

**The Potential of UN Declaration on the Rights of Peasants and Other People Working in
Rural Areas: Moving towards rights-based agriculture policy in Canada**

by
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Abstract

This major research paper outlines the relevance of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) to the Canadian agriculture context. Despite Canada's perception as a human rights leader on the global stage, the state of the agriculture system reflects a different reality for farmers and farmworkers. The author connects specific articles of UNDROP to current agricultural policy issues framed as rights violations in order to demonstrate the potential of the Declaration as a tool for change in Canada. Implementing UNDROP in Canada is an integral part of aligning the country's agriculture policy with human rights and with the wider global struggle to challenge, dismantle, and rebuild the food system in line with food sovereignty.

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Introduction

La Via Campesina's (LVC) Peasant Rights Collective is a working group that organizes and carries out work related to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) both at the institutional and grassroots levels. The Collective, made up of members of LVC grassroots organizations, works on its own and in coordination with non-governmental organizations (NGOs) to create education and communication materials, give presentations, participate in multi-lateral dialogues and processes, and maintain relationships with NGOs, state officials, and LVC member organizations. As a small-scale farmer and member of the National Farmers Union (NFU) of Canada (a founding member of LVC), I have worked on a volunteer basis with the Collective since 2018. I spent time advocating in various international arenas for UNDROP, prior to, during and following its adoption at the United Nations (UN) in New York. I was a panelist at the launch event for the UN Decade for Family Farming, have presented on numerous occasions at the Committee for World Food Security to advocate for UNDROP's inclusion in policy processes, and throughout the COVID-19 pandemic, I have shed light on the potential of UNDROP at various online events. Building on my depth of knowledge of UNDROP processes, the Master of Human Rights practicum allowed me to spend concentrated time understanding how members of LVC around the globe are relating to, understanding, and using UNDROP to demand their rights and how implementation strategies are being rolled out at the institutional and grassroots levels.¹ This practicum equipped me with the necessary background needed to deepen my analysis of UNDROP which will undoubtedly enhance my future advocacy work and research.

Made up of LVC members from around the world, the current primary goal of the Peasant Rights Collective is to move UNDROP towards implementation at all scales following its adoption in December 2018. It does this in diverse ways, from listening to and supporting the efforts of grassroots member organizations to ensuring UNDROP stays at the forefront of UN processes and agendas. The work environment of the Collective reflects the diversity and strength of LVC as a social movement, ensuring consensus-based decision-making and confronting challenges with creative solutions that never break from its grassroots-led vision to

¹ See <https://viacampesina.org/en/the-implementation-of-the-undrop-analysis-from-the-ground/> for an article I wrote during my practicum. The article is a summary of a virtual plenary with more than 300 LVC members held in December 2020 (which I co-chaired) where delegates from every global region shared their experiences related to UNDROP implementation.

combat corporate-led food systems with food sovereignty and agroecology. The Collective mirrors LVC's wider ideology as "a movement of people defined by place": work at the international level is fraught without frequent opportunities for contextual analysis that ground the wider global struggle in lived realities (Desmarais, 2007, p. 141). The strength and potential of LVC is exemplified by the fact that in less than three years since the adoption of UNDROP, the movement has engaged new, diverse strategies and actions to push for implementation. National governments including Bolivia, Nepal, and some members of the European Union are receptive to implementation strategies at the national policy level, due primarily to the persistent advocacy of LVC member organizations led by peasants themselves. Noticeably absent from the long list of UNDROP supporters are a handful of the most powerful, industrialized states; Canada, perceived as a human rights leader on the international stage, is one of these. The country's lack of support for UNDROP provoked my investigation into the ways in which Canada's agriculture system and policies are fundamentally at odds with the human rights obligations listed in the Declaration.

From a surface level understanding of Canadian agriculture, one could posit that Canada's unwillingness to adopt UNDROP is due to insufficient need. Canada enjoys a global reputation as a beacon of human rights, social justice, and inclusion, relying heavily on this perception in international relations. While Canadian policymakers and foreign officials may be able to pull the wool over the eyes of their counterparts in global institutions, and in fact many of Canada's own citizens, farmers and farmworkers in the country have a different story to tell: they are not immune to the crushing forces of the corporate, globalized, market-based agriculture system. Advocacy for food sovereignty and rejection of the status quo connect LVC members in Canada to the global struggle.

This major research paper will outline the relevance of UNDROP to Canada and what it can contribute to the country's agriculture policy. The focus of this research is to highlight current and ongoing civil society struggles against Canada's agriculture system where the UNDROP can be engaged as a legal and advocacy tool for a food sovereignty movement to unite to more effectively challenge the market-based policy narrative that dominates the Canadian agriculture model. The paper proceeds as follows. First, I briefly summarize the contents and background of UNDROP. Second, I provide an overview of the ways Canadian agriculture has failed small-scale farmers, setting the stage for the argument that a human rights – and peasant

rights – based approach to policy is required to transform the status quo. Next, the paper assesses UNDROP as a tool for change, leading into a discussion of connections between articles of the Declaration and current events implicating Canadian farmers and farmworkers. I argue that five articles in particular are most relevant in the Canadian agriculture context: Articles 14, 17, 19, 23 and 25. I provide an in-depth analysis of sections of Articles 14, 23, and 19 (in that order) and will only briefly identify connections between Articles 17 and 25 and the Canadian context. Finally, I conclude with a brief discussion of the path forward with UNDROP and further research considerations.

It must be noted that this research was carried out by a white, settler student and small-scale farmer, and therefore from a particular perspective that does not adequately reflect the needs or experiences of Black, Indigenous, or people of colour (BIPOC), their wider communities, and other marginalized communities in this country. Due to its nature as a product of wide consultations of peasant groups around the globe, it could be posited that UNDROP is a tool equipped to centre justice and equity in Canadian agriculture policy; however, my positionality is not reflective of the demands of BIPOC farmers and farmworkers.

