

RIGHT
TO FOOD
AND
NUTRITION

WATCH

2008

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THE WORLD FOOD CRISIS
AND THE RIGHT TO FOOD

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LIST OF ABBREVIATIONS

CESCR	UN Committee on Economic, Social and Cultural Rights	HLC	High-Level Conference on World Food Security: Challenges of Climate Change and Bioenergy
CFA	Comprehensive Framework for Action	HR	Human Rights
CSO	Civil Society Organisation	IAASTD	International Assessment of Agricultural Knowledge, Science and Technology for Development
DR-CAFTA	Dominican Republic–Central America Free Trade Agreement	ICESCR	International Covenant on Economic, Social, and Cultural Rights
EU	European Union	IFPRI	International Food Policy Research Institute
FAO	UN Food and Agriculture Organisation	IMF	International Monetary Fund
GDP	Gross Domestic Product		
GMO	Genetically Modified Organism		

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MDG _____ UN Millennium Development Goal

NAFTA _____ North American Free Trade Agreement

NGO _____ Non-Governmental Organisation

ODA _____ Official Development Assistance

PRSP _____ Poverty Relief Strategy Papers

RtAF _____ Right to Adequate Food

SCTs _____ Social Cash Transfers

TNC _____ Transnational Corporation

UN _____ United Nations

UNHRC _____ UN Human Rights Council

UNICEF _____ UN International Children's Emergency Fund

UPR _____ Universal Periodic Review

US _____ United States

WFP _____ UN World Food Programme

WHA _____ World Health Assembly

WHO _____ World Health Organisation

WTO _____ World Trade Organisation

PREFACE

National and global political decisions that fail to take the human rights obligations of states and intergovernmental organisations into account are the main reasons why hunger still persists. One of the most essential instruments to increase public pressure with which it is possible to hold governments and intergovernmental bodies accountable for their policies and programmes is the establishment of monitoring tools to check that states are meeting their obligations to respect, protect and fulfil the human right to adequate food of every person globally.

Within this framework, human rights and other advocacy groups act as “watchdogs” to monitor state and intergovernmental policies in the context of their obligations to the right to food. Since its adoption in 1999, General Comment 12, Article 11 of the International Covenant of Economic, Social and Cultural Rights (ICESCR) has become a key tool for the monitoring of this right.¹ Furthermore, in 2004 the 187 member states of the Food and Agriculture Organisation of the United Nations (FAO) adopted the “Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security”² which have provided even more detailed criteria to monitor the implementation of public policies regarding the fulfilment of states’ obligations.

Nevertheless, adequate monitoring of the right to food means going beyond merely monitoring the efficiency and effectiveness of government action with regard to food security relevance. Instead it means that monitoring should be based on human rights and should be directed at monitoring states’ reactions to hunger and malnutrition. Human rights based monitoring measures whether a state, in its legislative, executive and judicial activities related to the right to food either directly or indirectly, is fulfilling its human rights obligations and following human rights principles, both derived from regulations and standards of international law. A suitable monitoring mechanism should therefore help examine the progress of the implementation of the right to food and detect violations or situations that pose a risk of violation. Currently, there is no regular international publication that monitors food as a human right and keeps track of patterns of violations and investigates their impacts.

Therefore, the creation of the Right to Food and Nutrition Watch intends to fill this gap. The aim of this publication is to establish an international periodical review that monitors states’ actions or omissions related to the realisation of the right to food. Published annually, the Right to Food and Nutrition Watch will not only put pressure on policy makers at the national and international levels to take the human right to food into account, it will also provide a systematic compilation of best practices for the realisation of the right to food, as well as documenting where violations are committed. Moreover, it will provide a platform for human rights experts, civil society activists,

1. For further information, please consult: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument)
2. For further information, please consult: <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

3. For further information, please consult the Concept Note of the Right to Food and Nutrition Watch on the CD.

social movements, media and scholars to exchange experiences, learn from each other how best to carry out human right to adequate food work, and to lobby and advocate for this right.

The partners behind the initiative to produce the Right to Food and Nutrition Watch are aiming for an open and collective process. Therefore, we would like to invite all interested organisations, groups and individuals to participate. For further information on how to join the initiative, please contact the editorial team at FIAN International Secretariat.³

Each issue of the *Right to Food and Nutrition Watch* will have a twofold structure. The first part will cover a special theme over several articles which are written by experts and related to the implementation of the right to adequate food. The second part will contain summaries of national and regional reports, which are closely related to the theme of the first part. Additionally, each issue will include a CD with the full content of the reports and additional information.

Yours sincerely,

Michael Windfuhr

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INTRODUCTION

Ever since the beginning of 2008, the World Food Crisis has attracted global attention. Due to the fact that the international prices of all major food commodities reached their highest levels in nearly 30 years within the first three months of 2008, the World Food Crisis has mainly been characterised as a crisis of soaring food prices.⁴ Several causes, such as low levels of world stocks, crop failures in major producing countries, growing demand for the production of agrofuels, increasing consumption in China and India etc., are given as reasons to explain this development. However, this understanding of the World Food Crisis only offers a partial explanation and disregards the real causes. The World Food Crisis is a human rights crisis and, as the number of people suffering from hunger in the world continues to grow over and above 950 million; it is not a new phenomenon. Moreover, the supposed solutions to the crisis, e.g. the expansion of market-led globalisation and the promotion of intensive monoculture-based agriculture, have failed to adequately address the problem and have led to this alarming number of chronically hungry people around the globe. On the contrary, the real reason for the crisis, which is due to national and global policies that fail to take into account the human rights obligations of states and intergovernmental organisations, has been ignored for a long time. Therefore, the World Food Crisis is also a clear demonstration of systematic violations of the right to food, as enshrined in international human rights law.

As 2008 also marks the 60th anniversary of the Universal Declaration of Human Rights, it is time to look to the often underestimated strength of a human rights based approach to fight hunger once again. Even in the fast growing and restless world of today, the value of human rights – if adequately respected and fulfilled by states and intergovernmental organisations – in the fight against poverty, hunger and oppression is unbreakable. Therefore, a human rights based approach is also crucial to address the immediate root causes of the current World Food Crisis.

Due to the recent rise in awareness of the World Food Crisis and following up on the 7th Special Session of the Human Rights Council,⁵ the topic of the first issue of the Right to Food and Nutrition Watch, the so-called zero issue, is “The World Food Crisis and the Human Right to Adequate Food.” As per the twofold structure, the thematic part of this year’s issue will explore on a more conceptual level the various implications of the World Food Crisis on the human right to food. The second part consists of summaries of national and regional reports that monitor the fulfilment of the human right to food in different countries and regions. This year, there are summaries of the following regions and countries: Africa (Ghana, Malawi, Uganda, Zambia), Asia (India, the Philippines) and Latin America (Bolivia, Brazil, Colombia, Haiti).

4. See: <http://www.fao.org>

5. The 7th Special Session of the Human Rights Council was held on “The negative impact on the realisation of the right to food of the worsening of the world food crisis, caused inter alia by the soaring food prices”, and took place in Geneva, 22 May 2008. For further information, please see: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/7/index.htm>

The decision for the first issue of the Right to Food and Nutrition Watch to be called the zero issue indicates the start-up period of this publication. Following our invitation for other people to participate in the Right to Food and Nutrition Watch, we hope to gradually get support from civil society organisations, networks, social movements, academic institutions and individuals directly or indirectly involved and / or interested in the right to food and nutrition monitoring, so that this publication will become a useful and indispensable tool for activists, practitioners, public institutions and academics in the following years. The success of this publication is in your hands.

Flavio Valente
Secretary General
FIAN International

I THEMATIC PART:
THE WORLD FOOD CRISIS
AND THE HUMAN RIGHT TO
ADEQUATE FOOD

THE WORLD DOESN'T NEED MORE OF THE SAME MEDICINE

Joint Declaration of Social Movements and Civil Society Organisations Addressed to Governments on the World Food Crisis⁶

6. The declaration was presented to the High Level Conference on Food Security, Bioenergy and Climate Change, 3-5 June in Rome. For the list of signatories, please see the full report on the CD or visit <https://www.fian.org/resources/documents/others/the-world-doesnt-need-more-of-the-same-medicine/?searchterm=food%20crisis>.

The undersigned social movements and civil society organisations welcome the decision of the UN Human Rights Council, upon request of the new UN Special Rapporteur on the Right to food, to hold a Special Session on 22 May in Geneva on the negative impact of the World Food Crisis on the realisation of the right to food.

We express hope that the session helped to ensure that the Human Rights Council, and the UN Human Rights system as a whole, will closely follow the debate. It was also a crucial step toward increasing the recognition of and accountability for massive violations of the right to adequate food worldwide, which are at the root of the present crisis, and toward bringing issues of international and national policy coherence and full observation of international human rights law and principles into the ongoing international debate, and into the preparations for the High Level Conference to be held in Rome, from the 3rd to the 5th of June, on Food Security, Bioenergy and Climate Change.

Social movements and civil society organisations have repeatedly alerted states and intergovernmental organisations, in relation to the negative impact on the realisation of the right to adequate food and other human rights, as well as on national food and nutritional security, of international policies leading to the reduction of governments' capacity to regulate their national agricultural and food security policies undermining food sovereignty.

We, unlike the diagnosis presented by the UN at the creation of the UN Task Force on the Global Food Crisis, see the present crisis as deeply rooted in decades of misguided international policies, which have failed to create and maintain an enabling environment for states to respect, protect and fulfil the human right to adequate food for their citizens, as they almost ignored the need to facilitate access to productive resources for the rural poor; leading to reduced investment in the agricultural sector, especially in traditional and peasant diversified agriculture, and deregulated international agricultural trade. These policies were implemented under the guidance of the Bretton Woods Institutions (IMF and World Bank), which are now called on to play a leading role in the task force, and, more recently, under the guidance of the WTO.

There is a need for urgent international action to fulfil the right to adequate food of the most vulnerable populations directly affected by the crisis. But this should not be limited to food assistance and establishment of safety nets and rights-based minimum income programmes. This urgent action should include policy measures that guarantee immediate protection against factors that are clearly aggravating the crisis, such as mega development projects that lead to mass evictions of traditional populations and peasants, without adequate reparation measures; the increased demand for the production of agrofuels, especially based on the proposed quotas established by the EU and the US; and the speculation on the commodities "futures" market.

