

The following 2 pages are out of scope

Released under the Official Information Act

From: CAVANAGH, Bernadette (DS MLG)
Sent: Tuesday, 4 December 2018 1:24 p.m.
To: WEIR, Hannah (UNHC)
Subject: RE: FADTC - Declaration on Peasants

Security Classification:

Looks good to me – thanks Hannah.

From: WEIR, Hannah (UNHC)
Sent: Tuesday, 4 December 2018 1:07 p.m.
To: CAVANAGH, Bernadette (DS MLG)
Subject: FW: FADTC - Declaration on Peasants

Hi Bernadette,

Declaration on Peasants FADTC briefing linked below.

[FADTC Briefing - UN Declaration on Peasants.docx](#)

Hannah

From: TAULA, Phillip (UNHC)
Sent: Tuesday, 4 December 2018 12:56 p.m.
To: WEIR, Hannah (UNHC)
Subject: RE: FADTC - Declaration on Peasants

Thanks for this Hannah, I made a few edits. Good with me if ok with you.

P

From: WEIR, Hannah (UNHC)
Sent: Tuesday, 4 December 2018 11:08 a.m.
To: TAULA, Phillip (UNHC)
Subject: FADTC - Declaration on Peasants

Hi Phil,

Please see UN Declaration on Peasants FADTC briefing.

[FADTC Briefing - UN Declaration on Peasants.docx](#)

Hannah Weir
Policy Officer
United Nations Human Rights and Commonwealth Unit / Multilateral and Legal Affairs Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a)

✉ Hannah.Weir@mfat.govt.nz

195 Lambton Quay, Private Bag 18901
Wellington 6160
New Zealand

www.mfat.govt.nz | www.safetravel.govt.nz | www.nzunsc.govt.nz



NEW ZEALAND
UNITED NATIONS
SECURITY COUNCIL
2015-16



Released under the Official Information Act

UN Declaration on the Rights of Peasants and Other People Working in Rural Areas

Phillip Taula – Divisional Manager, UNHC

Talking Points

- New Zealand voted against the resolution adopting the declaration because we consider that the existing human rights framework already protects peasants and people living in rural areas, and that the focus of the international community should be on implementation of these existing rights rather than the creation of new normative frameworks.
- It was also not clear how this declaration applied in New Zealand's own domestic context. In particular it was not clear how the declaration would interact with the Treaty of Waitangi, with people living in rural areas in New Zealand and our own agricultural economy.
- We also had concerns about process: there was insufficient time for proper deliberation and consultation on the resolution, particularly given the complex and new nature of the rights in the declaration.
- New Zealand is a staunch advocate for reducing inequality and for improving the lives of people in poverty, including subsistence farmers. This is an area of focus within the New Zealand Aid Programme's agricultural projects, which provide opportunities for small scale farmers.
- ***If asked about New Zealand's position on collective rights:*** the issue of collective rights is a complex subject in international human rights jurisprudence, and for New Zealand, the concept has been limited to the rights of indigenous peoples.

Background

1. The UN Declaration on the rights of peasants and other people working in rural areas aims to improve living conditions as well as give rights over food, seeds, natural resources and traditional knowledge to peasants and rural populations.
2. New Zealand voted against the resolution adopting the declaration due to concerns about both the substance of the resolution and the process. These concerns included:
 - the declaration creates legal uncertainty through the creation of new classes of rights like the right to seeds, land and food sovereignty. It also expands the interpretation of existing human rights but only to apply to one segment of society;
 - given the nature of these new classes of rights, there was insufficient time for proper deliberation and consultation of the declaration in Third Committee during UNGA (there was insufficient time to discuss or suggest amendments to it);

- the existing human rights framework already provides protection to peasants and people living in rural areas, and officials considered that the case was not sufficiently made for subsistence farmers/peasants to be provided with additional normative protections, beyond existing international human rights law. To improve the livelihoods of people living in rural poverty needs a greater focus on implementation, not necessarily on new normative UN frameworks;
 - it was not clear how the declaration would interact with the Treaty of Waitangi. For example the declaration gives peasants and all other people working in rural areas the right to traditional knowledge relevant to plant genetic resources;
 - it was not clear how the declaration would apply to New Zealand farmers who are not often associated with poverty or subsistence farming.
3. The other countries to vote against the resolution were: Australia, Hungary, Israel, Sweden, US, UK. Forty nine countries abstained and 119 voted in favour.

From: TAULA, Phillip (UNHC)
Sent: Monday, 3 December 2018 4:08 p.m.
To: CAVANAGH, Bernadette (DS MLG)
Cc: WEIR, Hannah (UNHC)
Subject: FW: UN Declaration on the Rights of Peasants: NZ vote - enquiries

Security Classification:

Hi B, as mentioned, these are the points Hannah did for MFA's office last week. Let me know if you think we need to do a short version for FADTC or for you to hold.

Tks, P

From: WEIR, Hannah (UNHC)
Sent: Monday, 26 November 2018 1:55 p.m.
To:WALBRIDGE, Nicholas (Inet); BUIST-CATHERWOOD, Emily (UNHC); PRINGLE, Rachael (UNHC)
Cc: TAULA, Phillip (UNHC); HASSAN-SHARP, Angela (UNHC)
Subject: RE: UN Declaration on the Rights of Peasants: NZ vote - enquiries

Hi Nick,

Please see points below, happy to discuss this further.

Background

The UN Declaration on the rights of peasants and other people working in rural areas aims to improve living conditions as well as give rights over food, seeds, natural resources and traditional knowledge to peasants and rural populations.

New Zealand voted against the resolution adopting the declaration for several reasons. We had concerns with the process, and substance of the resolution. Officials also considered the focus of the resolution to have limited relevance to New Zealand. These concerns included that:

- the declaration creates legal uncertainty through the creation of new classes of rights like the right to seeds, land and food sovereignty. It also expands the interpretation of existing human rights but only to apply to one segment of society;
- given the nature of these new classes of rights, there was insufficient time for proper deliberation and consultation of the declaration in Third Committee during UNGA (there was insufficient time to discuss or suggest amendments to it);
- the existing human rights framework already provides protection to peasants and people living in rural areas, and officials considered that the case was not sufficiently made for subsistence farmers/peasants to be provided with additional normative protections, beyond existing international human rights law. To improve the livelihoods of people living in rural poverty needs a greater focus on implementation, not necessarily on new normative UN frameworks;

- it was not clear how the declaration would interact with the Treaty of Waitangi. For example the declaration gives peasants and all other people working in rural areas the right to traditional knowledge relevant to plant genetic resources;
- it was not clear how the declaration would apply to New Zealand farmers who are not often associated with poverty or subsistence farming.