An Overview of UNDROP

Following nearly 20 years of activism by LVC, negotiations with non-governmental organizations and lawyers, advocacy at the national level in various countries, and debate within the Human Rights Council, UNDROP was adopted by the UN General Assembly on December 18, 2018. LVC, a transnational agrarian movement made up of 182 organizations representing over 200 million peasant farmers worldwide (La Via Campesina, n.d.), believes that peasant agroecology and food sovereignty are central to transforming social relations, creating socially just food systems, and the full realization of right to food for all (Desmarais et al., 2017). Food sovereignty emerged as a critical alternative to the dominant neoliberal models for agriculture and trade (Wiebe, Wipf, 2011). It is an anti-capitalist vision for radical food system transformation that connects local, national and transnational struggles and transmutes them into organized politics of systems change (Claeys et al, forthcoming). Fundamentally, food sovereignty asserts the right of nations and peoples to control their own food systems, including their own markets, production modes, food cultures, and environments (Wittman et al, 2010). Agroecology is often referred to as food sovereignty in practice, and a “tool for collective

transformation of reality” (Claeys, 2015b, p. 91). Agroecology is the practice of resisting oppressive systems and structures and can be considered the battle fought on the ground as opposed to within institutions (Claeys, 2015b). Food sovereignty and agroecology are intimately linked and cannot be divorced as both are necessary to build communities, agriculture systems, and sovereign economies in democratic, ecologically minded, and locally contextual ways. As Blain Snipstal, a food sovereignty activist and farmer, puts it “without agroecology, food sovereignty is a slogan. Without food sovereignty, agroecology is a technology” (quoted by Trauger 2017, p. 31).

LVC “seeks to put in place an alternative model of agriculture and rural development and it believes that this can only occur when local communities gain greater access to and control over local productive resources, and social and political power” (Desmarais, 2007, p. 141). The movement’s political struggles, including the tenets of food sovereignty and agroecology, are central components of UNDROP, an aspirational framework written and developed by peasants themselves. It outlines new rights that dignify peasants and rural peoples and is a legal tool to confront the human rights violations they face. The primary motivation of UNDROP is recognition of peasants as a social group with claims to access to land, seeds, natural resources, and the right to decent incomes and livelihoods (Claeys, 2019). UNDROP is rooted in LVC’s critique of the “agrarian transition to capitalism centered on the commoditization of labour and nature, and its rejection of the liberal approach to human rights that places private property on a pedestal” (Claeys, 2015a, p. 50). UNDROP is inextricably linked to the concept of food sovereignty, as it demands a radical transformation in power relations and sovereign control over land, resources, the natural environment, and the lives of peasants and other people working in rural areas.

UNDROP is more than an esoteric human rights mechanism: it is a grassroots tool for popular mobilization and a framework from which solidarity is developed. It provides fertile ground inoculated by shared experiences of rights violations in which food sovereignty can establish roots. It was developed and drafted by peasant leaders, who, understanding the power of a unified grassroots global struggle, took peasant rights to the UN. UNDROP represents part of a much larger vision of food sovereignty for LVC since the movement understands the limitations of institutional approaches to food systems transformation compared to more subversive, ‘on the ground’ methods of resistance and activism. However, institutional

approaches also have potential: agrarian movements are engaging with human rights law because claims presented as rights have a special importance, urgency, and universality (Claeys, 2015a). Framing claims as rights is advantageous because it legitimizes demands, integrates multiple ideologies, and articulates shared claims across different political, cultural, religious, and economic contexts (Ibid, 2015a). Not only is LVC engaging in the institutional rights framework, it also aims to “construct a new legality”, pushing for recognition of new rights that are not adequately represented in existing conventions (Ibid, 2015a).

The adoption process of UNDROP by LVC and its allies at the United Nations has been well documented (Claeys, 2012, 2015a, 2015b, 2018, Claeys, Edelman, 2019, Dunford, 2015, Vandebogaerde, 2017). Furthermore, Golay (2019, 2020) and Golay and Bessa (2019) have focused on particular articles in UNDROP as related to the Swiss and European contexts, as well as initiating conversations regarding implementation. However, since the recent adoption of UNDROP, there has been little exploration into emerging implementation strategies, and little has been articulated regarding the relationship between UNDROP and its potential as a legal tool in states that did not adopt the Declaration at the final General Assembly vote.

The adoption of the Declaration was a landmark achievement for LVC and the UN; it was precedent setting for a social movement to be the key actor throughout the institutional process of moving a declaration through UN mechanisms to subsequent adoption. However, UNDROP is far from being universally supported. The human rights system is dominated by a Western, liberal, and individualist concept of rights built around a statist framework (Claeys, 2015a). Further, the corporate food regime has little incentive to meaningfully integrate rights-based policies and frameworks into its globalized push for capital via “mechanisms of ‘accumulation by dispossession’” (McMichael, 2005, p. 270). Despite numerous and significant challenges standing in the way of widespread implementation of these new rights (including the non-binding nature of the Declaration), exceptional advocacy efforts are not going unnoticed. At the international, national, and local levels, LVC member organizations are leading advocacy efforts to demand that elements of UNDROP be included in national laws and policy frameworks. Acknowledging that full implementation of UNDROP by any state is unrealistic in the current corporate food system context where state obligations to free-trade agreements and corporate allies often trump human rights responsibilities, framing the Declaration as a legal tool for radical change is perhaps its strongest offering. Just as the UNDROP adoption process was

“the creation of new human rights from below”, it can also be expected that the wider implementation process will be centred on grassroots efforts (Claeys, 2018). UNDROP’s power lies in its platform: a wide, diverse global base of peasants with demonstrated capacity for social and political change. Members of La Via Campesina – including those in Canada – and the wider food sovereignty movement are already mobilizing the UNDROP and using it both in legal contexts and policy advocacy. It is via this platform that we can situate UNDROP in the Canadian context: its potential to serve as a convergence point for rights demands across the food sovereignty movement is immense.

How has Canadian agricultural policy failed small-scale and family farmers?

Canadian agriculture policy has tied farmers to a corporate system, an entanglement that benefits few and marginalizes those who cannot ‘keep up’ to the pace of industrial agriculture. During the COVID-19 pandemic, the cracks in Canada’s food and agriculture system have widened to expose the deep-rooted inequities that keep arable land inaccessible, farmers indebted and input-dependent, the need for a constant supply of underpaid migrant labour, and the pockets of corporations lined. These cracks include visible demand-side shock when the food system was unable to react to sudden demand increases and supply-side disturbances caused by labour shortages, transportation disruptions, large processing plant closures, and border restrictions, demonstrative of Canada’s reliance on a globalized food system (Hobbs, 2020). Migrant farmworkers (MFWs) in the Seasonal Agricultural Workers Program (SAWP) have faced stress, illness, and even death in the face of COVID-19 in Canada. Despite the deepening climate and farm income crises pushing farmers over their limits, the federal government remains fixated on production for export and an increasingly “far-flung food system that maximizes food miles”, while maintaining policy narratives that prioritize industrial agriculture instead of acknowledging the structural barriers perpetuating inequity in the agriculture system (NFU, 2021, p. 27). This misguided priority champions corporate players at the expense of small-scale farms, new farmers and rural communities even though considerable research has proven that small-scale, family farms can be more productive per unit area than their industrial counterparts (Barrett, Bellemare, Hou, 2010), they provide at least 53 percent of global agriculture production (Graeub et al, 2015), and they promote greater biodiversity (HLPE, 2013). The devastating impact of COVID-19 on Canada’s agriculture system made apparent its fragility, emphasizing the need for systemic

transformation and demonstrating a political opportunity for a tool like UNDROP to be of use when contemplating our food futures. Human rights declarations implore governments to guarantee rights for the implicated social groups, calling on states to act on their rights obligations to the same degree that they honour mechanisms such as trade deals and intellectual property rights. The struggles of Canadian farmers are perhaps less visibly critical than those of their counterparts in the global south, but nevertheless they do represent protracted, intersecting crises.