The world does not need more of the same medicine. We draw public attention to the potential further negative impacts of some of the medium and long term proposals furthered by the UN, such as the promotion of capital-intensive agriculture in Africa, the so-called "new green revolution" and the acceleration of the trade deregulation process, with the conclusion of the Doha round. If these recommendations are put in place, it would mean implementing more of the same policies which are a significant part of the structural causes of the present food crisis, and of the accelerated climate changes. The International Assessment of Agricultural Knowledge, Science and Technology for development (IAASTD), carried out by 400 scientists and adopted by 60 countries in April 2008, confirms our worries and calls for a halt in the promotion and expansion of the agro industrial agricultural model.

This crisis demonstrates that the all-pervasive global market will not guarantee food security or the right to food. Social movements and civil society organisations have been calling for a food production system based on the principles of food sovereignty and human rights, with special attention to the right to adequate food and to participation and access to productive resources, such as land, water and seeds, among others. Several governments from Latin America and the Caribbean associated themselves with this call, in the Managua Declaration of the Presidential Summit on Food Sovereignty, held in Managua, on 7 May.

In preparation for the upcoming High Level Conference in Rome, we urge governments and inter-governmental organisations to:

1. Ensure that any coordinating mechanisms created to deal with the present food emergency have the participation of representatives of the Office of the High Commissioner for Human Rights, the Human Rights Council and of the UN Special Rapporteur on the Right to Adequate Food, as well as strong representation from the social movements that are composed of those most affected by human rights violations, especially the right to adequate food, and those civil society organisations that work with them.
2. Ensure that the promotion and protection of the human right to food will be at the centre of all international efforts to overcome the World Food Crisis, recognising that violations of the right to food are at the root of it and have to be addressed and redressed.
3. Take the necessary steps to adopt, without further ado, the optional protocol on the ICESCR.
4. Agree at the Human Rights Council, as well as at the FAO High Level Conference, on national and international strategies that explicitly recognise and implement the human right to food as a binding obligation on most UN member countries.
5. Agree on the principle of “do no harm” for any international policy that affects the food security situation of communities or countries: all hunger-generating policies must be stopped.
6. Impose an immediate moratorium on the expansion of agribusiness-led agriculture.
7. Take into account and fully implement the Guidelines on the Right to Adequate Food, approved by the FAO Council in 2004, and the “Basic Principles and Guidelines on Development-based Evictions and Displacement” (A/HRC/4/18), issued by the UN Special Rapporteur on Adequate Housing.
8. Request the International Court of Justice to issue an advisory opinion on the kinds of international policies that violate the right to food, and human rights in general, and to define a set of criteria to make sure that international policies, such as those in the fields of trade, finance and development assistance, will not violate human rights treaties, with special attention to the right to adequate food.
9. Request the UNHRC take all necessary measures to investigate the responsibility of state and non-state actors in specific situations that have led to the aggravation of the food crisis, such as speculation, food hoarding, etc., adopting the necessary measures required to reverse any irregularity.
10. Request the UNHRC investigate the issue of peasants’ rights, as already mentioned by the former Special Rapporteur on the Right to Food, by mandating its advisory committee to conduct a first study to better identify the needs for specific entitlements of peasants as one of the most vulnerable groups to human rights and right to food violations as well as to identify gaps in the protection of these rights and entitlements, and concrete proposals to address and redress these gaps.
11. Take immediate measures to support national governments in guaranteeing that the victims of acute hunger, as well as chronic hunger, are assisted and supported in their quest to survive and to recover the capacity to produce or acquire the food or means necessary to feed themselves in dignity. This must be made the effective priority zero at the international and national level, with the allocation of adequate funds.
12. Guarantee full participation of social movements and civil society representatives in the June Rome Conference, allowing for oral interventions throughout the event, as has been the practice in FAO in recent years.

And that as a concrete result of the meetings, states should:

13. Recommit to meet their obligations under the Universal Declaration of Human Rights and international human rights law, taking urgent action to impose regulations on the present expansion of the market-led agricultural liberalisation process, to respect, protect, and fulfil the rights of the people, with special attention to the promotion of the human right to feed oneself, including the access to productive resources, within the framework of food sovereignty.
14. Ensure coherence of all food-related national and international policies with obligations regarding the right to food. In particular, policies on agriculture and fishing, trade and investment, and development and energy should contribute to promote and never undermine the full realisation of the right to adequate food. Impose an immediate moratorium on the goals for agrofuel production, to avoid a further deterioration of the present hunger crisis. All development policies should be conducive to the promotion of human rights.
15. Define the promotion and protection of the human right to food a one of the strategic objectives of the FAO, in the context of the ongoing reform process.
16. Implement measures to fully support small farmer and peasant based sustainable, agroecological diversified food production at the global level.
17. Guarantee that the discussion of alternatives for climate change are carried out in a fully participatory process, at all levels, and that the alternatives chosen take into account the precautionary principle and the need to effectively socially and economically include the most excluded and poorest.
18. Ensure that international food intervention reserves should be guaranteed on the basis of expected needs, independent of price.

SMALL FARMERS FEED THE WORLD. INDUSTRIAL AGROFUELS FUEL HUNGER AND POVERTY

*Position Paper by Via Campesina⁷, June 2008
Presented to the media on June 24th, 2008 in Jakarta during the International Conference
on Peasant Rights "Right to grow, right to feed, right to eat".*

02

The current massive wave of investment in energy production based on cultivating and industrial processing of vegetal materials like corn, soy, palm oil, sugar cane, canola, etc, will neither solve the climate crisis nor the energy crisis. It will also bring disastrous social and environmental consequences. It creates a new and very serious threat to food production by small farmers and to the attainment of food sovereignty for the world population.

Over the last twenty years the neoliberal policies adopted globally have failed to answer people's basic needs. The FAO promises at the 1996 World Food Summit and the UN Millennium Development Goals to lift people out of poverty have not been kept. Many more people are suffering from hunger.

It is claimed that agrofuels will help fight climate change. In reality, the opposite is true. The new extensive monoculture plantations for the production of agrofuels are increasing greenhouse gases through deforestation, drainage of wetlands, and dismantling communal lands. If we take into account the whole cycle of production, transformation, distribution of agrofuels, they do not produce less greenhouse gases than fossil fuels, except in some cases. Moreover, agrofuels will never be able to replace fossil fuels. According to the latest estimates, they will only cover the future rise in consumption from now until 2020. There is simply not enough land in the world to generate all the fuel necessary for an industrial society whose needs for the transport of people and goods are continually increasing. The promise of agrofuels creates the illusion that we can continue to consume energy at an ever growing rate. The only answer to the threat of climate change is to reduce energy use worldwide, and to redirect international trade towards local markets.

Meanwhile, the social and ecological impacts of agrofuel development will be devastating. Monoculture and industrial agriculture, whether for agrofuel or any other production, are destroying land, forests, water and biodiversity. They drive family farmers, men and women, off their land. It is estimated that five million farmers have been expelled from their land to create space for monocultures in Indonesia; five million in Brazil and four million in Columbia. Industrial agriculture generates much less employment than sustainable family farming; this is agriculture without farmers.

The current expansion of agrofuel production contributes to the massive concentration of capital by landowners, large companies and TNCs, provoking a real counter land reform throughout the world. Moreover it contributes to increased speculation on food products and land prices.

Agrofuel production has already started to replace food production. Its ongoing extension will drive even more small scale farmers and indigenous peoples off their lands. Instead of dedicating land and water to food production, these resources are being diverted to produce energy in the form of diesel and ethanol. Today peasants and small farmers, indigenous people, women and men, produce a huge majority of the food consumed worldwide. If not prevented now, agrofuels will occupy our lands and food will become even more scarce and expensive.

7. Via Campesina is an international movement of peasants, small- and medium-sized producers, landless people, rural women, indigenous people, rural youth and agricultural workers. Via Campesina is an autonomous, pluralist and multicultural movement, independent of any political, economic, or other type of affiliation. Via Campesina has members from 56 countries from Asia, Africa, Europe, and the Americas.

Who would eat agrofuels?

A new alliance of some governments and automotive and chemical companies, oil and agro-industry is promoting agrofuels with the sole objective of making money. The fear of climate change and the energy crisis are used to develop agrofuel production in a manner that maintains and strengthens an agro-industrial model. Knowing that this model is, in itself, a major cause of climate change and an intensive energy consumer, is no obstacle.

Technology and the market control of the TNCs strengthen and increase their hold over the agrarian sector. The family farmers whose food production has been based on traditional seeds, are displaced, their coexistence with biodiversity, their way of producing energy by human and animal force are disrupted. Their way of life uses much less energy per unit of food produced, and specially, fewer fossil fuels.

Agribusiness companies are aware that agrofuels produced on a large scale are not economically viable. The race towards agrofuels is made possible by the huge direct and indirect subsidies from supporting governments and by speculation on the financial markets, which is also causing food prices to rise.

The figures cited are alarming. Millions of hectares and billions of dollars are mentioned: the Government of India is contemplating planting 14 million hectares with “jatropa”, the Inter-American Bank of Development says that Brazil has 120 million hectares ready for agrofuel production and a business lobby suggests that there are 397 million hectares available in 15 African countries. This means an unprecedented level of expropriations.

While TNCs and investment funds increase their profits, a large part of the world’s population does not have enough money to buy food. Agrofuels are estimated to be responsible for 30% of the current food price crisis.

When the TNCs are unable to find farmland for agrofuel production, deforestation is forced on areas that are necessary for the preservation of life on earth.

Thousands of farmers have no alternative but to accept to grow agrofuels as they need an income to support themselves until the next season. National and international agricultural policies imposed by international financial institutions and TNCs have exacerbated the dependence of developing countries, leading to food crises, extreme poverty, and hunger throughout the world. Therefore, those small farmers are not guilty of making the wrong choice, they are the victims of the current system imposed on them.

Small farmers and agricultural workers, working in extremely harsh conditions with damaging effects on their health, and with very poor incomes have no say on the way their produce is used. Many are working under contract farming with large agribusiness companies that process, refine and sell the product. Therefore, it is the companies who decide to channel the produce for fuel rather than to the food market. The high food prices paid by the consumers are not reflected in the small farmers’ income.

In response to the energy crisis: small scale production and local consumption

Small scale sustainable farming is essential to feed the world. Sustainable family farming and food sovereignty consume up to 80 times less energy than industrial agriculture.

Food sovereignty primarily involves the use of local resources for food production, minimising imports of raw materials as well as transport. Likewise, the food produced is consumed locally so the end product does not travel far. It is not logical to eat asparagus in Europe that comes all the way from the Altiplano or fresh green beans from Kenya.

