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Institute of
Social Studies

Ezafun



EL FUTURO DE LA ALIMENTACIÓN Y RETOS DE LA AGRICULTURA PARA EL SIGLO XXI:

Debates sobre quién, cómo y con qué implicaciones sociales, económicas y ecológicas alimentará el mundo.

THE FUTURE OF FOOD AND CHALLENGES FOR AGRICULTURE IN THE 21st CENTURY:

Debates about who, how and with what social, economic and ecological implications we will feed the world.

ELIKADURAREN ETORKIZUNA ETA NEKAZARITZAREN ERRONKAK XXI. MENDERAKO:

Mundua nork, nola eta zer-nolako inplikazio sozial, ekonomiko eta ekologikorekin elikatuko duen izango da eztabaidagaia

Peasants in the Basque Country, for the right to income and decent livelihood

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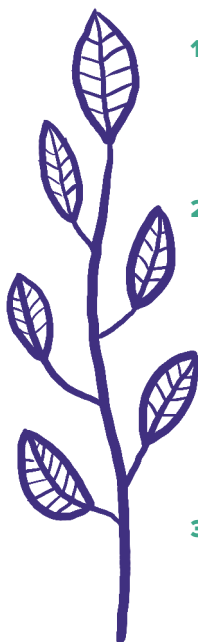

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What is the right to income and decent livelihood?

The new advanced draft version of the United Nations Declaration on the rights of peasants and other people working in rural areas defines the right to income and decent livelihood as follows¹:

Article 18 - Right to income and decent livelihood



1. Peasants and other people working in rural areas are entitled to a decent income and livelihood for themselves and their families through the sale or use of their own production.
2. The States must organise, strengthen and support local, national and regional markets so as to facilitate and ensure that peasants and other people working in rural areas have full access to these markets to sell their products at prices that enable them and their families achieve an appropriate standard of living. These prices are determined through a fair and transparent process involving peasants and other people working in rural areas and their organisations.
3. Peasants and other people working in rural areas have the right to develop community-based trading systems. The States should enable direct selling from peasants to consumers.

The wording of this law is the result of an arduous negotiation process to include one of the most controversial rights as it was for-

¹As it can be found in the unofficial translation handled by Via Campesina.

mulated in the original LVC proposal² and in the first draft of the Declaration of the Advisory Committee³: The right to freedom to determine prices and markets for agricultural production (Article 8 in both cases). The controversy to include this right is because it targets one of the basic contradictions of the neoliberal capitalist system. The liberalisation of agricultural markets has caused the loss of public control over the food market without being replaced by any effective international control. The power has been transferred to the strongest operators in the food chain, large multinational corporations, which impose a model of production and consumption and the prices at origin and destination of agricultural inputs and outputs. Although agricultural production is the beginning and the most important part of the food process, it is the last link in the business chain and negotiating power. The States face this contradiction by having to position themselves between supporting this neoliberal framework or guaranteeing the right to income and decent livelihoods for the rural sector. This is a clear example of the nominalisation of new rights suggested by this new Declaration when considering peasants as differentiated subjects of rights that are not protected by other mechanisms of International Law.

² Via Campesina (2009): Declaration of the rights of peasants. Commission. International LVC coordinator, Seoul. Available at: <https://viacampesina.net/downloads/PDF/SP-3.pdf>

³ Office of the High Commissioner for Human Rights (2012): Final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, Human Rights Council. Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-75_en.pdf

Which sources of International Human Rights Law support this right?