Canadian agriculture policymakers would have the international community believe that its food and agriculture system is thriving, and its farmers are universally affluent. Simultaneously, Canada sees itself as a human rights leader on the global stage. However, scrutinizing the trajectory of Canada's agriculture system over the past decades reveals the ways in which policy has failed small-scale farmers and farmworkers and paved the way for corporate capture. The policy narrative has changed dramatically since the early 1950s as the long-term vision shifted to shift family farms from livelihoods supporting national food security to profitable businesses with expansionist goals, shifting the focus from local resilience to globalized markets (Machum, 2015). As governments embraced neoliberalism, they withdrew support from rural communities and the agricultural infrastructure they once had upheld (Qualman, 2011). Farmers have become dependent on high-input production systems despite the prices for food stagnating, leading to farm debt nearly doubling since 2000, now sitting at a record \$106 billion (Qualman, 2019). Net incomes of Canada's agricultural producers have decreased while debt has increased dramatically over the past decades, even as exports have tripled in value between 1988 and 2010 (de Schutter, 2012). Neoliberalism and its push to decentralize agricultural supports in favour of an independent, market-driven sector, has brought with it the decay of many regulatory and expenditure mechanisms that for decades supported Canadian agriculture (Wiebe, Wipf, 2011). The subsequent increase in deregulation and privatization has put farmers' livelihoods at risk through the erosion of supply management and marketing boards (Desmarais, Wittman, 2014).

In response to this shift in policy landscape, the farmer demographic has changed significantly. Along the same timeline that Canada signed the free-trade agreement with the United States in 1989 and the North American Free Trade Agreement in 1994, farm size has increased exponentially, consolidating some ownership under corporate and investor entities,

while the number of farms has decreased by one-third since during this timeline, with an expected decrease from about 200,000 in 2017 to 100,000 in 2040 likely to occur (Qualman et al, 2018). Canadian agriculture today is at a precarious crossroads: the number of farms has been declining at an increasing rate simultaneous to the average age of farmers rising to 55 in 2016 compared to 47.5 in 1991, whereas the number of farmers under the age of 35 has fallen by two-thirds over the same time period (Statistics Canada, 2017). Intergenerational transfer of land and knowledge has become the exception, not the rule. Canadian agriculture has rapidly mechanized by adopting technical solutions to wide ranging problems to fulfill the demand of global markets without adequate consideration for the needs and rights of the land, farmers, or eaters (Laforge et al, 2018). We have witnessed the slow gutting of rural communities, farmers seeking second jobs, a precariously import-dependent food system, and persistent hunger. To address labour shortages, reliance on seasonal migrant farm labour has peaked, yet migrant workers do not enjoy the same rights and freedoms as their Canadian counterparts, nor is there a pathway for them to gain permanent residency even after working on Canadian farms for many years (Caxaj, Cohen, 2019).

Furthermore, the rapid shift to high-input, high-energy use agriculture has wreaked havoc on the environment, with agriculture currently accounting for 12 percent of greenhouse gas emissions in the country (National Farmers Union, 2020). Environmental degradation persists as intensive industrial agricultural production finds increasingly creative ways to shirk responsibility to ensure healthy water systems, wildlife populations, and ecological biodiversity (Wiebe, Wipf, 2011). On the supply side of the agriculture system, food insecurity in urban and rural communities alike – even among farmers themselves – is at a crisis point, with one in eight households reporting food insecurity in 2017-18 (Tarasuk, Mitchell, 2020). As a result of this market-based policy model, farmers, eaters, and the environment have faced myriad intersecting problems.

The most recent iterations of Agriculture and Agri-Foods Canada (AAFC) policy programs continue to centre on the pillar of increasing production specifically for export. The *Growing Forward* series of policy frameworks were introduced in 2008 as a means to enhance agriculture competitiveness and profitability, with a vision towards “a profitable, innovative, competitive, market-oriented agriculture, agri-foods and agri-based products industry” (Government of Canada, 2008, p. 2). Succeeded in 2018 by the *Canadian Agricultural*

Partnership, the emphasis of these programs is purely market-oriented: nowhere does it mention the importance of rural community development, farmer and farmworker wellbeing, or the relationship between farmers and their environment. Only as recently as 2020 has AAFC rolled out a nationwide climate policy program, with its outcomes yet to be seen. AAFC's wider policy strategy of "innovation" and "competitiveness" to the exclusion of any of the rights outlined in the UNDROP exemplify how Canadian agriculture policy treats agriculture as a purely extractive industry without acknowledging the externalities of this narrative. Additionally, despite the devastating impact of the original North American Free Trade Agreement (NAFTA) on farmers across the continent, the Canadian-United States-Mexico Agreement (CUSMA) (sometimes called the "new" NAFTA) that entered into force in 2020 offers further protections to corporate power, giving corporations undue influence and perpetuating a high-volume, low-price export strategy at the expense of small-scale farmers (IATP, 2018). In essence, Canada's market-based agriculture policies offer no tangible changes to existing political and economic structures that uphold inequity, food insecurity, and through the lens of UNDROP – rights violations.

Since human rights have never factored into Canada's agriculture policy in a meaningful way, it is not surprising that two LVC member organizations in the country – the National Farmers Union (NFU), a national membership-based farmer organization, and Union Paysanne, a movement of small-scale farmers and urban allies in Quebec – rigorously advocate for policy transformation in line with food sovereignty. Despite having their own missions and visions, both organizations work with the overarching goal of LVC in mind: "to effect change in the countryside, change that opens democratic spaces and empowers 'people of the land' with a greater role and position in decision-making on issues affecting their daily lives" (Desmarais, 2007, p. 141). The NFU and the Union Paysanne and their allies understand food sovereignty and agroecology as being at the heart of a rights-based, socially- and ecologically-just alternative paradigm for agriculture. Both organizations and the wider food sovereignty movement in Canada could serve as key advocates for UNDROP, but before this happens, a better understanding of how the Declaration relates to the Canadian context and how it can strengthen food sovereignty advocacy is needed. Framing the problems faced by Canadian farmers and farmworkers as rights violations may provide a pathway to access tools for change that have the potential to unify collective struggles across contexts and across the country: UNDROP is one such tool and its applicability for triggering transformation in countries with industrialized,

neoliberal food systems such as Canada must be assessed. To mitigate the climate crisis, the farm income crisis, and envision truly just food systems, UNDROP can strengthen the food sovereignty movement and rebuild Canadian agriculture policy.