Throughout the history of farming, villagers have obtained energy from their farmland to meet their daily needs. Peasant families use coconut or sunflower oil, biogas, firewood, wind and water to generate electricity for local use. Such methods are sustainable and integrated into the food production cycle on the farmland.

It is imperative to design and adopt responsible attitudes to food consumption and to adjust our way of eating, in the knowledge that the industrial model of production and consumption is destructive, while the peasant-based model of production uses responsible energy practices.

Therefore, Via Campesina continues its struggle against the power of large corporations and supporting political systems. The energy crisis should not be seen as an isolated problem but as part of the whole crisis of the current model of development where profit has priority over people.

Instead we support people-centred, small-scale diversified agriculture with local markets and healthy livelihoods using less energy and being less dependent on external sources. Sustainable family farmers fulfil the fundamental mission of agriculture: to feed people.

Via Campesina denounces:

- The neoliberal model, international financial institutions and transnational capital, directly responsible for the food and the climate crises.
- The irresponsible presentation of agrofuels as an answer to the climate and energy crises.
- The scandal of producing agrofuels in a world ravaged by hunger.
- The passive attitude of many institutions faced with the serious risk posed by the advent of agrofuels which implies that rural and urban populations can neither produce nor consume food.
- The same institutions that are in fact placing the economic interests of TNCs above the food and nutritional needs of the very people they are entrusted to represent and defend.
- The insult of continuing to promote agrofuels in spite of the negative energy balance in their production, processing, and transport.

Via Campesina demands:

- The end of corporate driven, monoculture-based production of agrofuels. As a first step, a five year international moratorium on the production, trade and consumption of industrial agrofuels has to be immediately declared.
- An in-depth evaluation of the social and environmental costs of the agrofuel boom and of the profits made by TNCs in the processing and trade of raw materials.
- The promotion and development of small scale production and local consumption models and the rejection of consumerism
- Explicit support from governments and institutions to the sustainable peasant-based model of food production and distribution, with its minimal use of energy, its capacity to create jobs, to respect cultural and biological diversity and its positive effect on global warming (fertile soils are the best way to capture CO₂).
- The reorientation of agricultural policies towards sustainable rural communities and livelihoods based on food sovereignty and genuine agrarian reform.
- The promotion and development of responsible consumption models.

Let's put out the fire of agrofuels and carry the flame of food sovereignty!

For more information: www.viacampesina.org

THE RIGHT TO FOOD AND VOLUNTARY GUIDELINES AND THE LAUNCH OF THE AFRICAN NETWORK FOR THE PROMOTION OF THE RIGHT TO FOOD

Results of a Regional Workshop held in Benin, July 2008

8. Brot für die Welt is the development campaign of the protestant churches in Germany. It conducts more than 1.000 projects annually on a joint basis with partner organisations and local churches in Africa, Asia, Latin America and Eastern Europe to help communities and the most disadvantaged groups to help themselves and to live a dignified life. For further information, please see: <http://www.brot-fuer-die-welt.de/english/index.php>
9. FIAN is an international human rights organisation that advocates the realisation of the right to food. For further information please see: <http://www.fian.org>

From 9 to 11 July 2008, the regional workshop on “The Right to Food and Voluntary Guidelines and the Launch of the African Network for the Promotion of the Right to Food”, which was organised by the Beninese NGO *Soeurs Unies à l’Oeuvre*, along with the support of *Brot für die Welt*⁸ and *FIAN International*⁹, was held at the Palais des Congrès in Cotonou, Benin. The overall objective of the workshop was to set up a network of civil society activists and FIAN experts at the regional level to help promote permanent and continuous dialogue between themselves and human rights violators in order to achieve the adequate implementation of the right to food in African countries and make suggestions for measures and strategies to better promote and defend the Voluntary Guidelines in Africa. Nearly 40 representatives from civil society organisations working for the right to food in 18 African countries took part to solemnly launch this network.

Despite the fact that the right to food is directly or indirectly recognised by all African states, hunger continues to be the main cause of suffering on the continent. Most African countries have not yet made any provisions for a legal instrument that guarantees the right to food and despite the fact that the problem of the right to food is included in the Voluntary Guidelines, the reality in those African countries that have signed the Guidelines is uncertainty, either because the people concerned are unaware of their rights or measures enabling the realisation of this right are non-existent. Nevertheless, the Voluntary Guidelines, which were signed by all FAO member states, provide an essential tool for citizens to join the fight against hunger and to remind states of their obligation to respect, fulfil and protect the human right to food. They also provide a reference for members of the judiciary who could be called to judge on violations of such right.

At the Nairobi World Social Forum in January 2007, human rights activists highlighted the fact that in spite of African nations having signed the Voluntary Guidelines, they are still guilty of negligence because they have not included considerations relating to biological agriculture and sustainable agriculture in their agricultural policies, neither have they recognised the right to food in their constitutions. The need has arisen for a regional legal instrument and social policies to help ensure the right to food for underprivileged populations. During this forum NGOs in Africa clearly expressed their intention to engage in educating citizens on the right to food by setting up a network serving as a consultation framework where development policies and strategies on the issue of hunger both at the national and international levels would be monitored, examined and probably replaced with others more relevant to Africa.

Following up on this intention, the regional workshop in Africa took place in July 2008. Its aim was to remind the African civil society of their responsibility to make right to food violations public and to promote the adequate realisation of the right to food in African countries by using the instruments of the Voluntary Guidelines. The simultaneous launch of the new African Network was a big step in the right direction. The Network will provide a platform to coordinate actions to monitor the realisation of the right to food at the sub-regional and regional level. In the future, national actors will hopefully work together in order to share information about the implementation of the right to food, to promote capacity building, to document violations of the right to food, to conduct advocacy work and to monitor the efficiency of public policies regarding the realisation of the right to food in Africa. The network will efficiently lobby for the right to food in Africa, fight against past and current violations and maybe even provide the upcoming issues of the Right to Food and Nutrition Watch with detailed regional and sub-regional information on monitoring the right to food in Africa.

Below you will find the final declaration of the African Network for the Promotion of the Right to Food and the main results achieved during the workshop. For additional information, please see the full report from the workshop on the CD.

Final Declaration of the African Network for the Promotion of the Right to Food

We, members of rural organisations and NGOs from 18 African countries and the participants of the regional workshop in Cotonou (11 July 2008) organised by the NGO United Sisters at Work (ONG Soeurs Unies à l'oeuvre) to launch the African Network for the Promotion of the Right to Food, solemnly adopt the following declaration.

After a profitable exchange of ideas and a clear and concise exchange of information on the various issues and case studies relating to the right to adequate food in Africa, we, the participants:

- Note the situation of poverty and food insecurity in which the people of Africa continue to live, despite all efforts to fight hunger;
- Recognise that the World Food and Energy Crisis hits Africa the hardest;
- Acknowledge the lack of support given to the agricultural sector by the African governments and the insufficient resources allocated to it in national budgets, despite the fact that agriculture is the main source of revenue for food for the people of Africa and despite governments' commitments to their populations on both regional and international levels;
- Recognise that the agreement to allocate 10% of national budgets to the agricultural sector, as stated in the 2003 Declaration of Maputo, has in many cases still not been fulfilled;
- Note that agriculture, which continues to be the main economic activity, is threatened by climate change;
- Recognise the negative impact that the liberalisation of trade in the context of the WTO negotiations and the cycle of Doha has on the realisation of the right to food;
- Acknowledge that the policies and development programmes in the African countries do not always take human rights, particularly the right to adequate food, into account;
- Are aware of the challenges facing the continent in the areas of nutrition and consumption;
- Note that the African people are not aware of the right to adequate food and that decision makers do not recognise it as a fundamental and central human right.

In light of these reports, we undertake to work together to:

- Promote the right to adequate food in the African countries;
- Promote and popularise the Voluntary Guidelines in Africa;
- Take into account the gender aspect in all efforts of the network.

Results Achieved by the Workshop

At the end of three deliberations conducted during the workshop, and after assessment, the participants achieved, amongst others, several results:

- Reinforcement of the capability to solve the right to food;
- Enhancement of the knowledge and the comprehension of the contents of Voluntary Guidelines on the Right to Food;
- Capacity building of the utilisation of the follow-up tools of the Voluntary Guidelines on the Right to Food developed by FIAN international;
- Capacity building of the expression of denunciations of cases of violations of the right to food through national, regional and international mechanisms;
- The official launch of the African Network for the Promotion of the Right to Food;
- The working methods and thematic interventions of the African Network for the Promotion of the Right to Food;
- Clarification of the role and the function of the Executive Committee;
- The drafting of an action plan over a period of twelve months.

By Sofia Monsalve, FIAN International¹¹

10. The article is an extract from a working paper by FIAN International written by Jonas Vanreusel, Roman Herre, Sofia Monsalve. Please consult the CD for this working paper.

11. Sofia Monsalve is the Coordinator of the Programme Access to Land and Natural Resources at FIAN International.

Agrofuels and Human Rights Obligations

Today, an increasingly important share of so-called bioenergy is produced from agricultural crops traditionally used for food and feed. The cultivation of non-food energy crops also requires land and water. This creates direct competition for the resources to feed the world's population in a situation where 854 million people, most of them living in rural areas, are already suffering from hunger and malnutrition. The effects of agrofuel production on the enjoyment of the human right to adequate food (RtAF) of the most marginalised groups and communities should be considered before designing and implementing policies and programmes which promote the investment, trade and use of agrofuels. The State Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Community of States have legally binding obligations to the realisation of the RtAF. They must guarantee to poor rural communities secure access to, and control over, natural resources for food production. Moreover, states must enforce policies that foster adequate food supply at local and national levels, and must guarantee that food is economically accessible for all persons. States also have to regulate the economy and the markets according to these obligations and should not create incentives that put the realisation of the RtAF and other human rights in danger. The enforceability of the RtAF vis-à-vis the interests of powerful economic actors (agribusiness, oil TNCs and car manufacturing companies) investing in the production of agrofuel, is a major challenge to be tackled. If not properly addressed, already existing problems relating to the increasing concentration of agro-food systems all over the world (land concentration, worsening labour conditions, and soil depletion) might be further exacerbated by the agrofuel boom. According to the core elements and obligations of the RtAF, as defined by the UN Committee on Economic, Social and Cultural Rights (CESCR), the major impacts of the agrofuel boom on the RtAF observed so far can be analysed from a human rights perspective.

