

منظمة
الأغذية والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations



Organisation des
Nations Unies pour
l'alimentation et
l'agriculture

Продовольственная и
сельскохозяйственная
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Our Ref.:

Your Ref.:

Rome, 9 April 2018

Dear Ms Hicks,

I refer to your communication of 23 March 2018 inviting the Food and Agriculture Organization of the United Nations (hereinafter "Organization" or "FAO") to provide inputs relating to progress, achievements, challenges and observation, as well as good practices and recommendations in which FAO takes into account the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

The Organization is pleased to provide its contribution on this subject as contained in the note attached hereto.

Yours sincerely,

Donata Rugarabamu
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Contribution of FAO on the subject of human rights defenders

General Assembly Resolution A/RES/72/247

Introduction

1. The Food and Agriculture Organization of the United Nations (FAO) works to eliminate hunger and malnutrition, reduce rural poverty, enhance sustainable agricultural production, support more inclusive value chains and increase resilience. In all these areas, it works with civil society organizations and other stakeholders, including human rights defenders. In FAO's work, these are often also defenders of the environment and access to natural resources, and they include many indigenous leaders.
2. FAO is greatly concerned that the Special Rapporteur reports that killings and physical attacks disproportionately affect those engaged in the defence and promotion of environmental rights, and that women face particular risks. In particular, land and natural resource disputes involving indigenous collective land and natural resources such as forests, lakes and rivers under pressure from mining, logging and agriculture have led to serious attacks on indigenous leaders. Judicial harassment and criminalization of human rights defenders are also of great concern in this context.
3. FAO promotes the UN Declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms ("the Declaration") in a variety of ways. FAO instruments (including those of the Committee on World Food Security) recall the rights of human rights defenders. There are also mechanisms in place aimed at addressing these concerns in the context of technical assistance projects. On the ground, FAO promotes participatory approaches and the creation of spaces of dialogue and mediation.

International instruments that echo the Declaration

4. The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (FAO (CFS), 2004) contain a provision on human rights defenders in paragraph 1.4:

States should ensure, in accordance with their international human rights obligations, that all individuals, including human rights defenders of the progressive realization of the right to adequate food, are accorded equal protection under the law and that due process is guaranteed in all legal proceedings.¹

5. The Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT, CFS 2012) contain special reference to human rights defenders in para 4.8:

¹ <http://www.fao.org/3/a-y7937e.pdf>

Given that all human rights are universal, indivisible, interdependent and interrelated, the governance of tenure of land, fisheries and forests should not only take into account rights that are directly linked to access and use of land, fisheries and forests, but also all civil, political, economic, social and cultural rights. In doing so, States should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers, and should observe their human rights obligations when dealing with individuals and associations acting in defence of land, fisheries and forests.²

6. The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (FAO Committee on Fisheries, 2014) contain a reference to human rights defenders in section 3, paragraph 1 (Guiding principles):

...recognizing the inherent dignity and the equal and inalienable human rights of all individuals, all parties should recognize, respect, promote and protect the human rights principles and their applicability to communities dependent on small-scale fisheries, as stipulated by international human rights standards: universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. States should respect and protect the rights of defenders of human rights in their work on small-scale fisheries.³

FAO internal policies

7. The 2010 FAO Policy on indigenous and tribal peoples⁴ sets out the core principles of self-determination; development with identity; free, prior and informed consent; participation and inclusion; rights over land and other natural resources; cultural rights; collective rights and gender equality. It lays the groundwork for FAO's engagement with indigenous peoples and their leaders at global and national levels.

8. Through a Director-General's Bulletin of 2013, all FAO staff are instructed to base their work on tenure on the VGGT.

9. FAO's 2015 Environmental and Social Management guidelines⁵ contain numerous standards on managing substantive environmental and social risks and on mandatory engagement with indigenous leaders. FAO project guides and capacity development material⁶ also provide standards and guidance on free, prior and informed consent (FPIC).

FAO activities to support implementation of the Declaration

² <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

³ <http://www.fao.org/3/i4356en/i4356EN.pdf>

⁴ <http://www.fao.org/docrep/013/i1857e/i1857e00.pdf>

⁵ <http://www.fao.org/3/a-i4413e.pdf>

⁶ FAO. 2016. Free Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities. Manual for project practitioners <http://www.fao.org/3/a-i6190e.pdf> FAO. 2014. Respecting free, prior and informed consent. Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition. Governance of tenure Technical Guide No 3.

10. FAO supports numerous legal and policy processes related to the right to food, access and management of natural resources, such as land, forests and fisheries as well as policies on indigenous peoples. FAO places great emphasis on inclusive policy dialogues and participatory approaches in its support to these processes and has found that the voice of human rights defenders is essential to strengthen the protection of relevant human rights and addressing possible grievances that local communities and indigenous peoples face.

11. FAO's work programme on the VGGT includes efforts to create spaces for discussions and debates, so called multi-stakeholder platforms mentioned in para. 26.2 of the VGGT. Similarly, in supporting efforts for the progressive realization of the right to adequate food, great emphasis is on inclusive consultations with stakeholders and the creation of institutional mechanisms where voices of stakeholders, including those that work to promote the right to food are heard and taken into account. Furthermore, in work around the Voluntary Guidelines on small-scale fishing, FAO works closely with fishing communities and promotes the involvement of their leaders in national policy discussions. The creation of spaces for dialogue can also help build trust and understanding of issues that communities and individuals face in securing their rights.

12. More directly, FAO has been requested by different countries to assist with mediating between governments and indigenous peoples. This is a role that FAO and the UN has a comparative advantage in playing. Dialogue and understanding helps to reduce tensions and eliminate violence against human rights defenders.

Conclusion

13. From FAO's experience since the endorsement of the VGGT, it has become clear that VGGT implementation is based on fundamental human rights. Securing and defending tenure rights by vulnerable and marginalized peoples may pose a risk to local leaders advocating for those rights. Therefore, there is a need to ensure the effective protection of those defending the legitimate rights to land and natural resources. This was amply demonstrated during the Thematic Forum on the implementation of the VGGT held at FAO Rome in October 2017⁷.

⁷ FAO. 2017. Key Messages: Outcome of the Technical Thematic Forum to Commemorate the 5th Anniversary of the VGGT. FAO HQ, Rome, Italy, 5-6 October 2017 <http://www.fao.org/3/a-i7993e.pdf>