UNDROP: a framework for radical change in Canada?

To begin assessing the potential of UNDROP in Canada, it is important to dissect the notion of a peasant and the peasantry as a social group. In English, use of the word ‘peasant’ is often laced with a pejorative connotation that reflects the common association of peasants with feudalism and backwardness (Desmarais, 2007). As discussed in the previous section, it would seem that Canada’s agricultural development model has intentionally erased what policymakers deem peasant agriculture, which practitioners here refer to as small-scale, diversified, agroecological family farming or ecological agriculture. Yet LVC is redefining what it means to be a peasant as its member organizations around the world embrace the term in their own languages as an act of resistance (Ibid, 2007). Instead of being synonymous with poverty, the movement is pushing its meaning to unify those oppressed by corporate globalization, neoliberalization, and patriarchal systems. As Nettie Wiebe, former president of the NFU and regional coordinator of LVC remarked:

If you actually look at what ‘peasant’ means, it means ‘people of the land’. Are we Canadian farmers ‘people of the land’? Well, yes, of course. And it’s important to take that language back... we too are peasants and it’s the land and our relationship to the land and food production that distinguishes us... we’re not part of the industrial machine. We’re much more closely linked to the places where we grow food and how we grow food, and what the weather is there... the language around this matters (quoted by Edelman, 2013, p. 187).

As Canadian agriculture policy has worked to push aside the ‘peasants’ in favour of corporate industrial (‘modern’) farming, using the language of peasants denotes a political identity contrary to the status quo: an identity opposed to the corporate agriculture model and directly linked with struggles for food sovereignty. It is this identity that links LVC members around the world as people whose identities are bound to their communities, their places, and their livelihoods (Desmarais, 2007). The UNDROP intentionally casts a wide net, broadening the definition of peasant “to encompass closely related vulnerable and discriminated groups” (Edelman 2013, p.

14). Translating this counter-hegemonic identity into human rights norms is what the UNDROP has set out to accomplish.

With this understanding of ‘peasant’ terminology, identifying small-scale and/ or family farmers and farmworkers as peasants can be politically strategic. Regardless if the term is widely adopted by farmers, its applicability as a politically uniting concept can be advantageous when building solidarity with the wider, global struggle for UNDROP. For LVC members and their allies in Canada, invoking rights-based approaches to food systems transformation is a significant demonstration of dissatisfaction ‘from below’ (Calvário, Desmarais, Azkarraga, 2019) against the current dominant structures that control agriculture and the food system. If the food sovereignty movement is to continue engaging with institutionalized processes, it must find ways to use the legitimate language and discourse of human rights in order to have a seat at the table to advance its more radical aims. Finding political space in institutionalized structures is a struggle for social movements, therefore using a rights-based approach can be viewed not only as an end but a tool to mobilize contentious politics (Trauger, 2017). UNDROP could be that political tool in Canada.

In Canada, introducing and advocating for a human rights agenda in agriculture policy using UNDROP as a tool for change could become an important part of the solution to increasing food security and accompanying those across the food system – from farmers to eaters – move towards food sovereignty. UNDROP can contribute a much-needed reevaluation of policy priorities that centre on the sustainability of rural livelihoods and the rights of small-scale farmers, farmworkers, and migrant farmworkers while upholding the importance of Indigenous rights and sovereignty in this country. Although Canada abstained at the final vote for UNDROP, the Declaration is nevertheless a new international human rights instrument adopted by the Human Rights Council and the General Assembly of the UN. Therefore, regardless of the Canadian government’s corporate and geopolitical allegiances, UNDROP can still be used as a legitimate tool to articulate and advocate measures that the state should take to protect the rights outlined in the articles.

Relating UNDROP to the Canadian context

Implementation of UNDROP will look different in every regional context: no universal model can be applied. Just as food sovereignty strategies must be “home-grown” (Wiebe, Wipf,

2011), UNDROP must be analyzed and applied contextually, ensuring localized control over processes. Across Canada, different articles may apply more readily to certain regions than others and may be promoted using different tactics and advocacy strategies. Further, UNDROP must be used in a way that compliments Indigenous rights and sovereignty as specified in the original treaties and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Connecting rights violations with the most relevant articles in UNDROP is an approach that can be replicated in every national and regional context. In doing so, human rights advocates can popularize UNDROP and allow its potential as a legal tool to be understood by those who may seek to engage the Declaration to demand justice through policy change. This major research paper itself will be summarized and reconfigured into a more accessible format to be circulated across La Via Campesina member organizations and beyond with the intent of encouraging others to match their respective contexts to the content of UNDROP.

While elements from across UNDROP are relevant to the Canadian context, the following section outlines those that I argue currently carry the most applicability. In this section, I will focus on subsections of three Articles from UNDROP (14, 23, and 19) and give brief introductions to two more (17 and 25). Articles 14 and 23(1) which highlight the right to work in a safe and healthy environment will be analyzed in the context of the Seasonal Agricultural Workers' Program (SAWP), Canada's problematic solution to the farm labour crisis whose precariousness was cracked wide open during the height of the COVID-19 pandemic. Article 19, the right to seeds, will be assessed alongside Canada's attempts to privatize the well-established public seed breeding program and institute trailing royalties on farmers who save their own seed. Further research beyond this paper should be undertaken to more thoroughly connect Articles 17 and 25. Canada's relationship to land ownership and access to land is extremely nuanced, therefore a more focused report connecting current land policies, programs, laws, and regulations to Article 17 is key to understanding how the UNDROP can play a role in pushing for policy change. Article 25 emphasizes the right to adequate agriculture education, a topic that has not been explored in-depth in Canada. I hope to pursue further research on the considerations of other articles.