The right to income and decent livelihoods is based on the right to non-discrimination and to an adequate standard of living, which is already enshrined since the Universal Declaration of Human Rights (UDHR) of 1948. Herein, an adequate standard of living is one that ensures every person and their family health and welfare, including food, clothing, housing, medical care and the necessary social services (Art. 25). Furthermore, the UDHR also mentions the right every person should rest and enjoy time of leisure, including a reasonable limitation of working hours and paid periodic holidays (Art. 24), but although it is not included in the definition of adequate standard of living, we can consider that it is closely related to the achievement of decent livelihoods.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 is based on the very definition of adequate standard of living and is complemented by stating that it also refers to the continuous improvement of living conditions. It places special emphasis on protecting against hunger, and falls squarely on peasantry issues even if they are not specifically named as subjects of law. Thus, it appoints the essential importance of the relationship between the States and international cooperation: a) to improve methods of production, conservation and distribution of food by developing or reforming agrarian systems so that a more efficient exploitation and use of natural resources is achieved; b) to ensure an equitable distribution of world food supplies in relation to needs, taking into account the problems facing both food product importing and exporting countries (Article 11). In the absence of accurate and sufficient information regarding this law by most of the States which are parties to the ICESCR and in view of the need to better

define the rights related to food, General Comment No. 12 of this covenant refers to the right to adequate food. This observation recognised that the root causes of hunger and malnutrition are not the lack of food but the lack of access to available food, and for the first time the principles underlying the claim for food sovereignty is acknowledged on an international instrument, which allowed organisations to have a point of international pressure to strengthen the mobilisation strategy.

In the formal regulatory framework of the International Law of Human Rights we found no specific mention of income as a human right, so the Civil Society has been providing itself with programmatic instruments that seek to expand the regulatory horizon and create opportunities for debate on the need to recognise new substantive rights. This is the case of the Universal Declaration of Emerging Human Rights (UDEHR) 2007⁴. The UDEHR arises from a process of discussion that has its origin in a dialogue organised by the Human Rights Institute of Catalonia under the Universal Forum of Cultures Barcelona 2004, entitled “Human Rights, Emerging Needs and New Commitments”, aiming to update and complement the traditional framework of human rights from two new perspectives, participatory citizenship and the impending changes in the twenty-first century, in view of the globalisation processes whose partial and unequal nature excluded broad layers of the world population from its benefits. In this Declaration, more vulnerable groups of persons become the receivers of dignity, in favour of which we must act positively to achieve equality. From this approach, it establishes the right to life safety to meet the basic needs of every human being and every community such as survival, drinking water, sanitation, energy and food (Article 1.1.) and defines the right to income as a right to live in dignified living conditions covering the basic needs (Article 1.3.).

⁴ UDEHR, Universal Declaration of Emerging Human Rights, 2007. Available at: http://www.world-governance.org/IMG/pdf_DUDHE.pdf

What measures can be taken by the States to ensure the enjoyment of this right?

The wording of the right to income and decent resources in the advanced version of the draft Declaration by the United Nations on the rights of peasantry and other people working in rural areas highlights the following important elements that define the obligations of the States to fulfil this right. Aligned with these elements, a series of specific measures are recommended for the States to be able to make progress in achieving this right in the most practical and effective way.



Guaranteeing a decent income for peasants and other people working in rural areas

Recommendations in this regard involve tackling those constraints of the rural economic base from different aspects such as: encouraging independent production models based on agroecology, adapting and making flexible hygiene and health regulations for small-scale projects, encouraging and supporting the generation of collective business premises to exploit production and processing places, establishing tax and contribution to social security standards based on the amount of production, promoting various models of ownership and use of land and agricultural initiatives beyond individual ownership (cooperative, collective, community models), etc.



Ensuring full access to peasants and other people working in rural areas to local, national and regional markets

To ensure full access to peasants and other people working in rural areas to national and regional markets, the States should implement measures to control the domestic market, but also to curb their unequal participation in external markets that determine the exercise of this right for people from other parts of the world, interrupting subsidised imports and exports. To ensure full access to peasants and other people working in rural areas to local markets, the States should develop policies that encourage the purchase of agricultural products produced locally and based on the seasonality of products, promoting local markets to the detriment of large supermarkets, raise awareness and facilitate local consumption for the general public to establish public food procurement programmes oriented to the farming sector that enable the constant opening of niche and new markets, etc.