Talking points:

- New Zealand is a staunch advocate for reducing inequality globally and for improving the livelihoods of all people living in poverty, including those that work in subsistent farming in rural areas. New Zealand is committed to improving the living conditions of international subsistence farmers which is why all of the New Zealand Aid Programme's agricultural projects provide opportunities for small scale farmers.
- This resolution was considered to have limited relevance to New Zealand at this UNGA session and while we support efforts by the international community to recognise and improve the lives of poorer people, we had concerns with the process and substance of the declaration.
- In particular, there was insufficient time for proper deliberation and consultation of the declaration during the United Nations Third Committee given the complex and new nature of the rights in the declaration.
- It is New Zealand's view that the existing human rights framework already protects peasants and people living in rural areas and that the focus of the international community should be on implementation of these existing rights rather than the creation of new normative frameworks.
- It was also not clear how this declaration applied in New Zealand's own domestic context. In particular it was not clear how the declaration would interact with the Treaty of Waitangi, with people living in rural areas in New Zealand and our own agricultural economy.

Hannah

From:WALBRIDGE, Nicholas (Inet)

Sent: Monday, 26 November 2018 10:43 a.m.

To: WEIR, Hannah (UNHC); BUIST-CATHERWOOD, Emily (UNHC); PRINGLE, Rachael (UNHC)

Cc: TAULA, Phillip (UNHC); HASSAN-SHARP, Angela (UNHC)

Subject: UN Declaration on the Rights of Peasants: NZ vote - enquiries

Hi Hannah

Just back on this Rights of the Peasants votes at the UN, we have also received the attached enquiry.

I see that we were one of only seven to vote against, s6(a) Hungary)s6(a) I'm sure there are good reasons...

(US, UK, Aus, Israel, Sweden &

Any background on this appreciated today to respond to the two requests.

Thanks
Nick

Nicholas Walbridge | Private Secretary (Foreign Affairs)

Office of Rt Hon Winston Peters, Minister of Foreign Affairs

s9(2)(a)

From: WEIR, Hannah (UNHC) [mailto:Hannah.Weir@mfat.govt.nz]
Sent: Friday, 23 November 2018 11:03 AM
To: Nicholas Walbridge <Nicholas.Walbridge@parliament.govt.nz>; BUIST-CATHERWOOD, Emily (UNHC) <Emily.Buist-Catherwood@mfat.govt.nz>; PRINGLE, Rachael (UNHC) <Rachael.Pringle@mfat.govt.nz>
Cc: TAULA, Phillip (UNHC) <Phillip.Taula@mfat.govt.nz>; HASSAN-SHARP, Angela (UNHC) <Angela.Hassan-Sharp@mfat.govt.nz>
Subject: RE: Request for information - UN Declaration

Hi Nick,

Yes we will get you these today

Hannah

From:WALBRIDGE, Nicholas (Inet)
Sent: Friday, 23 November 2018 8:06 a.m.
To: BUIST-CATHERWOOD, Emily (UNHC); PRINGLE, Rachael (UNHC); WEIR, Hannah (UNHC)
Cc: TAULA, Phillip (UNHC); HASSAN-SHARP, Angela (UNHC)
Subject: FW: Request for information - UN Declaration

Morning UNHC

OUT OF SCOPE

The following page is out of scope

From: WEIR, Hannah (UNHC)
Sent: Monday, 26 November 2018 1:15 p.m.
To: TAULA, Phillip (UNHC); BENSEMANN, Jessica (DST)
Subject: RE: Request for information - UN Declaration

Security Classification:

Hi Phil,

Please see updated talking points.

Jess – thanks very much for your help – if we had a \$\$ figure we could attach to this line it would be awesome but I understand this might be difficult. I.e. New Zealand is committed to improving the living conditions of international subsistence farmers. This is why the New Zealand Aid programme supports \$\$\$ worth of agricultural projects, all of which provide opportunities for small scale farmers.

Thank you!

Link to the declaration here:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwjPp4eM4vDeAhWDXSsKHabIClwQFjAAegQIARAC&url=https%3A%2F%2Fwww.ohchr.org%2FDocuments%2FHRCouncil%2FWGPeasants%2FA-HRC-WG-15-1-2_En.pdf&usq=AOvVaw0HGOvwkAO5KNweEQIISUbo

Background

The UN Declaration on the rights of peasants and other people working in rural areas aims to improve living conditions as well as give rights over food, seeds, natural resources and traditional knowledge to peasants and rural populations.

New Zealand voted against the resolution adopting the declaration because s9(2)(g)(i)

we had concerns with the process, and substance of the resolution. These concerns included that:

- there was insufficient time for proper deliberation and consultation of the declaration in Third Committee during UNGA;
- the declaration creates legal uncertainty through the creation of new classes of rights like the right to seeds, land and food sovereignty. It also expands the interpretation of existing human rights but only to apply to one segment of society;
- the existing human rights framework already adequately protects peasants and people living in rural areas, farmers/peasants do not need additional normative protections, beyond existing international human rights law. To improve the livelihoods of people living in rural poverty needs a greater focus on implementation, not on new normative UN frameworks;

- it was not clear how the declaration would interact with the Treaty of Waitangi. For example the declaration gives peasants and all other people working in rural areas the right to traditional knowledge relevant to plant genetic resources.
- It was not clear how the declaration would apply to New Zealand farmers who are not often associated with poverty or subsistence farming.

Talking points:

- New Zealand is a staunch advocate for reducing inequality globally and for improving the livelihoods of all people living in poverty, including those that work in subsistent farming in rural areas. New Zealand is committed to improving the living conditions of international subsistence farmers which is why all of the New Zealand Aid Programme's agricultural projects provide opportunities for small scale farmers.
- s9(2)(g)(i) while we support efforts by the international community to recognise and improve the lives of poorer people, we had concerns with the process and substance of the declaration.
- In particular, there was insufficient time for proper deliberation and consultation of the declaration during the Third Committee given the complex and new nature of the rights in the declaration.
- We were also concerned about how this declaration applied in New Zealand's own domestic context, in particular it was not clear how the declaration would interact with the Treaty of Waitangi and with our own agricultural economy.
- It is New Zealand's view that the existing human rights framework already protects peasants and people living in rural areas and that the focus of the international community should be on implementation of these existing rights rather than the creation of new normative frameworks.

Duplicate

Released under the Official Information Act

From: CLYNE, Jarrod (GVA)
Sent: Friday, 23 November 2018 1:26 p.m.
To: WEIR, Hannah (UNHC)
Subject: RE: Request for information – UN Declaration

I think we can say something like “In our view farmers/peasants do not need additional normative protections, beyond existing international human rights law”. s9(2)(g)(i)
“collective rights are a complex subject in international human rights jurisprudence, and for New Zealand the concept should be limited to the rights of indigenous peoples”.

From: WEIR, Hannah (UNHC) <Hannah.Weir@mfat.govt.nz>
Date: Thursday, 22 Nov 2018, 6:58 PM
To: CLYNE, Jarrod (GVA) <Jarrod.Clyne@mfat.govt.nz>
Subject: FW: Request for information - UN Declaration

Background

The UN Declaration on the rights of peasants and other people working in rural areas aims to improve living conditions as well as give rights over food, seeds, natural resources and traditional knowledge to peasants and all rural populations.

New Zealand voted against the resolution because we had significant concerns with how the UN Declaration on the rights of peasants and other people working in rural areas applied in New Zealand’s unique domestic context.