Articles 14(1,3) and 23(1): Right to Safe, Healthy Working Conditions

Article 14
(1) Peasants and other people working in rural areas, irrespective if 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 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.
(3) States shall take all 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.
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

Source: Quoted from UNDROP, United Nations (2018)

The federal Seasonal Agricultural Workers' Program (SAWP) – the agricultural branch of the Temporary Foreign Workers Program (TFWP) - was introduced in Canada in 1966 with the intention of allowing farm employers to hire temporary, seasonal workers from the Caribbean and Mexico to fulfill labour demands. At the time, it was seen as a perfect solution to Canada's agricultural labour shortage and rural poverty in Mexico, Jamaica, and other Caribbean countries. Between 1966 and 2017, the program grew from 264 Jamaican farmworkers employed in Ontario, to nearly 45,000 farmworkers employed across the country (Cohen, Hjalmarson, 2018). The program was deeply discriminatory from the outset and rights violations have persisted throughout 2021 despite decades of criticisms and recommendations made to the federal program in 2016 by workers, industry representatives, community organizations, and researchers demanding changes to the program (Marsden, 2019). The SAWP has been decried for its failure to uphold international standards of human and labour rights (Hennerbry,

Preibisch, 2012). The program perpetuates inequitable power structures and ties workers to their employers. Despite current policy discourse employing “rights” and “protection” for migrant farmworkers (MFWs), the federal government has failed to mitigate the policy gaps that have led to the most egregious exploitation, namely the lack of pathway to permanent residency and the removal of work permits that tie workers to their employers (Marsden, 2019). Like agricultural workers in general in Canada, migrant farm workers do not have the right to unionization or formal collective bargaining (Marsden, 2019).

While the MFWs and their allies in civil society have known for decades the extent of the well documented injustices perpetrated by the SAWP, it was not until 2020 as the COVID-19 pandemic took hold that the extent of the dangerous, unjust working conditions was acknowledged by the Canadian population more broadly. One greenhouse worker named Andrae from Jamaica working in Ontario in 2020 remarked to the Migrant Rights Network:

If a worker is working in an environment which is risky and refuses to work, the employer wants to send him back to his country or suspend him. They treat us like slaves here, and we have no rights. The boss is more concerned about the products than the workers (2020).

Despite tight lockdown restrictions being imposed across the country, little changed for many vulnerable MFWs who were expected to live in tight quarters and work as usual due to their roles as essential workers. Because the SAWP program ties workers to their employers with no pathway to residency, workers were fearful to speak out and risk deportation, and the resulting loss of income for an unknown period of time. The COVID-19 crisis exposed “deeper problems” in the seasonal worker program and the vulnerabilities of migrant farmworkers, despite their role as essential workers due to the central role played in Canada’s food system (Dale, Fehr, Pfenning, 2020). The MFWs could not access Employment Insurance if they became sick, and their ability to quarantine was limited due to overcrowding and deplorable housing conditions (Ibid, 2020).

The above quote by Andrae and the text of Article 14(1) and Article 23(1) present a stark juxtaposition between the presence of rights violations in Canada, the obligations listed in UNDROP, and Canada’s reputation as a human rights leader. In the pursuit of “cheap” seasonal labour, the SAWP program has failed to uphold the rights of MFWs. With its negligible regulatory oversight, the program has essentially created a bonded labour force to fill the demands of the market-based policy regime in Canada,

relying on underpaid, “disposable” farmworkers instead of confronting the systemic issues at hand (Cohen, Hjalmarson, 2018). The COVID-19 crisis underscored the vulnerability of migrant workers forced to earn an income through a program that despite being crucial to Canada’s agriculture system, is not human rights-centred (Dale, Fehr, Pfenning, 2020).

In July 2020, lawyers from the Canadian Lawyers for International Human Rights provided a notable example of the effectiveness of UNDROP as a legal tool in their participation as Intervenors in the *Schuyler Farms Limited v. Dr. Nesathurai* legal case. The lawyers made history by using Article 23 of UNDROP in the Ontario Superior Court of Justice in defence of a group of migrant farm workers facing dangerous living conditions during the COVID-19 pandemic. In late March 2020, shortly after states of emergency were announced across the country, the federal government mandated a 14-day isolation period for all temporary foreign workers entering Canada and ensuring individual workers subjected to self-isolation in groups would have two metres of space around them at all times. In the Haldimand-Norfolk region, Dr. Shanker Nesathurai, the Medical Officer of Health, added to this order that no single bunkhouse house more than three migrant farmworkers during the isolation period. Schuyler Farms, based in Simcoe, Ontario (in the Haldimand-Norfolk region) submitted two inadequate self-isolation plans to their local health authority before requesting a hearing regarding Dr. Nesathurai’s Order and the three-worker-per-bunkhouse rule.

During the hearing, Schuyler Farms argued that the requirement in the Self-Isolation Plan Checklist that there be a maximum of three MFWs isolated in each bunkhouse was arbitrary, stating that this requirement failed to recognize the significance of MFWs to Canada’s food supply. Schuyler Farms stated that “because of the “3 workers per bunkhouse” rule, it and other agricultural employers in Haldimand-Norfolk had not been able to bring in as many MFWs as they would ordinarily require, which jeopardized their planting and harvesting plans” (*Schuyler Farms Limited v. Dr. Nesathurai*, 2020). The Health Services Appeal and Review Board’s initial decision was to strike the Medical Officer of Health’s order, siding with Schuyler Farms who argued the order was unreasonable. However, the Superior Court of Justice overturned this decision, holding that

Decreasing health inequities as required under the Guideline requires that the number of workers that are allowed to isolate together is such that the risk posed to their health is comparable to that of the rest of the population when they are quarantined... Allowing larger numbers to isolate together exposes MFWs to a level of risk not tolerated for others in the community, thereby increasing vulnerability of an already vulnerable group (*Schuyler Farms Limited v. Dr. Nesathurai*, 2020).

In reaching this outcome, the Court cited UNDROP – the first time this has occurred in Canada:

Furthermore the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (“UNDROP”) is part of the body of human rights law and norms to which Canadian adjudicators may look in interpreting statutory or common law obligations and in reviewing administrative decisions (*Schuyler Farms Limited v. Dr. Nesathurai*, 2020).

And, it also specifically cited Article 23(1):

Both ICESCR and UNDROP provide that everyone has a right “to the enjoyment of the highest attainable standard of physical and mental health”, which applies regardless of national origin, race, other status or rural employment. This right also extends to the determinants of health, including adequate housing and healthy occupational and environmental conditions. States are expected to respect, protect and fulfil the right to health, including regulating industrial hygiene. In particular, the obligation to protect requires States to prevent third parties from interfering with the right to health, which includes an obligation to adopt and enforce “preventative measures in respect of occupational...diseases” and to minimize, as far as is reasonably practical, the causes of workplace health hazards. In the context of a pandemic, States have a duty to adopt strategies of infectious disease control. The right to adequate housing includes providing the inhabitants with a space that will protect them from threats to their health and “disease vectors” (*Ibid*, 2020).