Ensuring a fair and transparent fixing of prices involving the peasants and other people working in rural areas and their organisations

To enable the States to progressively achieve reaching this reality, it is essential to establish mechanisms enabling the transparency and control of the food chain. Among other measures, the States can develop legislative measures to improve the functioning of the food chain, create public official contracts that include prices and quantities of food, impose labelling on products breaking down the final product price explaining the distribution thereof between the different parts of the food chain, encourage the creation of selling groups of peasants with a balanced volume and negotiating capacity in the agribusiness and establish observatories prices along the food chain that rely on the production and consumer sector. To ensure the involvement of organisations defending the rights of peasants and other working people in rural areas, the States should use participatory methods such as the establishment of negotiating tables and communications mechanisms with organisations in the agricultural and livestock sector favouring those with an active presence of women, etc.



Facilitating the development of community-based trading systems by the peasantry and others working in rural areas

To advance in this regard the States should limit the regulatory and control model of marketing spaces to support the revitalisation and local governance through measures such as encouraging agricultural associations and their decision-making on issues related to local marketing, establishing a legal framework and practical support to new forms of relationship between production and consumption, promoting support mechanisms for the implementation and development of Social and Solidarity Economy initiatives, the Social Market and other forms of exchange, etc.



Ensuring the inclusion of women

The States should include the mainstreaming of the gender approach that requires actions at multiple levels including: providing systems of ownership and contributions to the social security that include men and women who share an agricultural activity, implementing measures to detect women's gaps and needs of women through quantitative and qualitative assessments, building impact indicators by gender to apply to all public measures linked to the agricultural sector, implementing agri-ecological vocational training programmes from a feminist perspective, establishing measures for the reconciliation and distribution of productive, reproductive, political and community work, sensitising men and women on gender violence and discrimination in agriculture, promoting agricultural associations among women with a feminist perspective, etc.

What recommendations can be considered to improve the current version of Article 18 on income and decent livelihoods?

To promote the practical application of the right to income and decent livelihoods for peasants and other people working in rural areas, we recommend clarifying key concepts to exercise this right such as “decent income”, “fair and transparent pricing” and “community-based trading systems”. If these concepts are surrounded by ambiguity, it will be difficult to guarantee them. In this regard, we recommend opening spaces for discussion and/or agreeing on General Comments to provide them with content and nominalising them, so that the States have guidelines, ideas or suggestions that allow them to develop specific measures in line with these concepts to progress in achieving this right in the most practical and effective way.

To ensure the holistic nature of the right to income and decent livelihoods, we recommend including in the articles of the Law more aspects that those referred to sales and revenue, to address everything that determines agricultural income and means decent living. In this sense, factors such as the difficulty of measuring and reconciling productive and reproductive work, the management of time within farms based on multi-activity and diversification, the lack of social services and social protection in the rural environment are viewed as key issues to consider.

To include all the peasants and workers in rural areas we recommended that the practice of the right to an income and decent livelihood extends to all those who make up the family farm, rather than to a single person responsible for “transferring” this right to the rest of the family. At the end of the day, it is not about peasant men having secured their right to an income and decent means of living to support their families, but peasant men and women can exercise this right without intermediaries and on equal terms. In this regard, we believe it is essential that articles have an inclusive language.

To ensure a good understanding of the article, it is recommended to clearly define and position first the rights of peasants and other working people in rural areas and secondly the obligations of the States. The third part of the current wording of the Article intermingles rights and obligations, which could result in its misinterpretation.




What is the situation of the exercise of this right in the Autonomous Community of the Basque Country (CAE)?

The morphology of the rural areas of the CAE and the small distances to the urban area results in an agricultural activity based on high quality products and a trade being very close to those consuming the products, which is currently at risk. On the one hand, while **local sale** is still considered by the peasant sector one of its major sales channels, factors such as the privatisation of management, the disparate conditions of access to them not connected with the needs of peasants and the supervisory approach are hindering the full potential they have at multiple levels instead of facilitating the participatory governance that has always characterised these spaces. This particularly affects women who traditionally play a leading role in local sales.