In particular it was not clear how the declaration would interact with the Treaty of Waitangi s9(2)(g)(i)

It was also unclear how the declaration applied to New Zealand farmers which are not often associated with poverty or subsistent farming.

s9(2)(g)(i)

We had concerns about this declaration setting a precedent for the promulgation of other instruments that confirmed rights on selected groups of people in new areas.

New Zealand voted against the resolution in the company of Australia, the United States, the United Kingdom, Sweden, Israel and Hungary.

Talking points:

- New Zealand is a staunch advocate for reducing inequality globally and for improving the livelihoods of all people living in poverty, including those that work in subsistent farming in rural areas.
- While we support all efforts by the international community to recognise and improve the lives of poorer people we had significant concerns about how this declaration applied in New Zealand’s own unique domestic context.

- In particular it was not clear how the declaration would interact with the Treaty of Waitangi s9(2)(g)(i)
- s9(2)(g)(i)

Duplicate

Released under the Official Information Act

From: Jarrod Clyne [s9\(2\)\(a\)](#)
Sent: Friday, 23 November 2018 11:25 a.m.
To: WEIR, Hannah (UNHC)
Subject: Re: Peasants

This was from HRC

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23660&LangID=E>

In a resolution ([A/HRC/39/L.16](#)) on the **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas**, adopted by a vote of 33 in favour, three against and 11 abstentions, the Council adopts the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas; and recommends that the General Assembly adopts the United Nations Declaration... and invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof.

The results of the vote were as follows:

In favour (33): Afghanistan, Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates and Venezuela.

Against (3): Australia, Hungary and United Kingdom.

Abstentions (11): Belgium, Brazil, Croatia, Georgia, Germany, Iceland, Japan, Republic of Korea, Slovakia, Slovenia and Spain.

Bolivia, speaking also on behalf of core group members Cuba, Ecuador and South Africa, introducing draft resolution L.16, said the aim of the Declaration was to promote and protect the human rights of people living in rural areas. It reaffirmed the commitment of the international community to work together in favour of peasants and those living in rural areas to be on an equal footing with the rest of the world, while also recognizing international legislation. Peasants and people in rural areas provided the majority of the world's food. Supporting the Declaration was supporting the work of millions of families, sustainable development and biodiversity. The Declaration combatted poverty and discrimination and affirmed that all humans were equal in their rights, which were inalienable. Their brother and sister peasants sought recognition as equals, to survive and to continue feeding the world; their participation gave the content a face and a voice. Bolivia called on all States to support the Declaration and reaffirm their respect for peasants and people living in rural areas.

Venezuela, in a general comment, expressed its full support for the draft resolution. Venezuela firmly supported the right of peasants. Venezuela had no doubt as to the relevance of these efforts to support over half a billion people working in fields around the world. Venezuela had enthusiastically joined efforts that led to this historic moment. It called for the approval of an international mechanism which would lead to

further protections for farmers and peasants around the world.

South Africa, in a general comment, said it attached the highest priority to the rights of peasants, and accorded the highest priority to the issue of people living and working in rural areas. The majority of African women lived and worked in rural areas and were primarily dependent on farming for their livelihoods. The draft resolution allowed for peasants to ensure food security, job creation and the attainment of vibrant, sustainable rural economies. The Declaration aimed at addressing inequalities and discriminations against people in rural areas. The Declaration was the result of six years of constructive and transparent negotiations, and the agreed upon language included compromised language granting States flexibility, taking into account national contexts. The Declaration was a tool to strengthen policies and cooperation in favour of better living standards for peasants. The Declaration represented a message from the international community that it had not forgotten rural areas. South Africa called on the Council to do the right thing by peasants, the majority of whom were in developing countries, and were primarily women.

Slovakia, speaking on behalf of the European Union in a general comment, said the European Union was deeply committed to further exploring various possibilities to ensure the better promotion of the human rights of all people living in rural areas. Still, there were divergent views on the content of the United Nations Declaration and it was the obligation of every State to ensure the promotion of all human rights. The European Union constructively engaged in five sessions of the Working Group. Sponsors had a positive approach and took on board proposals, however for some States problems in the text remained including, inter alia, with regard to notions of rights to seeds, land, a clean and healthy environment, protection of biodiversity and food sovereignty. Concern was raised that this draft amendment attempted to create new rights, although a Declaration by definition did not constitute a legally binding document and could not create new rights. For all those reasons, Member States of the European Union that were members of the Council could not support L.16.

Ecuador, speaking on behalf of the core group in a general comment, reiterated its strong support for the draft Declaration, which would be a step forward in the promotion and protection of the human rights of peasants, a group that included one billion people. They appreciated that the negotiations were transparent and inclusive with all stakeholders participating. The draft resolution was in full line with existing norms and with documents on relevant issues. They urged all States to give their support.

Cuba, in a general comment, expressed its strong support for the resolution and expressed recognition to delegations that had worked in an inclusive and transparent manner. Cuba recognized the work of the Chairman of the group as well as the intergovernmental process that made it possible to have a text that promoted and protected human rights. Cuba asked that all States support the Declaration, a responsibility for all members of the world as something owed to peasants all over the world.

Switzerland, in an explanation of the vote before the vote, said that peasants were affected disproportionately by poverty. Switzerland supported the Declaration as it brought together all rights of peasants in a single document. It was a very important political signal. The Declaration was not a legally binding document. Most of concerns of Switzerland were taken into account and the text was very balanced. Still, some problems remained. Agricultural reform mentioned in the text required some legal safeguards. The Declaration did not make sufficient references to the existing international environmental regime and it did not include a sustainable development

approach. Switzerland would vote in favour.

Mexico, in an explanation of the vote before the vote, thanked the sponsors. Mexico was taking a reserved position as the Declaration fragmented the human rights regime since it focused on one particular sector. Nonetheless, it was positive that the Declaration linked this to existing human rights. For that reason, Mexico would support L.16, as it was consistent with efforts that Mexico was carrying out in the food and agriculture sector, in the context of national food security. The Declaration was in line with national legislation in Mexico, the Cartagena Protocol, the United Nations Declaration on the Rights of Indigenous Peoples, and International Labour Organization Convention 169. The Declaration should not promote one sector at the expense of another.

Brazil, in an explanation of the vote before the vote, recognized that the adoption of the Declaration was a positive step towards the recognition of the rights of peasants and other people working in rural areas, and addressed their problems associated with other social questions of human security. Although the Declaration was a voluntary and non-binding instrument, it remained very important. However, the Declaration was not a perfect document, particularly given the scope, complexity, and sensitivity of the issue, and the text would have benefitted from additional consultations. In Brazil, there were more than 4 million land holders responsible for 70 per cent of food consumed by Brazilians citizens. There was a greater necessity to find a balance to support small producers without overlooking large-scale commercial operations, which was not expressed in the text. Brazil thus reserved the right to implement the Declaration with regard to its own national legislation, and said it would abstain, regretting a lost opportunity to improve the draft.