This verdict marked a landmark victory for migrant farmworkers and human rights in Canada. The context and outcome of this case is demonstrative of the applicability of UNDROP in this country, but it must now extend out of the court room and into the policies governing the TFWP and the SAWP. Based on this precedent setting case, the potential of UNDROP in securing rights for migrant farmworkers is strong. While Article 23(1) was cited in this case, the usefulness of Article 14(1) and (3) by MFWs and their advocates could be highlighted when making recommendations to change the policies governing the TFWP and the SAWP. The COVID-19 crisis has highlighted injustices that have been out of sight for too long, and the outcome of

Schuyler Farms Limited v. Dr. Nesathurai is one example of rights obligations of MFWs being upheld.

Article 19: Right to Seeds

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: <ol style="list-style-type: none"> 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.
(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 (UN, 2018).

Source: Quoted from UNDROP, United Nations (2018)

Despite the fact that peasant farmers have been selecting, saving, and replanting seed around the world for at least ten thousand years, today the right to seeds is deeply threatened in Canada and around the world (Golay, 2017). Seeds are arguably peasants' most precious and deeply cultural resource, and as such members of LVC engage in seed exchanges at virtually every regional and global gathering (Desmarais, 2007). As UN Special Rapporteur to the Right to Food Michael Fakhri notes: "to control seeds is to control life itself" (Fakhri, 2020). Mergers and acquisitions have led to only four agrochemical/ seed firms controlling 60 percent of the global seed market (International Panel of Experts on Sustainable Food Systems, 2017). The importance of seeds to peasant livelihoods, cultures, and food sovereignty compared to the threat of corporate power dominating the seed industry drove LVC to include an article focused on the right to seed in UNDROP.

Canada is a signing party to the Convention on Biological Diversity (CBD) and its protocols, including the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) which defines farmers right to seeds, emphasizing resource sharing and biodiversity (Fakhri, 2020). The state has also recently ratified UNDRIP which makes explicit reference to Indigenous peoples' right to seeds. However, Canada is also party to the Trade

Related Intellectual Property (TRIPs) agreement via the World Trade Organization (WTO) and has adopted the International Union for the Protection of New Varieties of Plants (known as UPOV '91, respecting its modifications in 1991). These mechanisms pose significant challenges to the protection of customary seed saving practices and create contradictions as state parties attempt to fulfill multiple international obligations (Golay, Bessa, 2019).

In Canada, the seed industry has experienced a shift from primarily publicly funded plant breeding initiatives to increasingly concentrated corporate control. Historically, Canada's public plant breeding system was well-funded and well-respected, with world-class plant breeders developing field crop varieties among the highest quality in the world with studies consistently demonstrating publicly bred seeds produced greater yields than their privately bred counterparts (Goff, 2019). However, the liberalization and subsequent corporatization of agriculture in Canada has led to the shrinking of public plant breeding capacity, limiting of farmers' right to seeds and elevated influence of intellectual property rights on seed production. Currently, Canada's robust publicly funded seed-breeding program and the current seed regulatory framework are under siege by corporate-led lobby groups who are seeking to overhaul the Seeds Act Regulations (NFU, 2020). In this context, the new norm are seeds that cannot be legally saved and are part of the global dissemination of crop varieties that do not meet the needs of most farmers which reinforces the expansion of unsustainable monocultures and potentially contaminates other varieties with proprietary transgenes (Kloppenborg, 2008).

The power dynamic around seeds had shifted dramatically to favour intellectual property, implicating and threatening farmers' rights and food sovereignty, and compromising Canada's international human rights obligations. The history of plant breeders' rights took a turn in 1990, when breeders were given the right under the Plant Breeders' Rights (PBR) Act and Regulations to generate royalties in return for the use of newly innovated plant varieties (Canada Organic Growers, 2019). This type of ownership over a plant variety requires farmers to ask permission and pay royalties before planting these seeds (NFU, 2019). The PBR Act, outlining a type of intellectual property similar to a patent, was changed to account for Canada's adoption of the UPOV '91 Convention in 2015. The change stipulates that when farmers buy varieties that were brought in under Canada's previous PBR legislation (based on the UPOV '78 regime), a royalty must be paid on the initial seed purchase, but farmers have the right to freely save seed from the first year's crop for planting subsequent crops (Ibid, 2019). Under Bill C-18 passed in

2015 (the bill that enshrines UPOV '91 in Canadian law), breeders have the exclusive right to all activities related to the seed and to authorize its uses for twenty to twenty-five years depending on the type of plant – the PBR holders demand a royalty payment when authorizing a farmer's seed use. The PBR Act as it stands now provides an exception called the “farmers’ privilege” which allows “farmers who purchase a new variety (and pay a royalty on the initial seed purchase) to stock, condition, produce, and reproduce seed for us on their own holdings in subsequent years” – this means they can use the same seed from year to year, only paying a royalty at the initial purchase (NFU, 2019). However, the farmers’ privilege exemption is presently under fire as corporate lobbyists are demanding changes that would further privatize seed ownership and further squeeze farmers’ already minimal net gains. Simultaneous to heightened patent protections for plant varieties, the federal government has withdrawn significant resources from public seed research and development. This decrease in public research allows seed companies to control access to the varieties and reap the royalties from farmers (Goff, 2019). While not ceasing its relationship with the seed research process altogether, government agencies will conduct “discovery science” (the background work of developing new plant varieties) before handing germplasm to private industry to finish and register. In a global context where seed is treated as a commodity and not as a cultural, traditional entity, these laws make objective sense – research efforts and innovations should be protected. However, there needs to be a balance to account for farmers’ rights and not solely corporate research and profitability.

Throughout 2019 and 2020, Agriculture and Agri-Food Canada (AAFC), under the influence of a corporate lobby group known as Seed Synergy, called for an “industry-led, government-enabled” seed regulatory system via changes to the PBR Act (Goff, 2019). This call is framed around the notion that greater royalties are necessary to promote more private sector investment in plant breeding, particularly in cereal and pulse crops (interestingly, where there is a higher tendency for farmers to sell seeds to each other) (Canadian Organic Growers, 2019). More investment in research, especially in this era of a rapidly changing climate, is crucial, but the way it is unfolding is highly problematic. AAFC is pushing farmers to accept a change to the PBR Act that would eliminate the farmers’ privilege exemption, forcing farmers to pay royalties to seed companies every year that they reuse purchased seed. AAFC has recommended two options for UPOV '91 Convention PBR varieties: end-point-royalties and trailing contracts. End

Point Royalties would force farmers to pay a royalty on their harvested crop (per-ton), and trailing contracts would require farmers to send payments to seed companies every year if they plant farm-saved seed initially purchased from a PBR holder. The seed industry likes the trailing contract option because it would bring in more money and would involve setting up a data collection system to track farm saved seed users (NFU, 2019). Removing the farmers' privilege and adding one of these options means increased financial pressure for farmers while royalty money lines the pockets of multinational seed companies such as Bayer, Syngenta, and Dow Dupont, who control the majority of the market. Furthermore, there is no guarantee whether this royalty money will be spent on plant breeding or primarily serves to further monopolize the control of seed. It is clear that behind this proposed legislative change lies the powerful force of corporate interest, a force that shows little legal regard to respecting international human rights mechanisms that seek to protect vulnerable populations, a group that farmers unwittingly fall into within the neoliberal economic context. The corporate seed lobby is even attempting to rebrand as "Seeds Canada", imitating the names of many government departments and agencies despite zero connection with the Government of Canada (NFU, 2020).