Loss of Food Autonomy

According to the CESCR, a core element of the RtAF is the direct availability of food from productive land or other natural resources, related to people's ability to feed themselves by having secure control over land, water and other resources for food production. Already today, forced evictions and lack of access to land and productive resources constitute major patterns of violations of the RtAF worldwide.¹² Increased pressure on land and water triggered by the aggressive expansion of energy crop monocultures is very likely to lead to further dispossession of natural resources that are controlled by marginalised rural groups. Oil palm plantations push deforestation and water contamination to areas where indigenous peoples' diets depend on the forest and the land, such as in Indonesia.¹³ As a consequence of forced evictions and the violent usurpation of resources, countries like Colombia already have nearly three million internally displaced people. The massive and forced exodus of rural populations to live in the cities under precarious and inhuman conditions is a cruel reality in many countries.¹⁴ Although the growth of industrial export-oriented monocultures is not the only cause, it is an important factor in explaining this dynamic, which is further aggravated by the rise in agrofuels.

Furthermore, the renewed interest in land by powerful economic actors is opposed to the implementation of agrarian-reform policies needed to comply with states' obligations to realise the RtAF, when for example social groups like landless people do not have access to means for their subsistence. The notable deceleration of the agrarian reform programme in Brazil in 2007 is self-explanatory in this regard. Patterns of highly unequal land distribution remain unsolved problems in Latin America, Southern Africa and Southeast Asia. The rise in agrofuels will aggravate this situation further because land prices are on the rise and agrarian reform policies based on legal dispositions, which only allow the expropriation of idle land for redistribution, might soon become ineffective when idle land disappears because of the rate at which investors from the agro-industrial sector are taking control of it.¹⁵

12. See FIAN/La Via Campesina, 2004, 2005, 2006 "Annual Report on Violations of Peasants' Rights." <http://www.fian.org>

13. Friends of the Earth (2008) "Losing Ground: The human rights impact of oil palm plantation expansion in Indonesia." <http://www.foe.co.uk/resource/reports/losingground.pdf>

14. Mingorance, Fidel / Minella, Flaminia / Le Du, Hélène. 2004. "El cultivo de la palma africana en el Chocó." Human Rights Everywhere, Diócesis de Quibdó.

15. Federation of Indonesian Peasant Union (FSPI) 2006. "Agrarian Conflict and Violence Toward Peasants in Indonesia". Case study presented on the occasion of the International Conference on Agrarian Reform and Rural Development (ICARRD).

Reduction of Food Availability on Local, National and International Markets

The second dimension of the availability of food, as stipulated by the CESCR, relates to well-functioning distribution, processing and market systems aimed at bringing production and demand into balance.

States are obliged to take legislative measures and implement policies and programmes which effectively foster food security at all these levels. Unregulated expansion of energy monocultures endangers local, national and international food supplies and may amount to a violation of the RtAF of the affected population.

The run for energy crops might imperil local food supply by creating a lack of locally produced food in communities and a higher dependency on food distributed through the market or through subsidised food supplies, leaving communities more vulnerable to crises and shocks. Regional dominance of energy crops can increase transaction costs for smallholders to get additional income from their produce. Betting on energy crops is a risky business for them: cases in Brazil show that food insecurity among smallholders cultivating energy crops (sugar cane) is not unusual. All their labour capacity is absorbed by the arduous cash crop. They rely on their sole harvest earnings to eat the year round, making them very vulnerable.¹⁶

Economic Access to Food is Deteriorating

Food has to be economically accessible, referring to the affordability of any acquisition pattern or entitlement to procure food, without threatening other basic needs. States are obliged to secure economic access to food for all their citizens through different strategies and measures, encompassing the promotion of fair working conditions and adequate salaries for workers, food subsidies, price controls, social security schemes and others.¹⁷

The recent diversion of food crops towards the production of agrofuels, together with other factors (e.g. droughts, low reserves, changes in consumer habits, speculation etc.) has played an important role in the recent price increases of some agricultural products like maize, rice and vegetable oils.¹⁸ Poor people spend a large share of their household budget on food (up to 50-70%). The sudden rise in food prices registered recently and its consequences explain the surge in food riots in various countries.

Food Aid in Danger

Food also has to be physically accessible, implying access for vulnerable persons, disaster victims and people relying on a specific territory for their livelihoods, like indigenous peoples or pastoralists. Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, states have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.¹⁹

Recently, UN World Food Programme (WFP) officials declared that agrofuels were one of the main causes for the increasing difficulty to deliver food aid, whether purchased locally or from food surpluses from the exporting countries. Furthermore, they announced that higher food prices strongly reduce their capacities. The WFP estimated that due to the rise in prices, an extra 500 million dollars on top of the existing budget of 2.9 billion dollars would be needed in order to finance the necessary projects in 2008, not taking into account possible emergencies.

Increase in Exploitation of Natural Resources

In order to secure long-term food security, the sustainability of food availability and access has to be guaranteed. This implies both the sustainable use of natural resources necessary for food production, and economic sustainability based on income and prices.

According to the FAO Voluntary Guidelines for the implementation of the RtF,²⁰ states should consider specific national policies, legal instruments and supporting mechanisms to protect ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased, sustainable food production for present and future generations. States should also think of policies to prevent water pollution, protect the fertility of the soil, and promote the sustainable management of fisheries and forestry.

16. O Estado de Sao Paulo, 4th of July, 2007. Cana toma espaço de alimentos.

17. Cf.: General Comment No.12, Art.11, paragraph 13: http://www.fao.org/righttofood/common/ecg/51635_en.GeneralComment.No.12.pdf

18. Down to Earth. "Biofuel fever". N°74 August 2007.

19. General Comment No.12, Art.11, paragraph 15: http://www.fao.org/righttofood/common/ecg/51635_en.GeneralComment.No.12.pdf

20. Guideline 8E: <ftp://ftp.fao.org/docrep/fao/meeting/009/y9825e/y9825e01.pdf>

21. One litre of sugar cane ethanol, for example, requires at least twelve litres of water. For environmental impacts of agrofuels please refer to the German Advisory Council on the Environment (SRU) (2007), *Climate Change Mitigation by Biomass*, Berlin.

22. The first report of the hunger task force of the Millennium Project developed a typology of the hungry worldwide. This first report was published in New York, April 2003. See also the excellent overview by the International Fund for Agricultural Development (IFAD) in 2001: *Rural Poverty Report 2001. The Challenge of Ending Rural Poverty*, Rome. See: http://millenniumindicators.un.org/unsd/mi/mi_goals.asp

Converting land or forest areas to energy crop monocultures also has an impact on greenhouse gas emissions and the sustainable use of natural resources. Deforestation due to monocultures such as oil palm and soya in countries with tropical forests like Indonesia, Malaysia, Colombia or Brazil, has proven highly destructive regarding climate change. Furthermore, monocultures often lead to the contamination of soils, rivers, subterranean and spring waters, due to the intensive use of chemical fertilisers and pesticides. Monocultures require a huge amount of irrigation water.²¹ However, the access to irrigation water is concentrated in the hands of the most powerful.

Final Considerations

Agrofuels will not solve the problem of hunger in the world. On the contrary, they threaten to worsen an already critical situation. States and the international community have committed themselves to achieving the Millennium Development Goals as a matter of high priority.²² Halving the number of people suffering from hunger worldwide has been highlighted as the number one goal. In this sense, states and the international community should dedicate the maximum available resources to policies and programmes that are aimed at fighting hunger, as stipulated by the ICESCR, before embarking upon policies promoting agrofuels. Within these policies the proposal of food sovereignty is emphasised. According to this, the promotion of food production has to be prioritised for the small producers for local and national consumption. So do policies of agrarian reform, which guarantee to rural marginalised groups access to and control of land and other resources. Policies of agro-ecological production, which assure sustainable use of the natural resources for food production and which revalue the traditional and indigenous knowledge of production and nutritional culture are of utmost importance as well. Policies and programmes that encourage the decentralised use of biomass for the local production of energy could be compatible with human rights and the vision of food sovereignty.

The energy problems facing societies cannot be solved without total fulfilment of human rights. Considering the obligations imposed on the states and the Community of States by the RtF and other human rights, the states that wish to promote agrofuel policies will have to put into practice the principle of precaution, by first investigating the impact of these policies at the local, national and international level.

THE RIGHT TO FOOD AND THE FUTURE OF THE FAO

By Michael Windfuhr, *Brot für die Welt*²³

05

The right to adequate food is a human right. Its implementation is one of governments' primary obligations. It was officially recognised as a universal human right by the United Nations in the 1948 Universal Declaration of Human Rights. Nearly two decades later, the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been ratified by 158 states,²⁴ made the right to food a binding international law for those states party to it. Therefore, assisting states to implement the right as well as monitoring state compliance are primary tasks for the United Nations Human Rights System.

Positively the right to food has also been increasingly recognised and utilised in the food and agricultural system of the United Nations. In 1996 the World Food Summit (WFS) put the right to food much higher up on the political agenda of the FAO and its member nations than it had been before. Attention was drawn to what governments should do to end hunger and malnutrition. Furthermore, the WFS Plan of Action called for the clarification of the normative content and ways to implement the right to adequate food as contained in international law. Normative clarification was largely achieved with General Comment 12, adopted by the United Nations Committee on Economic, Social and Cultural Rights in 1999.²⁵ The content of this document has been very important for the development of international law. However, after the WFS many civil society organisations and governments requested an additional and more operationally oriented tool to guide the implementation of the right to food.

In June 2002 at the World Food Summit: five years later, states took the decision to develop "voluntary guidelines to support the progressive realisation of the right to adequate food in the context of national food security."²⁶ An Intergovernmental Working Group (IGWG) was established by the FAO Council to do this and, after 20 months of intensive negotiations, it reported its results to the FAO Committee on World Food Security (CFS). The Voluntary Guidelines (VGs) were adopted unanimously at the 127th Session of the FAO Council in November 2004. While most states had already recognised the right to food and made commitments to its implementation, the VGs constituted a further normative development in that it was the first time that states had agreed on the obligations to respect, protect and fulfil the right to food as well as on the various actions in all relevant policy arenas that should be taken for its progressive realisation.

After the adoption of the Voluntary Guidelines, the FAO created a right to food unit to support governments in implementing the right to adequate food nationally. The unit also spreads knowledge about the implications of working with the right to adequate food within the institution of the FAO. The process of mainstreaming the right to food is still in its first years. A very positive step made by the FAO was World Food Day in 2007, when the right to adequate food was the official theme. This reflects the increasing importance of the human rights based approach for the organisation. At the same time the right to food has become a central issue for civil society groups and their work with the FAO.