Ethiopia, in an explanation of the vote before the vote, emphasized that the majority of its population lived in remote rural areas. For this reason, Ethiopia had pursued an agricultural and industrialization policy which contributed to positive economic development over the last decade and a half. Ethiopia's constitution provided protection for peasants and pastoralists, and it had adopted laws to translate these protections into action in a detailed manner. Pastoralists and peasants remained the backbone of Ethiopia's economy and the livelihood of its people. Ethiopia agreed in principle that the human rights of peasants and pastoralists required protection, and that, due to their vulnerability, these rights should be extended. However, Ethiopia emphasized that the international rights and duties of States were limited to the States' own territory and jurisdiction – Ethiopia thus underscored that the applicability and scope of the Declaration was limited to States' territory and jurisdiction. Ethiopia thus underlined that the legally non-binding nature of the Declaration reaffirmed that the current and future laws of Ethiopia would prevail over the Declaration. Ethiopia would vote in favour of adopting the resolution.

United Kingdom, in an explanation of the vote before the vote, said that all humans were born free and equal and on an equal basis with others. The United Kingdom had engaged constructively both nationally and internationally on this resolution. They remained committed to translating the 2030 Agenda to leave no one behind and would work with small holder farmers in developing countries to provide them with greater opportunities. However, the United Kingdom had a number of longstanding concerns about the draft Declaration which sought to expand upon existing rights. In that regard, the United Kingdom did not accept collective human rights in international law and would vote no.

Germany, speaking on behalf of Slovenia, Slovakia, Croatia, Spain and Belgium in an explanation of the vote before the vote, shared concerns that in many parts of the world,

peasants continued to be victims of human rights violations. The countries thanked the core group and Bolivia on their cooperation during the drafting process, however, they found the resolution was not fully in line with established international agreements and conventions. They took note of legal concerns with the rights to seeds, lands and a clean and healthy environment as well as food sovereignty. There was further work to be done, they said, while emphasizing that the existing framework be properly implemented.

Iceland, in an explanation of the vote before the vote, strongly believed that the existing human rights framework adequately protected all individuals, including peasants and those working and living in rural areas. Iceland was of the opinion that there was an implementation gap, not a normative one and there was no added value of this Declaration. The Declaration could be understood to be new rights. By recognizing them for peasants and those living in rural areas, a legal uncertainty was created. Additionally, the definition of peasant and those living in rural areas was imprecise as it related to indigenous peoples, creating another uncertainty. The text could benefit from further discussion to avoid contradictions and more work was needed to address concerns raised and Iceland would abstain from the vote.

Chile, in an explanation of the vote before the vote, supported the Declaration, as it did not establish new human rights different from those established by the United Nations declarations and treaties.

Panama, in an explanation of the vote before the vote, supported the Declaration as an effort to fight poverty and discrimination. The Declaration contained the right balance, taking into account different realities and national legislation of different countries. The text had an interest in the international community as a whole, for all those providing to the world economy and who were vulnerable, fishermen, peasants etc. It was in line with the Sustainable Development Goals and the Decade of Agriculture, which would start in 2019 and it would assist in eradicating hunger. All Member States of the Council were invited to vote in favour.

Republic of Korea, in an explanation of the vote before the vote, said that it placed high priority on the protection of the human rights of persons living in rural areas, and it was carrying out development projects with that aim. The Republic of Korea generally supported the draft resolution L.16. However, some provisions may be incompatible with its domestic laws and international obligations and it would, thus, abstain from the vote.

China, in an explanation of the vote before the vote, noted that it was committed to protecting the wellbeing of peasants, as reflected in its national laws. It thanked the co-sponsors of the draft Declaration for their constructive and inclusive spirit. China still had some concerns about the definition of peasants, land and other resources. However, China supported the main content of the Declaration so it would vote in favour.

The Council then adopted draft resolution L.16 by a vote of 33 in favour, three against and 11 abstentions.

On Thu, Nov 22, 2018 at 5:22 PM Jarrod Clyne [s9(2)(a)]
<https://www.un.org/press/en/2018/qashc4255.doc.htm>

- wrote:

The Committee then took up a draft resolution titled "Declaration on the right of peasants and other people working in rural areas" (document A/C.3/73/L.30).

The representative of Bolivia, introducing the draft resolution on behalf of Cuba, Ecuador, El Salvador, Nicaragua, South Africa, Venezuela and others, said the resolution recognized the role of family agriculture in the fight against poverty. Peasants produce 70 per cent of the world's food. They are vulnerable and depend entirely on working the land. They are the first to be impacted by climate change. The draft calls on all States to create more inclusive societies.

The representative of South Africa said her country had participated in all processes to develop the declaration on the rights of peasants. The declaration is important for the Global South, for which food production and quality livelihoods are paramount. She attached the highest priority to the rights of peasants, and to people working and living in rural areas.

The representative of Switzerland, in explanation of vote, said the drafting process had led to a positive outcome: a balanced resolution. She had voted yes at the Human Rights Council and will vote yes again today, noting that agricultural reforms require a legal procedure with legal guarantees. The right to seeds will be interpreted in line with national and international law. The declaration does not make sufficient mention of parties to environmental treaties.

The representative of Spain said that peasants' contribution is essential to maintaining diversity. For many reasons, Spain will abstain.

The representative of Ethiopia said that his country's Constitution recognizes the rights of peasants and of pastoralists to have access to free land for grazing. He noted the expanded scope and application of peasants and those working in rural areas, notably in the context of article 7 related to transboundary tenure and water boundaries. Ethiopia does not accept the expanded scope of article 7. The scope and applicability of the declaration on the rights of peasants is limited within the territory of each State. Ethiopia appreciates article 28, keeping the aspirational nature of the declaration. He reaffirmed that current and future national laws and international obligations prevail over the declaration. He will abstain.

The representative of Brazil said the text is imperfect, and he indicated the sensitivity of the issues for various sectors of the economy. Discussion is needed on the right to land and the right to seeds. Brazil has over 4 million small farms and provides over 70 per cent of the food consumed. It has a thriving commercial sector which exports many agricultural products. If consultations had continued, aspects would have been agreed upon. The preambular paragraph dealing with human rights should be deleted. The use of chemicals should be guided by national or international standards to monitor the health risks of agricultural workers.

The representative of Mexico said the declaration is in line with his country's work with the Food and Agricultural Organization (FAO). It is not preceded by a process or international custom; any person in a state of vulnerability is protected by international instruments. Finally, the declaration is not legally binding, but rather, a tool to improve the lives of the vulnerable.

The representative of the United Kingdom said his country engaged constructively on how to use the international framework to improve the lives of workers. The United Kingdom has concerns about the declaration, as it sets up new rights for other workers, including collective rights. As such, the United Kingdom will vote against it.

The representative of Portugal, also on behalf of Luxembourg, said peasants are more likely to see their rights violated. Citing the decline of the family and small farms, he said the draft resolution will raise awareness among Governments to fully respect peasants' rights without discrimination. He called others to vote in favour of the text.

The Committee approved draft resolution "L.30" by a recorded vote of 119 in favour to 7 against (Australia, Hungary, Israel, New Zealand, Sweden, United Kingdom, United States), with 49 abstentions.

By its terms, the Assembly would adopt the United Nations declaration on the rights of peasants and other people working in rural areas. It would also invite Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof.