In response to the corporatization of seeds and subsequent patent laws, civil society has been on the defensive in pushing for the right to seeds and opposing changes to the PBR Act. Seeds are the foundation of the food system, a system whose functionality and sustainability are imperative to the realization of fundamental human rights. To realize a food system transformation rooted in principles of food sovereignty the inclusion of the right to seed in human rights mechanisms is imperative. Presently, there is an acute tension between peasants' right to seeds and intellectual property rights, as monitoring mechanisms associated with rights-based treaties are very weak and often poorly implemented at the national level (Golay, Bessa, 2019). There is a need to rebalance this arrangement to ensure that commercialization of seeds and plant variety protection schemes do not lead to what Olivier de Schutter refers to as "a progressive marginalization or disappearance of local varieties" (2009).

UNDROP represents a unique opportunity to fill a gap in international human rights law by recognizing peasants' right to seeds. Acknowledging that people's access to seeds determines their ability to grow food and/ or earn a livelihood, it indicates that access to seeds is a human right (Fakhri, 2020). Even though Canada has not (yet) signed on to UNDROP, civil society and seed sovereignty advocates can still refer to it as a legal tool to strengthen the push against

corporate seed capture. Christophe Golay and Adriana Bessa (2019) have outlined how UNDROP – particularly the right to seed – can be implemented in the European Union, and elements of their rationale can be applied to the Canadian context. Compared to the CBD and ITPGRFA, the UNDROP’s Article 19 on the right to seed arguably provides the strongest language of any mechanism that promotes the right to seed. An argument that can be made in Canada relates to Article 19(8), referring to the primacy of international human rights law and peasants’ right to seed over intellectual property rights (Golay, Bessa, 2019). The power of neoliberalism has ensured that human rights obligations fall far below profit considerations on the spectrum of priority in trade policy, and this must be adjusted at the federal level. Further, Article 19(1.d) emphasizes the need to apply the right to participate equitably in the sharing of benefits arising from the utilization of genetic resources for food and agriculture. If Canada adopted a legislative and policy framework that protected farmers’ rights to save, use, sow, exchange, and share farm-saved seeds of traditional varieties and those protected by patents, one way to resolve the tension would be to ensure farmers do not commercialize patent-protected seeds (Ibid, 2019). With this objective in mind, in implementing Article 19 Canadian policymakers could promote a compromise that allows local-level seed practices to continue while prohibiting the commercialization of these seeds (Ibid, 2019). In this way, the state would be fulfilling its obligations to the binding CBD and its protocols, the ITPGRFA, UNDRIP, and UNDROP.

Article 17(1,6): Right to Land

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.
(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 land, fisheries and forests.

Source: Quoted from the UNDROP, United Nations 2018.

Farmer autonomy and local control of land and production are threatened by excessive farm debt loads, input financing, the conversion of farmland to non-farm uses, and by land grabbing, the state and private acquisition of large tracts of farmland for speculative or political purposes (National Farmers Union, 2015a). These threats contribute to the protracted loss of farms and farmers and increased farm debt in Canada (Ibid, 2015a). The consequences of policy decisions allowing ongoing corporate control has led to farmers losing their land, young farmers are unable to afford purchasing land or they unwilling to take on high debt loads, and older farmers selling their farms at prices inaccessible to new farmers in order to pay off their own accumulated debt loads. The current policies and lack of regulation that allow the corporate capture of farmland can be framed as contributing to ongoing violations of peasant rights under Article 17, and language in this article can offer guidance towards a radical shift in the politics of farmland ownership.

Article 25(1,3): Right to Adequate Agriculture Education

Article 25
(1) Peasants and other people working in rural areas have the right to adequate training suited to 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.
(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.

Source: Quoted from UNDROP, United Nations (2018).

Would-be farmers without access to intergenerational knowledge often turn to universities and colleges for agriculture training. At present, ten post-secondary institutions in Canada offer courses or programs in “alternative” (organic, sustainable, ecological) agriculture, whereas over thirty-five offer training in conventional agriculture practices and agri-business management (Dalhousie University, n.d.). This discrepancy, along with the high cost of post-secondary education more broadly, presents enormous obstacles to access adequate training that is suitable to all farmers’ needs.

Outside of formal education, the other route for aspiring farmers in Canada is increasingly participating in informal, unregulated, and unpaid apprenticeship programs, often on small, ecological farms. Many questions have arisen about how these work/education arrangements have emerged and what they mean for farm viability, agricultural labour law, and possibilities for exploitation (Levkoe, Ekers, 2017). According to Article 25, Canada's lack of adequate training suited to agricultural methods and practices based on agroecology can be framed as a violation of rights under UNDROP. Framing advocacy around the right to adequate training and the language in Article 25 could be part of a campaign to demand more equitable allocation of resources to educational programs that provide training that deviates from conventional agriculture.

What needs to happen next?

Reframing Canadian farmers' and farmworkers' struggles as rights violations is a strategic choice aimed at exerting greater pressure for transformation, but these claims must be backed by powerful audiences - both policymakers and an informed general public - to advocate for national legislative support (Bob, 2019). Lamentably, there is a distinct lack of political will in Canada to promote economic, social, or cultural rights, let alone peasant rights, into the market-based policy regime in a meaningful way. Canada is comfortable in its position as globally renowned commodity trader with little will (in part demonstrated by the state's abstention in the vote for the UNDROP) to dismantle a system that has generated enormous (albeit concentrated) wealth. Therefore, how can advocates push for UNDROP in policy and legal spaces, let alone grow a movement behind it, without some kind of initial government support? One way is to embark on a food sovereignty movement-wide advocacy campaign firmly reminding Canada of its human rights responsibilities from an agriculture perspective while garnering popular grassroots support for the Declaration.