23. Michael Windfuhr is the Human Rights Director at Brot für die Welt. Brot für die Welt is the development campaign of the protestant churches in Germany. It conducts more than 1.000 projects annually on a joint basis with partner organisations and local churches in Africa, Asia, Latin America and Eastern Europe to help communities and most disadvantaged groups to help themselves and to live a dignified life. For further information, please see: <http://www.brot-fuer-die-welt.de/english/index.php>

24. As of June 2008, see <http://www.ohchr.org/english/countries/ratification/3.htm>

25. UN Doc. E/C.12/1999/5, 12 May 1999 [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument)

26. Declaration of the WFS-fyl, International Alliance Against Hunger, operative paragraph 10, <http://www.fao.org/DOCREP/MEETING/005/Y7106E/Y7106E09.htm>

27. The figure 950 million is a recent estimate from the IFPRI (International Food Policy Research Institute).

A New Human Rights Based Approach is Needed

Why has the right to food become more important for the FAO and other communities recently? The main reason is the persistence of hunger and malnutrition in the world. Absolute numbers of people suffering food from hunger and malnutrition have not gone down since the World Food Summit in 1996. The number has even sharply increased during the current World Food Crisis situation to above 950 Million.²⁷ The current recognition of the importance of the right to adequate food began with the WFS declaration. This was a great achievement because the declaration focuses international debate on how governments can contribute to ending hunger and malnutrition. Focusing on the roles and responsibilities of governments is important due to the fact that it is basically a lack of political will, which the FAO has been emphasising in all of its documents since 1996, that is responsible for the persistence of worldwide hunger and malnutrition.

Hunger is largely a rural phenomenon, affecting individuals or groups that are politically and geographically marginalised. The majority of these people are marginalised small holder farmers or landless rural workers. They often lack access to sufficient productive resources as well as the knowledge and means to utilise available resources. While natural and human-made disasters can contribute to insufficient food production and lack of access to food, overall, chronic hunger and malnutrition are related more to discrimination and marginalisation in securing access to and utilisation of productive resources or other income opportunities. Fighting hunger and malnutrition therefore, requires instruments to tackle the problems of discrimination and marginalisation that characterise the situation of those families and persons affected.

The role of governments is important, not relating to production but in the creation and securing of an enabling environment. In this context, the importance of the right to adequate food becomes clear. It is precisely for this reason that a rights-based approach to the problems of hunger and malnutrition is needed and can be extremely helpful: We have to identify what types of government policies are responsible for either creating or reducing hunger and malnutrition. Holding governments accountable for pursuing the wrong policies and making proposals for a redirection are at the core of that approach. Each person suffering from hunger and malnutrition due to government policies that are co-responsible for her/his situation must be encouraged to demand the necessary changes in government policies.

What is on the Agenda?

This year, the FAO has been dominated by a substantive reform process. An Independent External Evaluation (IEE) of the work of the FAO has been conducted for the past two years. The evaluation report and its recommendations will suggest a reorientation of the organisation in the second half of 2008. The process is both an opportunity and a risk. It is an opportunity to reshape the activities of the FAO to make them more effective and to focus them on the core aims of the organisation, namely hunger and poverty reduction as well as support for the implementation of the right to food. It is a risk because important future tasks might not be included in the reform process and the future setting of the organisation might become much too technically oriented to production support and advice instead of clearly focussing on changing the current negative framework conditions – nationally and internationally. It is therefore important to use the opportunity wisely. The following recommendations were first developed by German NGOs²⁸ and have received quite a lot support from national and international civil society actors.

28. Brot für die Welt, German Agro Action, Protestant Development Service – EED in April 2008

Recommendations on the Future Core Mandate of the FAO

The core mandate of the FAO should include overcoming hunger and poverty. In 1999, in the context of the legal strategic framework for 2000–2015, three targets, which are still relevant today, were formulated for the organisation:

- a) Access for all people at all times to sufficient nutritionally adequate and safe food, ensuring that the number of chronically undernourished people is reduced by half by no later than 2015.
- b) The continued contribution of sustainable agriculture and rural development, including fisheries and forestry, to economic and social progress and the well-being of all.
- c) The conservation, improvement and sustainable utilisation of natural resources, including land, water, forests, fisheries and genetic resources for food and agriculture.

Various important documents on FAO priority setting over the past few years have revealed a lack of emphasis on the fact that hunger and poverty reduction needs to be thought of as one and needs to be embedded in a comprehensive concept of support for rural development. Both of these central objectives of ‘hunger and poverty reduction’ as well as ‘the support of rural development’ should be included in the FAO’s new priority setting, since it is only from this comprehensive perspective that the FAO will be able to contribute to overcoming hunger. In addition, in setting future priorities, particular emphasis has to be put on ‘sustainable management of natural resources’ since many of these resources such as soil, water and biodiversity are subject to tremendous pressure and require particular attention and care in order to be available on a long-term basis. The commitment to support member states in applying the human right to adequate nutrition should be the basis of the FAO’s core mandate. This was already strongly supported by the FAO members when they unanimously approved the “Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security” (in short “Right to Food Guidelines”) at the end of 2004.

The right to adequate food should be the guiding principle of the FAO’s work in all subject areas. The Voluntary Guidelines should be used as an orientation for its work in the area of policy advice and should, at the same time, be the basis for effective monitoring of hunger and poverty reduction activities.

Better Priority Setting in the FAO is Needed Together with a Stronger Focus on Vulnerable Groups and Marginalised Producers

Priority setting in the FAO should be guided to enable the FAO to implement its core mandate. From this starting point, future priority tasks need to be defined and existing strengths need to be developed. If necessary, however, new tasks should be taken on as well, or existing areas of activity should be expanded if they are of great importance for the implementation of the core mandate, even if they are currently not or no longer part of any priority area. The choice of prospective issues should not be ruled by the logic of previous budget restrictions, but by the content of the task to support member states in implementing the core mandates: hunger and poverty reduction, advancement of rural development, and sustainable management of natural resources. At the same time the FAO should pay particular attention to supporting those groups of people particularly affected by hunger and malnutrition.

The FAO Should Monitor Government Policies in a Meaningful Way

The FAO’s capability to monitor the implementation of international targets – like those of the World Food Summit or the MDGs – needs to be strengthened by its member states. The mandate for monitoring national and international hunger reduction is too weak. The Committee on World Food Security (CFS), which is tasked with this, only holds one meeting lasting a few days annually. There is no obligation to report properly and there are hardly any meaningful monitoring standards. This is due to the unwillingness of states to allow their efforts in this area of politics to be internationally monitored. However, it is indeed the monitoring of national and international hunger reduction that would help to identify how states could improve and learn which political measures are successful and which are not. The FAO should, therefore, be a subordinate, neutral body, with the mandate to monitor national progress in hunger and poverty reduction. In particular, this should pertain to the implementation of the Voluntary Guidelines on the Implementation of the Right to Food.

Standard Setting and Policy Advice

The FAO should play an important role in giving policy advice to governments, especially with a view of implementing the core objectives. Thus, adequate advisory capacities should be available on a national level, for instance integrated into the new UN offices in the respective countries. As an inter-governmental organisation it is, of course, the FAO's primary function to deal with global issues and to provide advisory services on those issues at a local level. With regard to the policy advice related to the implementation of the FAO's core objectives, it should be a central issue to advise the member states on the question of how access to productive resources (land, water, seeds, etc.) can be improved and protected in an ecologically sustainable way. Here, the FAO should develop extensive knowledge management, and it should be able to advise countries and provide them with appropriate information. The sustainable management of natural resources should become one of the core objectives of the organisation.

To Conclude

The member states and the FAO itself should use the reform to redirect their work towards the central objective, particularly the support of national governments in implementing the right to adequate food. With a stronger institution adequately equipped to support the realisation of the right to adequate food, better progress in the actual realisation will be possible. At the same time it must be clear that a stronger international organisation alone will not form sufficient preconditions for a more successful fight against hunger and malnutrition. Willing and active governments are the key, but they will need political pressure from civil society as well as the support of institutions that can contribute financially and offer technical advice. In order to enable the FAO to play an active role in the support of the realisation of the right to adequate food, sufficient allocation of budget and staff for that purpose is needed. The outcome of the reform process is open and needs to be carefully analysed by civil society groups after the Special Conference of the FAO.

PRESCRIBED STARVATION DIET - LIBERALISATION VIOLATES THE RIGHT TO FOOD OF PADDY FARMERS

By Armin Paasch, FIAN Germany²⁹

06

Rice production and rice policies have an immediate impact on food security in the world. Rice is the main source of food for half of the world's population and the main source of income for two billion people. Although only 6.5 percent of global rice production is traded internationally, world trade in rice can have a serious impact on the development of national rice markets.

Following the recent price explosion for food staples, food riots have taken place in more than 30 countries since the beginning of 2008 and have demonstrated once again the close links between international markets and food security. Rice is the commodity most affected by the price explosion. In many countries, such as Haiti and Honduras, the increase in rice prices is one of the main reasons for these riots.

While soaring commodity prices are the cause of the current crisis, it should not be forgotten that this price explosion had been preceded by a long period of price decline since the 1970s. While many countries now have difficulty purchasing rice on the international markets, for a long time, the main problem was the opposite for many countries: Between 1983 and 2003, the Food and Agriculture Organisation (FAO) registered 408 cases of rice import surges in 102 countries, most of them in Africa, the Pacific Islands and Central America. In many countries these imports, to a large extent, replaced domestic production and made these countries reliant on imports. The result is that the countries are very vulnerable to price fluctuations on the international markets. The current "food crisis" has not come over night.

This article summarises a comprehensive study commissioned by the Ecumenical Advocacy Alliance (EAA), a worldwide network of church organisations³⁰, and Brot für die Welt³¹. It was conducted by the FoodFirst Information and Action Network (FIAN), the international human rights organisation for the right to food³², in cooperation with national and international experts.³³ The study examined the impact of specific rice trade policies on the human right to adequate food of specific rice producing communities in Ghana, Honduras and Indonesia, with a focus on the period from the early 1980s until 2005, the period before international rice prices started to explode. It does not discuss the complex reasons for the current price explosion. However, the study offers important insights into the root causes of the replacement of local rice production in developing countries with imports and thereby explains why the populations of these countries are hit so hard by the current price increases.