The representative of the United States, in explanation of vote, said the declaration on the rights of peasants has four issues. International humanitarian law bestows rights on individuals, not groups. She cannot agree that categories of individuals merit special treatment in the international human rights framework. The declaration assumes rights for which there is no internationally agreed definition. The rights to seeds, to return to the land, to use traditional farming, to biological diversity do not exist under international human rights law. Further, the draft resolution is replete with the word "shall", leaving the door open for misunderstanding. The United States does not agree with references to technology transfer, as it supported such transfer only on voluntary and mutually agreed terms. The declaration was not appropriate for pronouncements on technology transfer. It is an attempt to prejudice negotiations currently under way.

The representative of the Russian Federation said the text has problems. Continued work on the declaration in Geneva would allow for achieving consensus. Dividing peasants and rural workers into a separate category with different rights and regimes for legal protection does not align with the principle of equal treatment. She thus abstained.

The representative of Sweden said the principle of equal value of all individuals is important. The majority of peasants have unclear land ownership, food loss and waste, and poor infrastructure. The economic empowerment of women in rural areas is a goal. The draft resolution creates new areas — collective rights and the rights to seeds — which require better links to be made. Some elements of the declaration are inconsistent. Sweden is committed to all persons without bias. More work is needed to ease her country's concerns and she thus voted against the draft resolution.

The representative of Uruguay supported the draft resolution, underscoring that the sector needs comprehensive public policies. All workers must have an equal footing. The draft resolution is not to create new rights.

The representative of France said he would abstain because it has a commitment to universal human rights, and the creation of a new instrument for peasants only raises new questions. France cannot accept references to collective rights. The text leads to the creation of new rights, which run counter to other rights, including to intellectual property. Due to constitutional constraints, France cannot accept the draft resolution.

The representative of Singapore said the General Assembly did not have significant time for considering this proposal. The non-legally binding declaration brings new classes of rights that belong to one group, and therefore will abstain.

The representative of Guatemala said the provisions of the declaration might be controversial for national legislation. He abstained in the vote.

The representative of Austria, on behalf of the European Union, said that it was concerned about the obstacles that obstruct the full realization of human rights of those living in rural areas. Divergent views exist and it is the obligation of all States to promote all human rights without distinction. The bloc had engaged with the working group on peasants. Some of its proposals were taken on board. But the text raises problems with regard to the creation of new collective human rights or rights for seeds, for which rights must be clarified. He noted incoherence between the declaration and multilateral treaties. The declaration is not legally binding and cannot create more rights. The European Union will work towards a consensual approach.

The representative of Indonesia said many principles of the declaration had been implemented in Indonesia. Another step will be to implement the declaration in States' unique regulatory frameworks. The livelihood of peasants is a national priority. Implementation of the declaration and the resolution will take into account the constitutional mandate and role of the State in promoting the rights of rural people.

The next 3 pages are duplicate

Released under the Official Information Act

From: WEIR, Hannah (UNHC)
Sent: Monday, 19 November 2018 5:12 p.m.
To: CLYNE, Jarrod (GVA); MCDOWELL, Sarah (NYK); BUIST-CATHERWOOD, Emily (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)
Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC); CHESHIRE, Finnian (NYK)
Subject: RE: Third Committee - Week 8 update (and final week!)

OUT OF SCOPE

- We agree we should vote against the Peasants resolution.

OUT OF SCOPE

Released under the Official Information Act

From: MCDOWELL, Sarah (NYK)
Sent: Wednesday, 21 November 2018 2:02 p.m.
To: WEIR, Hannah (UNHC); CLYNE, Jarrod (GVA); BUIST-CATHERWOOD, Emily (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)
Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC); CHESHIRE, Finnian (NYK); FEPULEAI, Justin (DS MLG Office)
Subject: RE: Third Committee - Week 8 update (and final week!)
Attachments: e1ac7c0a-62b6-4777-b524-983d6182e032.jpg; IMG_0418.jpg

OUT OF SCOPE

Released under the Official Information Act

OUT OF SCOPE

From: MCDOWELL, Sarah (NYK)

Sent: Monday, 19 November 2018 9:20 a.m.

To: WEIR, Hannah (UNHC); CLYNE, Jarrod (GVA); BUIST-CATHERWOOD, Emily (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)

Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC); CHESHIRE, Finnian (NYK)

Subject: RE: Third Committee - Week 8 update (and final week!)

OUT OF SCOPE

Released under the Official Information Act

OUT OF SCOPE

Peasants: Grateful you confirm your approval for our recommendation to vote 'no' on the resolution which adopts the Declaration on the rights of peasants. I can draft an EOJ or we can just let our vote speak for itself (I believe you preferred the latter approach). We have been lobbied by Peasants related NGOs and I have explained that the Declaration was at odds with our laws and policies. We will probably be in a small minority of 'no' votes, but for good reason (many Europeans have protectionist policies that broadly fit with the 'food security and sovereignty' vision of the Declaration).

Thanks
Sarah

OUT OF SCOPE

The following page is out of scope

OUT OF SCOPE

From: MCDOWELL, Sarah (NYK)

Sent: Wednesday, 14 November 2018 1:05 p.m.

To: WEIR, Hannah (UNHC); CLYNE, Jarrod (GVA); BUIST-CATHERWOOD, Emily (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)

Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC); CHESHIRE, Finnian (NYK)

Subject: RE: Third Committee - Week 7 update

OUT OF SCOPE

Released under the Official Information Act

The following page is out of scope

Peasants

- It is still unclear how other delegations will vote, but it seems that there will be a reasonable number of 'no' votes. Regardless, given our traditionally agriculture and export-based economy, we should carefully consider the content of the declaration in light of our own national economic and trade policies. I have highlighted areas of concern. As you can see, there are serious difficulties with most of the Declaration. Article 10 might be ok, but Article 15 is particularly problematic. In addition, Article 21 seems reasonably drafted, but I do understand we have a fairly cautious approach to the right to water. While some of the content might be well-justified under a Marxist revolutionary framework (seizing the means of production etc.) I would assume the draft is so far beyond our domestic legal and policy framework that we should vote against the resolution.

OUT OF SCOPE



General Assembly

Distr.: Limited
30 October 2018
Original: English

Seventy-third session
Third Committee

Agenda item 74 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Comment [Start1]: <<ODS JOB NO>>N1835040E<<ODS JOB NO>>
<<ODS DOC SYMBOL1>>A/C.3/73/L.30<<ODS DOC SYMBOL1>>
<<ODS DOC SYMBOL2>><<ODS DOC SYMBOL2>>

Bolivia (Plurinational State of), Cuba, Ecuador, El Salvador, Mongolia, Nicaragua, Paraguay, Portugal, South Africa and Venezuela (Bolivarian Republic of): draft resolution

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The General Assembly,

Welcoming the adoption by the Human Rights Council, in its resolution 39/12 of 28 September 2018,¹ of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,

1. *Adopts* the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, as contained in the annex to the present resolution;
2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof;
3. *Requests* the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

¹ See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53A (A/73/53/Add.1)*, chap. II.



