interpreting the term “local communities” in line with the pro persona-natura principle incorporating the new set of rights holders under international law. Clarity on how UNDROP is the base for emerging rights holders and rights within the term “local communities” could assist to explore how the status of Indigenous Peoples and their collective rights interplay with the rights of other people and groups in the rural world with which Indigenous Peoples have been already interacting.

In many countries, there are direct conflicts between Indigenous Peoples living on their traditional lands, including forest Peoples, and small farmers seeking access to their lands and resources, sometimes with the involvement and support of State law enforcement, military, and private security. Some argue that the recognition of rights for other rural groups beyond Indigenous People might exacerbate conflicts among different groups, impact negotiation and renegotiation of territorial borders and resources in a context of ongoing migration, relocation State-policies to increase the agricultural frontier as well as agrarian counter-reform, as well as eventual overlap in land and resource use. In this context, UNDROP provides a leeway to allow for ever-evolving and dynamic ways of using communities’ land and resources.

UNDROP aims to assist dialogue among different rights holders on deciding how to proceed regarding juxtaposed rights and interests on the same territory, land, and natural resources. Specifically, UNDROP can provide elements to support different understandings of the use and enjoyment of goods beyond the conventional concepts of individual and collective property that exclude other people from its simultaneous use and enjoyment. Examples of the situations that UNDROP can potentially support are some of 129 territorial conflicts registered in Colombia until August 2020, of which 38% (50 cases) correspond to intercultural conflicts between ethnically differentiated communities and peasant communities, compared to 17% of inter-ethnic conflicts. A concrete example of dialogue between different groups of rights holders is the case of the nomad Nukak people in Colombia, where a precautionary measure ordered the construction of social agreements for the use and management of the territory shared between peasants and the Indigenous Nukak People. The agreements were to be set within the framework of intercultural spaces that consider methodologies of dialogue and agreement with a differential and ethnic approach to a people in initial contact like the Nukak.
UNDROP can also support territorial organization according to customary law beyond the legalistic and formalistic title deed. In the case of territorial conflicts that reach national or international courts, judicial bodies should try to harmonize the juxtaposed rights of the different groups. An example is a Judgment on the Case of Indigenous Communities members of the Lhaka Honhat association (“our land”) vs. Argentina. In 2020, the Inter-American Court of Human Rights recognized the right to ancestral property of 400,000 ha to which several Indigenous Peoples in the north of Salta (Argentina) have the right and which encompass ex-tax lots 55 and 14 of the Rivadavia department. On that occasion, the Court endorsed a prior agreement made between Indigenous and “criollos”, in which a distribution of the territory is determined and assigned to this population. UNDROP is part of the corpus juris to assist in the interpretation and implementation of this decision and similar others. Even more, considering that the indigenous communities of the Lhaka Honhat Association in Argentina used UNDROP to strengthen their legal argumentation before the Inter-American Court of Human Rights.

The content of rights of agricultural workers (Art. 14), right to seeds (Art. 19) and biodiversity (Art. 20) in UNDROP provide legal basis to assist in addressing human rights and labor rights violations of agricultural workers such as the situation of immigrant workers from Nicaragua working in semi-slavery conditions on farms in Costa Rica, the country with the lowest unionization rate in the region. As well as supporting local experiences of transition towards pesticide-free food systems. Experiences in Argentina, Paraguay, Italy, and Spain show the importance of synergies among different groups in rural areas (i.e workers, environmentalists, peasants, and Indigenous People) towards the elaboration of peoples-centered bylaws and their implementation. In that regard, UNDROP provides a legal base to create and strengthen synergies beyond cultural and ethnic identity, as the UNDROP is a declaration focused on economic rights and the questioning of the existing economic system.
The current ecological crisis including the global pandemic and disruptions in food systems triggered by the zoonotic SARS-CoV-2 have shown that the classic understanding of dignity—the cornerstone of international human rights—as individualistic and human centered, needs to be reshaped by the understandings of people and groups in rural areas for whom nature is also the source of their dignity. In this sense, a proposal for a recognition of a new “pro persona-natura” principle would enable international human rights law to properly address structural drivers and patterns of human rights violations that disproportionately affect the rural world.

Systemic integration of contemporary rural ad hoc international human rights instruments (UNDRIP and UNDROP), relevant International Labor Organization conventions, and international environmental and climate law illuminated by “pro persona-natura” would break the walls between the fragmented and siloed understanding of the different rights holders, as well as assist in understanding the dynamics and tensions between the different rights holders. In doing so, it puts people in rural areas at the forefront of the struggle for the fundamentals of human and the planet life, with solutions and ways to overcome the systemic crisis.

This briefing presented a set of exemplary cases of the successful integration of UNDROP, such as its use in arguing before the Inter-American Court of Human Rights on the question of territorial conflicts between different rights holders. First and foremost, it is a declaration focused on economic rights and the questioning of the existing economic system. Therefore, it offers an incredible potential for rights holders in the rural world to make use of customary law and support alternative understandings of use and enjoyment of goods and resources beyond classic private and collective property. Even more, it supports exploring alternative economic practices such as solidarity economy.