Ghanaian Paddy Farmers under Pressure

The land close to Tamale, the capital of the Northern Province of Ghana, is barren. Therefore, it is almost unbelievable that plants other than the famous baobab flourish and that this same land becomes lush and fertile during the tropical rainy season between May and September. This phenomenon also occurs in Dalun, a small town with 10,000 inhabitants 40 km from Tamale. Nearly all the people in the town earn their living from the production of rice. If they do not produce rice themselves, they buy it from local peasants and sell it to the market women of Tamale. However, there is one problem: the market women are buying less and less rice and the prices are decreasing. Peasants complain that the amount of rice sold at the market in Tamale has declined by about three quarters compared to the 1990s.

29. Armin Paasch is the Trade Officer for FIAN Germany and the Coordinator of the case studies. For further information on FIAN Germany, please see <http://www.fian.de>

30. The Ecumenical Advocacy Alliance (EAA) is a broad ecumenical network for international cooperation in advocacy on global trade and HIV and AIDS. For further information, please see: <http://www.e-alliance.ch/>

31. Brot für die Welt is the development campaign of the protestant churches in Germany. For further information, please see: <http://www.brot-fuer-die-welt.de/english/index.php>

32. Please see: <http://www.fian.org>

33. Armin Paasch (ed.), Frank Garbers and Thomas Hirsch 2007: "Trade Policies and Hunger. The impact of trade liberalisation on the right to food of rice farming communities in Ghana, Honduras and Indonesia", published by Ecumenical Advocacy Alliance, Geneva 2007. Please consult the CD for this article.

At first glance, this seems to be quite remarkable: According to FAO, the per-capita consumption of rice in Ghana increased from 11kg to 21.6kg between 1999 and 2003. However, a visit to the markets in Tamale or in the capital Accra reveals that the increasing demand has not benefited paddy farmers or local rice sellers. In fact, there are huge amounts of rice from the United States, Thailand and Vietnam available at the market and one even has to search for local rice varieties, which have become a novelty. Although rice has been imported into Ghana since the 1970s, local rice varieties only started to be pushed out in the 1990s (more precisely in 1992).

Imports are Flooding the Markets

In 1992, the Government of Ghana abolished import controls and introduced a low tariff rate of 20% on imported rice. Rice imports immediately skyrocketed and surpassed the local production. Between 1998 and 2003 the world market price for rice was especially low and during that time, the FAO recorded multiple import floods. In 2003, imports of rice increased by about 154%, which corresponded to a total amount of 415,000 tonnes; whereas local rice production fell from 280,000 to 239,000 tonnes.³⁴ Local paddy farmers had no chance of competing with this cheap rice any more. Structural adjustment measures since 1983 have led not only to the market opening up, but also the abolishment of governmental support for farmers in regard to access to seeds, machines, credits and marketing. On the other hand however, the situation in rice exporting countries is completely different, especially in the United States where half of the imports originate from. Rice from the United States is only able to compete because of ample subsidies and export credits and it has sometimes even been sold cheaply as food aid to Ghana. This kind of monetised food aid is good business for some NGOs, but has not contributed to fighting poverty, and in some cases, it has even been counteractive.

In Dalun, not only local market women, but also the operators of both rice mills and peasant families who make up the last part of the value chain, are affected. Sometimes they are not able to sell their crops and are the ones suffering the most from the price erosion. Paddy farmer Issah Alhassen, for example, has accurately noted down his revenues and expenditures for the last few years. In 2000, he received 200,000 cedis per bag of rice and in the years following it was only half that. Taking inflation into consideration, the price decrease was even worse. Between 2000 and 2003, the cedi lost 45% of its real value. "We are often in the red and can hardly feed our families," says Alhassen. "When we have used all of the crops from the last yield and the new one has not yet started, we have to reduce the number of meals we eat. Our children are suffering the most." The times when one could live adequately from the cultivation of rice are over. This is not only the case for the paddy farmers in Dalun. According to a study by ActionAid, 66% of the paddy farmer families in the North of the country can only afford one meal per day between the months of May and July.³⁵

Violations of the Human Right to Food

Fortunately, so far there have been no deaths caused by starvation amongst peasant families in Dalun. However, it is obvious that their human right to food - as enshrined in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) - has been and continues to be violated. According to the UN, the human right to food is "realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or the means to procure it."³⁶ One or two meals of mush or rice daily (without vegetables, meat or fish) are not considered to be adequate food. The medium-term effects of such undernourishment on the health and the physical and mental development of children are disastrous. The Government of Ghana is partly responsible for the violations of the right to food. It is a State Party to the ICESCR and has to implement these rights in Ghana. Due to the abolishment of import controls and support for peasants, the Government of Ghana has prioritised the interests of importers over the rights of the peasants.

On the other hand, the possibilities for poor countries to implement human rights are limited due to external pressure. This became apparent in 2003 when the Parliament of Ghana decided to raise the tariff on imported rice from 20 to 25% (and the tariff on imported chicken from 20 to 40%). Considering the fact that the World Trade Organisation (WTO) allows an increase in tariffs of up to 99%, the increase in Ghana was quite moderate. However, the governments of the Northern countries did not agree with this action: on 12 May 2003, only four days after the law's implementation, it was suspended and the tariffs dropped to their old level. It was no coincidence that the

34. Assuming-Brempong, Samuel, Yaw Bonsu Osei Asare und Henry Anim-Somoah 2006: "Import Surges and their Effect on Developing Countries". Ghana Case Study. Rice, Poultry Meat and Tomato Paste (not published yet)

35. ActionAid International (2005): "The Impact of Agro-Import Surges in Developing Countries: A Case Study from Ghana, Accra".

36. UN Committee on Economic, Social and Cultural Rights (CESCR): Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment 12, The Right to Adequate Food (Art. 11), Twentieth Session, 1999, see <http://www.unhchr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9?Opendocument>, 28.7.2008

International Monetary Fund (IMF) had provided a three-year credit of 258 million USD to Ghana to combat poverty three days before. According to the official report of the IMF, the Ghanaian authorities “committed not to implement the increase of tariffs for the duration of this agreement.”³⁷ Good governance, according to the IMF, apparently meant the Government of Ghana repealing a parliamentary law designed to protect the right to food of Ghanaian paddy and chicken farmers. This was definitely a breach of international law.

37. IMF 2003: Country Report No. 03/133, Mai 2003: <http://www.imf.org/external/pubs/ft/scr/2003/cr03133.pdf>

Take Rich States up on their Promise

According to the case studies, similar developments to those in Ghana have occurred in Honduras and Indonesia. Their rice markets were opened up in the 1990s as well and then flooded with imports. As in Ghana, local producers were pushed out of the markets. Also, the income of the peasant families that were interviewed dropped to a level where adequate food was no longer affordable. Certainly, the opening up of the market was not the sole reason. Natural disasters and poor handling of catastrophes have worsened the situation. Furthermore, it was fatal that in the course of structural adjustment measures, Honduras and Indonesia substantially cut support for agriculture, while the Northern export countries continued to dump goods on their markets.

It is remarkable that Indonesia and Honduras – just as Ghana did, but initially with more success than Ghana - reinforced their import controls again in light of the negative impacts of the liberalisation at the turn of the millennium. However, with the 2006 Dominican Republic–Central America Free Trade Agreement (DR-CAFTA), between the United States, the Central American States and the Dominican Republic, Honduras has committed to completely abolish tariffs on rice by 2024. In Indonesia, the World Bank is currently calling for the abolition of the import ban, for the allocation of import licences to the private sector and for low-tariffs of 10 to 15%.

Putting external pressure on the three countries shows that not only the governments of the South, but also those of the North have to be made accountable for violations of the right to food. For many years, Brot für die Welt, the Church Development Service (EED)³⁸ and FIAN have been calling for the recognition of the so-called extraterritorial state obligations, especially for rich countries. The former UN-Special Rapporteur for the Human Right to Food, Jean Ziegler, the current one, Olivier de Schutter, and the Committee on Economic, Social and Cultural Rights (CESCR) are supporting this claim. The latter asked financial institutions in 1999 to assure that the right to food is not violated by their policies of granting credits or by credit agreements.³⁹ Regarding the North American Free Trade Agreement (NAFTA), the Committee recommended guaranteeing the priority of rank of the ICESCR Rights in trade and investment agreements in Canada in 2006.⁴⁰

38. Church Development Service (Evangelischer Entwicklungsdienst - EED) is an organisation of the Protestant Churches in Germany. For further information please see: <http://www.eed.de/en/>

39. See footnote 51

40. UN CESCR 2006: Concluding Observations of the UN CESCR on Canada: <http://www.ohchr.org/english/bodies/cescr/cescr36.htm>

Perspectives in Times of Food Crisis

In all countries the external and internal pressure on the governments to either reduce or at least not to increase tariffs on rice has been and still is very high. The main argument put forward is that in doing so it will provide low prices for (poor) consumers, because imports increase supply and are supposed to bring down food prices. Case studies, however, do not confirm the expectation that consumer prices decrease as a result of liberalisation. In Indonesia, consumer prices for rice increased during the period of the liberalised market. In Honduras, decreasing import prices and producer prices are not reflected in low consumer prices either. The main reason in both cases seems to be the oligopolistic structure of the market, largely neglected by proponents of liberalisation.

While the consumers did not benefit from liberalisation in the period empirically covered in the studies, recent developments make this even more obvious. The soaring commodity prices for rice on the international markets are reflected almost immediately in those countries that have opened up their markets the most to imports. A striking example is Honduras, where the number of rice producers has dropped from 25,000 from the late 1980s to currently 1,300 and the production level fell dramatically from 47,200 to 7,200 Mt between 1990 and 2000, largely as a result of liberalisation. On the one hand, the current consumer price increase of nearly 100% in the last 12 months and the reduction of imports might offer an opportunity for local producers to recover access to local markets and to achieve better prices. On the other hand, it is very unlikely that an increase in domestic rice production will be able to fill the new gap in supply in the short run and be able to bring consumer prices back to a level which is affordable for poor consumers. This is contributing to increasing food insecurity and undernutrition in Honduras. A similar pattern of

development to that in Honduras is currently being witnessed in Haiti. In contrast to these countries, in Indonesia, where the Government has been pursuing a goal of sufficient domestic rice production for the last 8 years, the consumer prices have been affected only moderately by the soaring prices on international markets.