Annex

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The General Assembly,

Recalling the principles proclaimed in the Charter of the United Nations, which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Taking into account the principles proclaimed in the Universal Declaration of Human Rights,² the International Convention on the Elimination of All Forms of Racial Discrimination,³ the International Covenant on Economic, Social and Cultural Rights,⁴ the International Covenant on Civil and Political Rights,⁴ the Convention on the Elimination of All Forms of Discrimination against Women,⁵ the Convention on the Rights of the Child,⁶ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, relevant conventions of the International Labour Organization and other relevant international instruments that have been adopted at the universal or regional level,

Reaffirming the Declaration on the Right to Development,⁸ and that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Reaffirming also the United Nations Declaration on the Rights of Indigenous Peoples,⁹

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recognizing the special relationship and interaction between peasants and other people working in rural areas and the land, water and nature to which they are attached and on which they depend for their livelihood,

Recognizing also the past, present and future contributions of peasants and other people working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security, which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,¹⁰

¹ Resolution 217 A (III).

² United Nations, *Treaty Series*, vol. 660, No. 9464.

³ Resolution 2200 A (XXI), annex.

⁴ United Nations, *Treaty Series*, vol. 1249, No. 20378.

⁵ *Ibid.*, vol. 1577, No. 27531.

⁶ *Ibid.*, vol. 2220, No. 39481.

⁷ Resolution 41/128, annex.

⁸ Resolution 61/295, annex.

⁹ Resolution 70/1.

Concerned that peasants and other people working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

Concerned also that peasants and other people working in rural areas suffer from the burdens caused by environmental degradation and climate change,

Concerned further about peasants ageing around the world and youth increasingly migrating to urban areas and turning their backs on agriculture owing to the lack of incentives and the drudgery of rural life, and recognizing the need to improve the economic diversification of rural areas and the creation of non-farm opportunities, especially for rural youth,

Alarmed by the increasing number of peasants and other people working in rural areas forcibly evicted or displaced every year,

Alarmed also by the high incidence of suicide of peasants in several countries,

Stressing that peasant women and other rural women play a significant role in the economic survival of their families and in contributing to the rural and national economy, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land, equal access to land, productive resources, financial services, information, employment or social protection, and are often victims of violence and discrimination in a variety of forms and manifestations,

Stressing also the importance of promoting and protecting the rights of the child in rural areas, including through the eradication of poverty, hunger and malnutrition, the promotion of quality education and health, protection from exposure to chemicals and wastes, and the elimination of child labour, in accordance with relevant human rights obligations,

Stressing further that several factors make it difficult for peasants and other people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters and other local communities, to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

Recognizing that access to land, water, seeds and other natural resources is an increasing challenge for rural people, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

Convinced that peasants and other people working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Considering the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work and lacking living wages and social protection,

Concerned that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subjected to different forms of intimidation and of violations of their physical integrity,

Noting that peasants and other people working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to

the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

Concerned about speculation on food products, the increasing concentration and unbalanced distribution of food systems and the uneven power relations along the value chains, which impair the enjoyment of human rights,

Reaffirming that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Recalling the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights,⁴ full and complete sovereignty over all their natural wealth and resources,

Recognizing that the concept of food sovereignty has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Declaration and in national law,

Reaffirming the importance of respecting the diversity of cultures and of promoting tolerance, dialogue and cooperation,

Recalling the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work,

Recalling also the Convention on Biological Diversity¹¹ and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity,¹²

Recalling further the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture,¹³ and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,¹⁴ the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,¹⁵

Recalling the outcome of the World Conference on Agrarian Reform and Rural Development, and the Peasants' Charter adopted thereat, in which the need for the formulation of appropriate national strategies for agrarian reform and rural development, and their integration with overall national development strategies, was emphasized,

¹¹ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹² United Nations Environment Programme, document UNEP/CBD/COP/10/27, annex, decision X/1.

¹³ United Nations, *Treaty Series*, vol. 2400, No. 43345.

¹⁴ Food and Agriculture Organization of the United Nations, document CL 144/9 (C 2013/20), appendix D.

¹⁵ E/CN.4/2005/L31, annex.

Reaffirming that the present Declaration and relevant international agreements shall be mutually supportive with a view to enhancing the protection of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Convinced of the need for greater protection of the human rights of peasants and other people working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Declares the following:

Article 1

1. For the purposes of the present Declaration, a peasant is any person who engages 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 labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.
2. The present Declaration applies to any person 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.
3. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless engaged in the above-mentioned activities.
4. The present Declaration further applies to hired workers, including all migrant workers regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

Article 2

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present Declaration that cannot be immediately guaranteed.
2. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.
3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing

power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

4. States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas.

5. States shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights of peasants and other people working in rural areas.

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present Declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people working in rural areas, among others. Such measures could include:

(a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people working in rural areas;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and in access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the transfer of technologies, particularly to developing countries, on mutually agreed terms;

(e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Article 3

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights² and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as 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.

2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

Article 4

1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between

men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development.

2. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:

(a) To participate equally and effectively in the formulation and implementation of development planning at all levels;

(b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;

(e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;

(h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;

(i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;

(j) To be free from all forms of violence.

Article 5

1. Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources.

2. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

(a) A duly conducted social and environmental impact assessment;

(b) Consultations in good faith, in accordance with article 2 (3) of the present Declaration;

(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Article 6

1. Peasants and other people working in rural areas have the right to life, physical and mental integrity, liberty and security of person.
2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

Article 7

1. Peasants and other people working in rural areas have the right to recognition everywhere as persons before the law.
2. States shall take appropriate measures to facilitate the freedom of movement of peasants and other people working in rural areas.
3. States shall, where required, take appropriate measures to cooperate with a view to addressing transboundary tenure issues affecting peasants and other people working in rural areas that cross international boundaries, in accordance with article 28 of the present Declaration.

Article 8

1. Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.
2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.
3. The exercise of the rights provided for in the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.
4. States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.

Article 9

1. Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the

protection of public health or morals or the protection of the rights and freedoms of others.

3. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity and to a decent life.

Article 10

1. Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.

2. States shall promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

Article 11

1. Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas have access to relevant, transparent, timely and adequate information in a language and form and through means adequate to their cultural methods so as to promote their empowerment and to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.

3. States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.

Article 12

1. Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.

2. States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

3. Peasants and other people working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

4. States shall consider measures to strengthen relevant national institutions for the promotion and protection of all human rights, including the rights described in the present Declaration.

5. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

Article 13

1. Peasants and other people working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.

2. Children of peasants and other people working in rural areas have the right to be protected from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to a child's health or physical, mental, spiritual, moral or social development.

3. States shall create an enabling environment with opportunities for work for peasants and other people working in rural areas and their families that provide remuneration allowing for an adequate standard of living.

4. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote sustainable food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.

5. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating, where required, appropriate resources to ensure the effective operation of labour inspectorates in rural areas.

6. No one shall be required to perform forced, bonded or compulsory labour, be subjected to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, child labour and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Article 14

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy working conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to the implementation of measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions and to remove

themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subjected to any work-related retaliation for exercising such rights.