As previously mentioned, despite Canada not voting in favour of UNDROP, the state still must conform with international human rights law. Technically, human rights and UNDROP prevail over other instruments in international law, including those over national and regional laws and policies (Golay, Bessa, 2019). The primacy of human rights and UNDROP over other international instruments regulating trade, investments, and intellectual property rights, is grounded in the United Nations Charter and is valid for all states regardless of their positions on

UNDROP (Elver et al, 2019). As Canada cares deeply for its reputation as an international human rights role model, including a peasant rights into the present food sovereignty advocacy strategies could be a worthwhile addition in moving the struggle forward. Engaging UNDROP articles as a part of ongoing policy advocacy campaigns could lend legitimate weight to arguments that provincial and federal governments have otherwise overlooked. UNDROP is a tool that helps address the discomfort Canada faces when confronted with the notion that it must practice what it preaches: putting human rights before corporate interests, nationally and abroad. However, for this sort of reckoning to happen, a broader understanding of human rights must be achieved. Human rights advocates can and will use UNDROP as circumstances call for it, but as in the case of *Schuyler Farms v. Dr. Nesathurai*, UNDROP was used strategically and effectively by human rights experts. LVC's intent for UNDROP is for it to be an accessible tool for peasants to engage with directly, requiring strategic and grassroots-led education campaigns to empower those who face rights violations directly.

While it is fair to say that LVC member organizations in Canada have a basic understanding of the development process and content of UNDROP, the food sovereignty movement writ large has not incorporated the Declaration into any narratives for radical food systems transformation in a meaningful way. This can be attributed to the lack of available outreach and popular information materials available about the Declaration, the creation of which are currently the top priority for the global Peasant Rights Collective. Movement building around UNDROP will not coalesce without strong popular education campaigns, communications work, and localized contextual analysis. Rural and farming populations must have access to educational materials that address what human rights – what peasant rights - can bring not only to the policy table, but to their livelihoods and communities. For a UN Declaration to make a difference in the lives and communities of those whose rights are being violated, it cannot sit in a glass case in the halls of the General Assembly. It must be mobilized in various ways, and these mobilizations must be broadcasted to serve as examples and inspiration for others in the movement. In the tradition of scholar-activism, this paper will be translated into a shortened, accessible format to be distributed to members of the NFU to deepen the organization's understanding of the usefulness and potential of UNDROP and spark conversations about integrating the Declaration into advocacy work thus contributing to the wider global struggle to implementing UNDROP. However, this is a small part in the broader

challenge of integrating peasant rights into Canadian agriculture policy. For UNDROP to be part of a meaningful food systems transformation, first the food sovereignty movement must convene around and understand its potential.

Before moving to the conclusion, three additional considerations are worth mentioning with regard to further research needs. First is the importance of UNDROP-centred agricultural policymaking. Centring peasant rights in policymaking processes ensures the full and meaningful participation of peasants and other people working in rural areas (Golay, 2019). UNDROP-driven processes are democratic, multi-lateral, and people-first. Therefore, if it is to be engaged with in Canada, policymaking processes must be reevaluated. Where small-scale farmers, farmworkers, and Indigenous Peoples participate in consultations regarding agriculture policy today, their capacity remains limited compared to industrial and corporate entities. More formal involvement and support in decision-making processes for independent, peasant-run organizations would change the narrative of policymaking processes to consider the needs and rights of farmers themselves. A return to multilateral decision-making over multi-stakeholderism is key, as corporate stakeholders have been allowed disproportionate power to influence policymakers since the advent of market-based agriculture in Canada. The potential of UNDROP in reorganizing policymaking requires further research into current mechanisms.

Second, federalism is a key feature of the way jurisdiction over agriculture policy is distributed in Canada. For example, where the provinces have jurisdiction over farm workers and non-renewable natural resources, the federal government has exclusive jurisdiction over the regulation of inland fisheries and trade (Berger Richardson, Lambek, 2018). Understanding the jurisdiction over agriculture policy in Canada is key to understanding the ways UNDROP could be implemented and how to direct advocacy strategies in different provinces.

Finally, the ways in which UNDRIP and UNDROP can be implemented to complement one another must be assessed. In 2016, the Government of Canada flipped their vote and endorsed UNDRIP with no reservations and by 2020, the government introduced legislation to begin its implementation. Globally, a number of states have revised their legislative frameworks to enshrine rights contained in UNDRIP within their laws, and advocates are pushing Canada to do the same (Golay, 2019). It should be noted that using UNDROP in Canada is not meant to contraindicate or diminish the power and potential of UNDRIP. Article 28 of UNDROP states: “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” (UN, 2018). However, where issues may arise between Indigenous peoples and farmers in Canada are over rights to land and natural resources. Using these Declarations together is the subject of research outside the scope of this paper.

Conclusion

In working towards a vision for a food system free from human rights violations, the articles enshrined in UNDROP at minimum deserve attention from agriculture policy makers at the provincial and federal level in Canada. This major research paper analyzed the need to implement Articles 14, 23, and 19 in Canada while also offering glimpses into the importance of two other key Articles (17 and 25). Space limitations did not allow me to pursue discussions of the latter Articles, but it is clear that more research is needed on these and other Articles in UNDROP in the context of developing human rights-based agriculture policy in Canada. UNDROP has the potential to serve as a platform for a radical food system transformation largely because of its roots in the pillars of food sovereignty: its implementation offers opportunities to re-balance power relations in rural areas and revitalize rural communities (Golay, 2019). The rapid shift toward free trade-oriented, liberalized Canadian agriculture policy over the last half century has resulted in substantive fissures across the food system, with small-scale farmers, migrant farmworkers, and the urban food insecure facing myriad negative implications of the changes. Beginning in 2001, acknowledging the frightening impact of free market capitalism and free trade on peasant farmers around the world, La Via Campesina began drafting what would nearly twenty years later become formally known as UNDROP. Small-scale farmers and farmworkers everywhere, including Canada, require the rights protections enshrined in UNDROP. While the context in the Global North differs than that of the Global South, farming in a highly industrialized state does not provide immunity from the ravages of unchecked capitalism and neoliberalization. Canada’s abstention from the UNDROP vote does not give it a free pass to deny the presence of peasant rights violations in this country: it means more work for advocates to ensure the state fulfills its UN obligations. Ensuring the implementation of UNDROP is an integral part of a global struggle to challenge, dismantle, and rebuild the food system in line with food sovereignty. By advocating for UNDROP in Canada, farmers and farmworkers are working in solidarity with counterparts elsewhere thus connecting

themselves to the wider struggle for peasant rights. A human rights approach to agriculture policy, including the use of the articles outlined in this paper and UNDROP broadly as a tool, has the potential to enhance the livelihoods of small-scale and family farmers and farmworkers across the country.

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