41. International Food Policy Research Institute (IFPRI), *High Food Prices: The What, Who, And the Flow of Proposed Policy Actions*, Washington DC, May 2008.

42. Olivier De Schutter 2008: *Background Note: Analysis of the World Food Crisis by the U.N. Special Rapporteur on the Right to Food*, Geneva, 2.5.2008.

Against this backdrop, the reaction of the World Bank to the food crisis can only be characterised as cynical. For the last 30 years, the World Bank had pushed developing countries to increase export oriented production at the expense of grain production for home consumption. Now, the President of the World Bank Robert Zoellick presents a loaf of bread to the media and recommends the same 'solutions' of world market orientation and trade liberalisation as ways to overcome the crisis. Similarly, the International Food Policy Research Institute (IFPRI) finds it more urgent than ever that the WTO Doha Development Round be completed. "It should be easier for countries to agree to lower agricultural tariffs when market prices, especially for sensitive commodities, are high."⁴¹ At least 18 countries, including Ghana and Indonesia, have recently reduced their import tariffs in order to enable food imports. While such a measure can be justified in the short run as a means to bridge temporary supply shortage, it is not a recommended long term strategy to overcome food insecurity. Furthermore, even in the short run, this strategy unfortunately does not fully lead to the expected results, partly because major rice exporters, such as Vietnam, have raised export taxes at the same time.⁴²

The study indicates an urgency to explore and implement policy options consistent with human rights obligations of both developing and developed countries. The negative results of trade liberalisation, structural adjustment and market driven agricultural policies in the rice sector combined with the current food crisis reveal the need for public policies and development assistance to re-establish meaningful support for local rice producers, especially smallholders. They also reveal the need for more policy spaces to re-establish public grain stocks and to protect the markets from cheap imports. Although such cheap imports have decreased or even stopped in many countries recently, they might occur again if international prices fall, which is very likely given the high volatility of international markets. This means that under no circumstances should developing countries be obliged, through bilateral free trade agreements or the WTO Agreement on Agriculture, to reduce the ceilings for their import tariffs. On the one hand, more public support and market protection for the rice sector would help to protect and fulfil the right to food of vulnerable small scale rice producers. On the other hand, in the long run it would help to reduce the reliance of developing countries on highly volatile international markets and thereby secure more stable prices for poor consumers.

INFANT FEEDING AND THE RIGHT TO FOOD

By Penny van Esterik, WABA⁴³

07

Food activists often forget baby foods; policy makers concerned with food security ignore breastfeeding because breastmilk is neither produced agriculturally nor industrially. However, infant and young child feeding is a critically important subject for groups concerned with the right to food. Why draw attention to this special group when food activists have their hands full dealing with food security for everyone?

- While some adults survive very poor diets, what a baby consumes during the first year of life shapes subsequent adult health.
- While the food industry expects to make profits from the food it produces and markets, foods for infants and young children should be exempt from market forces.
- Commercial baby foods are doubly scrutinised both by producers and consumers, and are expected to meet very high standards. Activists who monitor these foods have a long, successful history of engaging with the food industry.
- The cultural perception that artificial infant feeding carries no risks is maintained by commercial marketing strategies. The risks of artificial feeding and the risks of not breastfeeding in both industrialised and resource poor settings need to be more widely communicated by food activists.
- Concerns about childhood obesity have drawn researchers to examine television advertising for high fat, high sugar snack foods targeting toddlers, since young children cannot always distinguish sponsor messages or direct advertisements from cartoon characters. Thus, food advertising to young children, both directly and through the food provider should be of special concern to food activists.
- Adult diets are so culturally shaped that it is difficult to establish what could be considered an ideal diet. While cultural factors do affect breastfeeding and young child feeding, there is substantial agreement about the ideal diet for infants and young children, and clear policy guidelines for meeting these standards.

Ideal Infant Feeding

The World Health Organisation (WHO) and UNICEF define the ideal conditions for feeding infants in the Global Strategy for Infant and Young Child Feeding (2002): Babies should receive breastmilk exclusively for the first six months of life. After six months, babies should be introduced to appropriate and adequate complementary foods, with continued breastfeeding for up to two years and beyond. Sufficient quantities of human milk – about 500-600 cc a day, or at least 3-6 good, high volume breastfeeds per day – should be supported for two years or longer while increasing to 3-5 nutrient-rich feedings with locally available household foods. These complementary foods help meet the special nutritional needs of infants, particularly for foods rich in iron and zinc, and are meant to “complement” breastmilk. However, if babies’ stomachs are filled with poor quality foods, there will be less room for nutritionally superior breastmilk. Baby foods need to be high in nutrients, of a soft consistency and fed to infants carefully. The caregiver’s attention and response to the child’s needs, and the child’s developmental readiness to handle food consumption are also important. Caregivers are encouraged to introduce a variety of foods, but not to force-feed babies.

43. Penny van Esterik is a nutritional anthropologist at York University, Toronto and a founding member of the World Alliance for Breastfeeding Action (WABA), <http://www.waba.org.my/>, 2.5.2008.

“Real” Infant Feeding

This ideal pattern has seldom been achieved in any human society. The high rates of infant and young child malnutrition confirm the failure to meet these standards. Families do the best they can, including making use of alternatives to maternal breastfeeding such as wet nursing and the use of animal milks. However, alternatives to maternal breastfeeding are universally recognised as dangerous, and most alternatives to breastmilk used in the past were nutritionally inadequate and contributed to high rates of infant mortality.

Historically, the difference between breastmilk substitutes and complementary foods has not been clearly defined. Semisolid mixtures of grains, often mixed with animal milk or water were given to infants to replace or supplement breastmilk using feeding devices made from horn, ceramic or glass. In some parts of the world, mothers pre-chewed foods to make it the consistency that infants could digest. While western “experts” disparaged such practices as unhygienic, the practice was in fact a practical way to render adult food suitable for infants. Often, however, these complementary foods are introduced either too early or too late.

Commercial Baby Foods

The first milk-based commercial infant formula was developed by Nestle in 1867. Early formulas often included cereals and were marketed as foods not liquid breastmilk substitutes. These proprietary milk products competed alongside condensed and evaporated milks and custom-made preparations around the end of the century. In 1928, Gerber developed and marketed specialty foods for babies such as strained vegetables including peas, carrots and spinach, and this successful innovation was emulated in the next decade by products developed by Heinz, Beech-Nut and Libby’s in North America. In 1931, Beechnut developed thirteen varieties of strained baby foods and sold them in patented vacuum-sealed clear glass jars, replacing lead-soldered metal cans. Over the next twenty years, the use of commercial baby food increased in middle and upper income European and North American homes, where it was used not just to supplement but also to substitute breastmilk.

The private sector became more involved in the very lucrative baby food market in the 1960s, with the development of specialty products such as preterm infant formula. Mothers’ own milk is now the standard of care for preterm infants; with pasteurised or fresh donor human milk used when mothers’ own milk is not available. More recently, soy-based products have come onto the market, along with follow-on formula for older infants. In the 1980s, baby food companies began to promote age-specific baby foods including products for toddlers such as first dinners and junior foods.

In developing countries, nutrition projects sought to make local foods richer in nutrients, often by fortification or by the development of high protein complementary foods. Current nutrition interventions stress micronutrient supplementation to prevent deficiencies where fortified complementary foods are not available. To meet this demand, a wide range of ready to feed therapeutic foods for malnourished infants and young children has been developed, including Plumpynut and Sprinkles. While efforts to improve complementary foods through fortification have been of interest to international agencies and NGOs, sufficient frequency and variety of age-appropriate local foods, given in a responsive manner by an interested caretaker is probably the key to improved infant growth and development.

Problems

These new products provide the opportunity for enormous profits to be made. But the development of mass produced commercial baby foods has not been problem-free. They were often used as breastmilk substitutes, and given too early, replacing more nutritious breastmilk. Since the development of commercial baby foods, there has been a steady decrease in the age at which infants are introduced to solids. In resource-rich households and communities, parents took pride in seeing infants eat commercial complementary foods at increasingly early ages. But commercial baby foods were often overcooked with attendant loss of nutrients; some contained too much salt, sugar, water or starchy fillers. Gradually, in response to consumer demand, companies removed excessive salt, sugar and starches from their products. Critics pointed out the potential dangers of artificial preservatives and additives for immature infant guts. Consumer groups also exposed cases of fraud such as replacing apple juice with sugar, and using genetically modified rice in baby cereal.

Industrial accidents in the production of infant formulas and baby foods are not uncommon and require costly recalls; recent cases include baby rusks with pesticide traces, plastic and glass shards in jars of baby food and cans of infant formula, cadmium-laced carrots, soy formula containing cow's milk, excessive amounts of vitamin D, aluminum, leads and iodine (and insufficient amounts of other nutrients) in infant formula. In 2003, the Codex Alimentarius of the UN's Food and Agriculture Organisation identified the harmful bacteria *Enterobacter Sakazakii* in powdered infant formula.

Monitoring Compliance

Food activists are increasingly concerned with monitoring how states and food industries respect, protect and fulfil the human right to food. They might well turn to the case of the International Code of Marketing of Breastmilk Substitutes, passed at the World Health Assembly (WHA) in 1981 to address the problem of the aggressive and unethical promotion of breastmilk substitutes. The rules for industry, health workers and governments regulate the promotion of bottles, teats and all breastmilk substitutes, not just infant formula. Subsequent WHA resolutions require that complementary food and drinks not be marketed in ways that undermine breastfeeding (WHA 49.15, 1996). Complementary foods should not be labeled, advertised or commercially promoted as suitable for infants under six months of age (WHA 39.28, WHA54.2, 2001). The food industry is obligated to meet these regulations even when national legislation has not been implemented.

With the decrease in funding for nutrition interventions, and the increasing reliance on public/private partnerships with the food industry, NGOs should help develop new guidelines to address the marketing of ready to feed complementary foods, lest these products move from therapeutic use to mass market products before full consideration of how these products are likely to affect breastfeeding; and it is breastfeeding that provides food security for infants throughout the world.