2. Peasants and other people working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.

3. States shall take appropriate measures to ensure favourable safe and healthy working conditions for peasants and other people working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

4. States shall take all measures necessary to ensure:

(a) The prevention of risks to health and safety derived from technologies, chemicals and agricultural practices, including through their prohibition and restriction;

(b) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, distribution, labelling and use of chemicals used in agriculture, and for their prohibition or restriction;

(c) That those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the appropriate official language or languages of the country and, on request, to the competent authority;

(d) That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

(e) The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.

Article 15

1. Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

2. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.

3. States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious

food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

4. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

5. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.

Article 16

1. Peasants and other people working in rural areas have the right to an adequate standard of living for themselves and their families and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right to engage freely, individually and/or collectively, in association with others or as a community, in traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems.

2. States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation and the processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.

4. States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production. States shall stimulate sustainable production, including agroecological and organic production, whenever possible, and facilitate direct farmer-to-consumer sales.

5. States shall take appropriate measures to strengthen the resilience of peasants and other people working in rural areas against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

Article 17

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.
2. States shall take appropriate measures to remove and prohibit all forms of discrimination relating to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.
3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems. States shall protect legitimate tenure and ensure that peasants and other people working in rural areas are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. States shall recognize and protect the natural commons and their related systems of collective use and management.
4. Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law. States shall prohibit arbitrary and unlawful forced eviction, the destruction of agricultural areas and the confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.
5. Peasants and other people working in rural areas who have been arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived, including in cases of natural disasters and/or armed conflict and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, whenever possible, or to receive just, fair and lawful compensation when their return is not possible.
6. Where appropriate, States shall take appropriate measures to carry out agrarian reforms in order to facilitate the broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land, taking into account its social function. Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.
7. States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

Article 18

1. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.

2. States shall take appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment.
3. States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.
4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.
5. States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Article 19

1. Peasants and other people working in rural areas have the right to seeds, in accordance with article 28 of the present Declaration, including:
 - (a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;
 - (b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;
 - (c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;
 - (d) The right to save, use, exchange and sell their farm-saved seed or propagating material.
2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge.
3. States shall take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas.
4. States shall ensure that seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting and at an affordable price.
5. States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice and to decide on the crops and species that they wish to grow.
6. States shall take appropriate measures to support peasant seed systems and promote the use of peasant seeds and agrobiodiversity.
7. States shall take appropriate measures to ensure that agricultural research and development integrates the needs of peasants and other people working in rural areas and to ensure their active participation in the definition of priorities and the undertaking of research and development, taking into account their experience, and increase investment in research and the development of orphan crops and seeds that respond to the needs of peasants and other people working in rural areas.

8. States shall ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas.

Article 20

1. States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas.

2. States shall take appropriate measures to promote and protect the traditional knowledge, innovation and practices of peasants and other people working in rural areas, including traditional agrarian, pastoral, forestry, fisheries, livestock and agroecological systems relevant to the conservation and sustainable use of biological diversity.

3. States shall prevent risks of violation of the rights of peasants and other people working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

Article 21

1. Peasants and other people working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. These rights include water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

2. Peasants and other people working in rural areas have the right to water for personal and domestic use, farming, fishing and livestock keeping and to securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants regardless of their migration status and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, technologies for the reuse of treated wastewater and for water collection and storage.

4. States shall protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes, from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people working in rural areas. States shall prioritize water for human needs before other uses, promoting its conservation, restoration and sustainable use.

Article 22

1. Peasants and other people working in rural areas have the right to social security, including social insurance.
2. States shall, according to their national circumstances, take appropriate steps to promote the enjoyment of the right to social security of all migrant workers in rural areas.
3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.
4. Basic social security guarantees should be established by law. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

Article 23

1. Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.
2. Peasants and other people working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.
3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as training for health personnel, including education on health and human rights.

Article 24

1. Peasants and other people working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.
2. Peasants and other people working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.
3. States shall not, arbitrarily or unlawfully, either temporarily or permanently, remove peasants or other people working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.

Article 25

1. Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic

environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.

2. All children of peasants and other people working in rural areas have the right to education in accordance with their culture and with all the rights contained in human rights instruments.

3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding and plant and animal health clinics, to respond more appropriately to the immediate and emerging challenges that peasants and other people working in rural areas face.

4. States shall invest in providing training, market information and advisory services at the farm level.

Article 26

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law or to limit their scope.

2. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

Article 27

1. The specialized agencies, funds and programmes of the United Nations system and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the present Declaration, including through the mobilization of, inter alia, development assistance and cooperation. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.

2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the present Declaration and follow up on its effectiveness.

Article 28

1. Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future.

2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present

Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

The following page is out of scope

Released under the Official Information Act

OUT OF SCOPE

From: MCDOWELL, Sarah (NYK)

Sent: Sunday, 11 November 2018 4:00 p.m.

To: CLYNE, Jarrod (GVA); WEIR, Hannah (UNHC); BUIST-CATHERWOOD, Emily (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)

Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC); CHESHIRE, Finnian (NYK)

Subject: RE: Third Committee - Week 6 update

OUT OF SCOPE

Released under the Official Information Act

OUT OF SCOPE

Released under the Official Information Act

- **Peasants:** The resolution will not have significant changes. Given the unduly wide scope of the definition of 'peasants' in the draft Declaration, and the major ramifications for New Zealand of the normative development/the establishment of new rights could have, an abstention seems insufficient and we recommend voting against the resolution, providing an explanation of vote. The US will call the vote (the UK having done so in in Geneva). We would be aligned with the Australian position.

Thanks for firm recommendation, will consult internally and revert with instructions.

OUT OF SCOPE

The following 2 pages are out of scope

OUT OF SCOPE

From: MCDOWELL, Sarah (NYK)

Sent: Monday, 5 November 2018 10:14 a.m.

To: WEIR, Hannah (UNHC); BUIST-CATHERWOOD, Emily (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)

Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); CLYNE, Jarrod (GVA); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC)

Subject: RE: Third Committee - Week 6 update

OUT OF SCOPE

Released under the Official Information Act

The following page is out of scope

OUT OF SCOPE

- Peasants ((Bolivia et al – new) – expected to be voted by the US. We are touching base with others to find out how they will position themselves on this resolution but our initial reaction is to abstain at a minimum or consider voting against. Please let us know if there would be any in particular that are of interest (Mountains are expected to be split)!

OUT OF SCOPE

Released under the Official Information Act

The following 4 pages are out of scope

OUT OF SCOPE

Released under the Official Information Act

From: WEIR, Hannah (UNHC)

Sent: Thursday, 25 October 2018 10:53 p.m.

To: BUIST-CATHERWOOD, Emily (UNHC); MCDOWELL, Sarah (NYK); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)

Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); CLYNE, Jarrod (GVA); DEMPSTER, Jillian (GVA);

RANGER, Peter (UNHC)

Subject: RE: Third Committee - Week 2 update

Thanks Emily

That is a strong statement from the High Commissioner!

Declaration on Rights of Peasants

We agree with Jarrod that this is a tricky one for New Zealand. s9(2)(g)(i)

s9(2)(g)(i)

As Jarrod suggests, if a vote is called, at the very least we should abstain.

It would be great to get a better sense of what others think in this first informal. Perhaps we should make a general comment about our concerns on the scope of the treaty in the first session and compatibility with the TOW but reserve our position on individual paragraphs for this session until we get a better sense of where this is going / and how much we should engage in it at all.