On the other hand, the handcrafted processing of the product is important for the agricultural and livestock sector as it adds value to the product, and for women in particular, it is an important economic strategy, as it is historically a female practice. However, **hygienic sanitary regulations** are governed by the needs of the agricultural industry from the global to the more local scale, and the



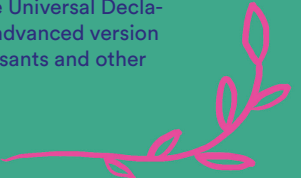


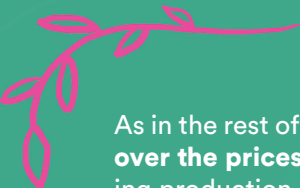
Spanish State has not applied the more flexible EU rules adapted to small producers. However, the CAE is currently in the process of adapting the regulations to the requirements of these small-scale productions.

Official data show that **agricultural income** in the CAE has fallen by 45% since 1985, the same as the earned income per unit. Nevertheless, most of the agricultural and livestock production in the CAE is inserted into a family model that obtains its level of income from various sources, including productive and reproductive work, which are not considered in the official data. The existence of **hidden income** based on the free labour of women sustaining the peasant, agribusiness and global economy, as recognised by various human rights instruments⁵. In spite of that, we can only find data about this hidden income in those studies in which the gender and/or feminist perspective is a sine qua non condition for analysing reality from a truly inclusive point of view. In the CAE, intensification of the agricultural world has not only brought about a decline in agricultural labour, but also changes in the design and distribution of the work connected with agricultural practice that has strengthened the discrimination of women in the sector. The lack of social services in rural areas of the CAE exacerbates this situation overburdening women and anchoring them in their homes.

Among the official factors behind the decrease in income, we found the increased **costs** within the farms to the extent that what the agricultural sector consumes to perform its activity is coming closer to what it gets from it. Moreover, changes in **tax regulations** in the agricultural sector means extra costs for the already adjusted agrarian economies, as it trying to match them to those of the other sectors regardless of the specific characteristics of the sector. Again, these changes will have worse consequences for women who generally rely on smaller and more informal agricultural activities. However, the decisive factor explaining the decline in farm incomes which is usually made invisible by the official arguments is that the peasantry has no control over the price of their products.

⁵ Including General Comment No. 16 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979, the Universal Declaration of Emerging Human Rights (UDEHR) of 2007, and the new advanced version of the draft Declaration of the United Nations on the rights of peasants and other persons working in rural areas, of 2015.





As in the rest of the world, rural people in the CAE **have no control over the prices** of their products, and may go as far as not covering production costs, but in the CAE, there are no Price Observatories connected with the agricultural sector or with consumers, or tables for negotiation planned to involve them. Although from the EU, when the **Common Agricultural Policy (CAP)** was created it assured remunerative prices for the agricultural sector through market control measures, its commitments to the World Trade Organization and its Free Trade Agreements (FTA) have resulted in the replacement of these policies with aids systems to compensate for the decline in prices, less and less linked to the productive activity. In addition, the Spanish State has not established mechanisms to ensure the allocation of aid to those who actually perform an agricultural activity, neither has it considered the specific needs of youngsters and women; instead huge PAC amounts are sent to large companies.

On the other hand, the way in which the government's **National Competition Commission** construes European competition rules, prohibits the association of people in the agricultural sector to negotiate and determines the prices of their products, considering this near business cartels. In this sense, the state **regulatory framework** has evolved positively to improve the functioning of the food chain, but lacks a practical application at the state level and at the level of the CAE.

To escape these trends, in CAE peasants, consumers and socially aware local authorities have put up initiatives often condemned to illegality that provide routes for the journey to follow for pricing fairly and transparently through tools such as double food labelling, public procurement or local markets and the Social Market. However, we must bear in mind that FTA (especially the TTIP) will intensify jeopardising the peasant sector by empowering companies to the detriment of the Administrations and the peasantry. This will reduce their right to income and decent livelihoods due to various factors, such as having to compete with products from the United States with lower health control and with companies with stronger economies of scale that will have protection systems separate from the States; the risk of privatisation of the already precarious social services which are likely to be held by women within households, etc.



Nazioarteko Hizketaldia

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