OUT OF SCOPE

From: BUIST-CATHERWOOD, Emily (UNHC)

Sent: Friday, 26 October 2018 12:24 p.m.

To: MCDOWELL, Sarah (NYK); WEIR, Hannah (UNHC); MESSENT, Alana (UNHC); PRINGLE, Rachael (UNHC)

Cc: YAP, Renee (NYK); HAWKE, Craig (NYK); TAULA, Phillip (UNHC); CLYNE, Jarrod (GVA); DEMPSTER, Jillian (GVA); RANGER, Peter (UNHC); BUIST-CATHERWOOD, Emily (UNHC)
Subject: RE: Third Committee - Week 2 update

Hi Hannah

Thanks for the advice below.

Declaration on the rights of peasants

Please let us know if NZ has any views on this text or if you'd like us to engage - we have attached the zero draft as well as Jarrod's earlier advice on the text. Early indications from the US prior to this session were that they would call a vote. We've just been told the first informal is tomorrow.

OUT OF SCOPE

The following page is out of scope

Released under the Official Information Act

From: MCDOWELL, Sarah (NYK)
Sent: Sunday, 9 September 2018 5:59 p.m.
To: BUIST-CATHERWOOD, Emily (UNHC); WEIR, Hannah (UNHC)
Cc: HAWKE, Craig (NYK); YAP, Renee (NYK); CLYNE, Jarrod (GVA); DEMPSTER, Jillian (GVA)
Subject: RE: Third Committee update in advance of the teleconference

OUT OF SCOPE

- o Jarrod's message on the UN Declaration on Peasants (attached)

OUT OF SCOPE

The following page is out of scope

From: CLYNE, Jarrod (GVA)
Sent: Monday, 8 October 2018 10:19 p.m.
To: WEIR, Hannah (UNHC)
Cc: BUIST-CATHERWOOD, Emily (UNHC); MCDOWELL, Sarah (NYK)
Subject: FW: Human Rights Council : Draft United Nations declaration on the rights of peasants and other people working in rural areas
Attachments: A-HRC-WG.15-5-3 AUV FINAL.PDF
Follow Up Flag: Follow up
Flag Status: Completed

Security Classification:

Hi Hannah – this was accidentally left out of the C3 FM. It needs careful consideration, but obviously will depend on voting intentions of others. US, UK, Australia will vote against, Switzerland will vote in favour. EU likely split. I can do more analysis on the text if required, but this is very much a domestic issue. s9(2)(g)(i)

Kind regards

Jarrod

From: CLYNE, Jarrod (GVA)
Sent: Friday, 24 August 2018 3:38 p.m.
To: MCDOWELL, Sarah (NYK)
Cc: YAP, Renee (NYK); BUIST-CATHERWOOD, Emily (UNHC)
Subject: Human Rights Council : Draft United Nations declaration on the rights of peasants and other people working in rural areas

Dear Sarah,

The Declaration on the Rights of peasants will be annexed to an HRC resolution at HRC39 before going to the GA for adoption (via C3). We don't have to take a position here, but it's virtually certain that the US will call a vote on it in the GA and we'll need to vote. s6(a)

The process of this instrument has been quite similar to the 'right to peace', but the intent and scope behind it is both more genuine and less political, but also more radical.

Bolivia and South Africa are leading the process here, and they have made some adjustments to the previous draft declaration including to the section on 'food sovereignty'. However, our previous concerns with the scope remain. The declaration would apply to a very large percentage of NZ farmers and indigenous peoples have now been added to Article 1. On substance there are a lot of challenging elements, even if it has been modified slightly in light of discussions in the Inter-governmental working group s6(a)

I don't have time to go into the detail at this stage, other than to highlight some articles that raise significant questions (and on very shaky foundations in terms of human rights law/standards), and our position should in part be based on whether we already undertake/could consider undertaking such measures in New Zealand:

- Article 2(3)(5)(6(a) [2(3) is a an attempt at creating an FPIC standard for rural people)
- Article 11(2)
- Article 12(5)
- Article 15(2)(4) ('mentally fulfilling and dignified life', and (4) is the food sovereignty para
- Article 16(3)(4)
- Article 17(6)
- Article 18(1)(3)
- Article 19 'right to seeds'
- Article 20(3) – check with ENV on biodiversity, may be ok
- Article 35(3) – interesting, we probably already do this

Kind regards

Jarrold

Jarrold Clyne

Deputy Permanent Representative to the United Nations
New Zealand Permanent Mission, Geneva

s9(2)(a)

Released under the Official Information Act

From: BUIST-CATHERWOOD, Emily (UNHC)
Sent: Friday, 16 November 2018 9:54 a.m.
To: WEIR, Hannah (UNHC)
Subject: FW: New Zealand

For you

From: CLYNE, Jarrod (GVA)
Sent: Friday, 16 November 2018 9:28 a.m.
To: javier perez mendez; BUIST-CATHERWOOD, Emily (UNHC); s9(2)(a)
(NYK); MCDOWELL, Sarah (NYK)
Subject: RE: New Zealand

MARSHALL, Colin

Dear Javier

Thank you for your message, I appreciate your interest. I would welcome the opportunity to discuss this in person if you wish. I think it is fair to say that the Declaration presents considerable challenges for New Zealand's current legal and policy framework. It will therefore be difficult for us to support the resolution.

Kind regards

Jarrod Clyne

From: javier perez mendez s9(2)(a)
Date: Thursday, 15 Nov 2018, 12:28 PM
To: CLYNE, Jarrod (GVA) <Jarrod.Clyne@mfat.govt.nz>, BUIST-CATHERWOOD, Emily (UNHC) <Emily.Buist-Catherwood@mfat.govt.nz>, s9(2)(a), MARSHALL, Colin (NYK) <Colin.Marshall@mfat.govt.nz>, MCDOWELL, Sarah (NYK) <Sarah.McDowell@mfat.govt.nz>
Subject: New Zealand

Dear distinguished Delegate from the Permanent Mission of New Zealand,

Attached herewith is a Note Verbale seeking of New Zealand support on the Draft Declaration on the Rights of Peasants and Other People Working in Rural Areas.

The resolution seeks *inter alia* to set the ground towards food security, access to land and to seeds (in their natural state), elimination of hunger, preservation of biodiversity and family agriculture all of which are issues closely linked to the 2030 Agenda.

As you are aware, Bolivia has a principled position in all of the UN bodies, seeking to work towards the common good of our peoples. Your support would be of innumerable value to us, particularly given our common approach to current issues such as the one presented herewith.

The Resolution is open for co-sponsorship at the E-Delegates online platform should you choose to support us.

We would appreciate knowing the position of New Zealand in this Resolution.

I will be attentive to any information that may be transmitted to us.

Thank you kindly for your time.

Best regards,

Javier



Javier Andres Perez Mendez

Second Secretary | Misión Permanente del *Estado Plurinacional de Bolivia* ante Naciones Unidas

s9(2)(a)

A 801 East, 2nd Avenue, 4th floor, suite 402, New York, NY 10017

Released under the Official Information Act