STATEMENT OF THE UN SPECIAL RAPPOREUR ON THE RIGHT TO FOOD, OLIVIER DE SCHUTTER, 8TH SESSION OF THE HUMAN RIGHTS COUNCIL, GENEVA, 6 JUNE 2008⁴⁴

44. Please see: <http://www2.ohchr.org/english/issues/food/docs/StatementOdS060608.pdf>

45. 7th Special Session of the Human Rights Council on "The negative impact on the realisation of the right to food of the worsening of the World Food Crisis, caused inter alia by the soaring food prices", Geneva, 22 May 2008: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/7/index.htm>

At its Special Session of 22 May on the global food crisis⁴⁵, the Human Rights Council invited the FAO to provide the High Commissioner for Human Rights, Ms Louise Arbour, and the Special Rapporteur on the Right to Food, an opportunity to participate in the *High-Level Conference on World Food Security: The Challenges of Climate Change and Bioenergy* (HLC). What follows is a brief overview of the contributions made by both to HLC, and a preliminary assessment of how this participation shall fit into the next stages of the work of the Special Rapporteur on the Right to Food.

1. The messages of the High Commissioner for Human Rights and of the Special Rapporteur at the High-Level Conference on World Food Security

In her statement before the Plenary of the High-Level Conference, the High Commissioner for Human Rights emphasized that 'a human rights framework examines and confronts the deeply rooted obstacles that hinder people's ability to produce or obtain food and helps clarify the power imbalances in a society that trigger or exacerbate the food crisis. Thus a human rights lens contributes to identify the additional critical vulnerabilities and disproportionate impact of the food crisis on those individuals and groups that already suffer from discrimination and a denial of rights. These include women, indigenous communities, persons with disabilities, ethnic and cultural minorities or persons with HIV/AIDS.' She noted the need to take into account human rights in the answers to the current crisis, noting that, in this approach, respect for economic and social rights and for civil and political rights were complementary: 'the empowerment of people is at the foundation of a human rights approach. Thus, in devising viable responses to this emergency, the full participation of those most affected, either directly or through their representative organizations, is indispensable. This approach could also help to prevent civil unrest, as well as violations of civil and political rights in response to protest'.

In his own statement before the Plenary, the Special Rapporteur on the Right to Food emphasized four issues. First, he recalled that the implementation of the right to adequate food requires the adoption of measures which, at national level, might better shield vulnerable segments of the population from inability to obtain sufficient food. National strategies should be developed in this regard, in order to ensure adequate monitoring, and in order to improve accountability, participation, and non-discrimination. He expressed a regret that this dimension – focused on governance and on institutions – remains relatively underdeveloped in the draft Common Framework for Action proposed by the High-Level Task Force established. Second, while welcoming the fact that all actors now agree on the need to massively reinvest in agriculture, in order to make up for the short-sighted policies of the past, the Special Rapporteur noted that this unanimous view left open the question about the nature of agricultural development we require. He noted that the FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security emphasize the need to support smallhold farmers, and insist on the need to develop means of agricultural production which are sustainable. And he expressed a regret that the Final Declaration, then in draft form, did not refer to the conclusions of the International Assessment of Agricultural Science and Technology for Development (IAASTD), which insisted on the need to redirect agricultural science and technology to address the needs of smallscale farmers, and that meet the challenge of sustainability, particularly in the context of climate change. Third, the Special Rapporteur welcomed the reference of the draft Declaration to the contribution of the private sector. But he emphasized that we should move further in this direction, and examine which contribution corporations could make to the realization of the right to adequate food, as well as how smallhold farmers' organizations could be strengthened in order to compensate for the imbalances of power in the food production and distribution chain. Fourth, while a number of States have referred to the role of speculation on the markets of primary commodities, particularly food commodities, in the cur-

rent increase in prices – something also highlighted in the recent *OECD-FAO Agricultural Outlook 2008-2017*, presented on 29 May 2008 –, not concrete measure was agreed upon in order to address this issue. The Special Rapporteur expressed the view that more attention should be paid by the international community to this phenomenon.

2. An initial evaluation

In the view of the Special Rapporteur, the HLC offered a unique opportunity for the international community to speak with one single voice, in a context in which isolated reactions and country focused policies have exacerbated a crisis whose deep causes are structural. In that respect, it is important and significant that agreement was reached on the text of a Final Declaration. At the same time, certain questions may be raised which will deserve further attention.

2.1. The reference of the human right to adequate food in the current discussion

The results of the HLC illustrate certain challenges facing global governance in a complex and interdependent world. A proposed reference to the right to adequate food in the text of the Final Declaration was not retained, despite the recognition by the Human Rights Council that the responses of the international community should be guided by the human rights framework. This is not merely anecdotal. Instead, such a reference would have drawn the attention of the governments to the usefulness of establishing a legal and institutional framework which, by enhancing accountability, might have constituted a useful tool to ensure the effective implementation of national strategies geared towards the realization of the right to food. Similarly, while the Special Rapporteur has established close links with the High-Level Task Force and was provided an opportunity to comment on early drafts of the Comprehensive Framework for Action (CFA) – something for which the Special Rapporteur is particularly grateful and which shows the openness of the team drafting the CFA –, the references to the right to adequate food are few in this document ; even more importantly, the operational consequences which would follow from such a reference if taken seriously, remain mostly absent.

This illustrates the difficulties both governments and international agencies face in acting in full coherence. If all the members of the Human Rights Council had adopted positions, at the HLC, fully in accordance with the resolution adopted at the Special Session held on May 22nd by the Human Rights Council, the right to adequate food would have been given the place it deserves in the outcome of the HLC. Similarly, if all UN agencies seriously seek to mainstream human rights in their activities, the institutional dimensions of governance, the rule of law, and accountability will figure more prominently in the Common Framework for Action than in the current draft version of that document.

2.2. Different views of the needs of agriculture

The Special Rapporteur also regrets that a variety of views of how agricultural production should be improved are being put forward in the current international discussion, without the HLC having provided an opportunity for these models to enter into a dialogue with one another. The challenge is to encourage the agricultural sector, and the most important message from the HLC is that this should be a priority for all – national governments, international donors, the UN agencies, and the private sector. But how should this be done ? The Final Declaration emphasizes the need to support smallhold farmers – who represent some 1.5 billion people, or 500 million households, living on 2 ha or less of land –, on the one hand; on the other hand, it insists on international trade and improved access to global markets as a means to improve productivity in agriculture. But it is an open question whether these two goals are compatible. As long as smallhold farmers, particularly in Sub-Saharan Africa, do not benefit from adequate infrastructures, technologies, access to credit and weather insurance schemes, and access to inputs at affordable prices, further trade liberalization will not benefit them; nor will they be able to seize the opportunity presented currently by the soaring food prices.⁴⁶ We therefore should ask whether we are not running the risk today of repeating earlier mistakes, by focusing on technocratic solutions, driven from above, rather than facilitating the emergence of local solutions, in a bottom-up approach, much more reliant on the active participation and needs of smallhold producers.

46. In addition, in the short term, the removal of trade-distorting subsidies – one of the objectives of the Doha round of trade negotiations – will have a negative impact on the net food buying households in low income, net food-importing countries, and it is doubtful whether governments will always be in a position to shield the people affected by development adequate safety nets.

Under a stylized presentation of the competing models of agricultural development, one model relies on readymade solutions, based on improved technologies, including biotechnologies and genetically modified crops ; the promotion of cash crops and monocultures for export ; and re-

wards large-scale farms, which not only can afford the costly intrants of this model of agricultural production, but also are more reliable and can meet the volume, standards and traceability requirements of the global food processors and retailers. Another model instead sees agriculture as having to provide environmental services and, minimally, to be environmentally sustainable; agriculture, in this alternative view, should be promoted primarily in order to ensure either self-sufficiency in food, or at least in order to meet the needs of domestic consumption as a priority; the focus should be on the need to strengthen the purchasing power of smallhold farmers and limit their dependency on costly intrants, often protected by patent rights in the hands of multinational corporations.

It is urgent however to deconstruct the representations behind the two models thus opposed. Unfortunately, the HLC did not provide for such an opportunity. The avenues open for the participation of civil society organisations, particularly organisations representing farmers, were notably insufficient, although the expertise and grassroots understanding of these organisations should have been seen as crucial for a wellinformed discussion on the need to improve agricultural production. One civil-society forum was organized: it took place, regrettably, at the same time as the parallel private-sector forum, where large food processing companies were discussing their contribution to the Alliance for a Green Revolution in Africa, making the dialogue between these two sets of actors impossible.

In order to overcome the distrust between these two views and identify the solutions which best comply with the requirements of the right to adequate food, the Special Rapporteur intends to disaggregate each of these representations and address separately the different issues around which these models coalesce: agricultural technologies; the position of smallhold farmers in the food production and distribution chains in local, regional, and global markets; the impact on the environment of different means of improving agricultural productivity; and the risks to biodiversity of the development of monocultures. Only by thus distinguishing among the different issues, and examining the human rights implications of the choices to be made on each of these topics, can we hope to move beyond a sterile opposition between two conflicting visions of what a New Deal for Agriculture should resemble. In addition, there is a need to monitor closely the impact on the right to adequate food, in all its dimensions, of the Memorandum of Understanding signed on June 4th, in the margins of the HLC, by the Alliance for a Green Revolution in Africa (AGRA), the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), and the World Food Programme (WFP).

Based on the finding that per capita food production has declined in Africa for the past 30 years and farm productivity in Africa is just one-quarter of the global average, this partnership aims to improve food production in areas with relatively good rainfall, soils, infrastructure, and markets, referred to as 'breadbasket areas'. According to the press release announcing the partnership: 'More investment is needed to improve soil and water management of rainfed and irrigation agriculture, more adaptable new crop varieties, improved access to seeds and fertilizers, environmentally sustainable integrated pest management practices, reduction in post-harvest losses, and improvement of rural infrastructure, especially roads and communication infrastructure. These will need to be bolstered by bold pro-poor policies to help transform smallholder agriculture'.

The Special Rapporteur is aware of the concerns that have been expressed, that even if well-intended, this initiative might in fact lead to reinforce the dependency of smallhold farmers towards costly inputs and export markets, and serve primarily the interests of large agribusiness corporations. In the next few months, he will seek to enter into a dialogue both with the main actors at the basis of this partnership and with its critics, with a view to making concrete proposals aimed at ensuring that the fears which have been expressed will be taken into account in the implementation of this partnership.

2.3. Outstanding issues

The Special Rapporteur notes that, on three issues which the HLC either did not address in depth, or did not even mention, progress should be made in the next few months. These issues are agro-fuels, the impact of speculation of the markets of primary food commodities, and the imbalances of power in the food production and distribution chain. In the light of the amount of reports already existing on the social and environmental impacts of agrofuels, as well as on their contribu-

tion to meeting the energy needs of developing and developed countries and on their impact on food security, it is disappointing that the HLC could only agree that States should ‘address the challenges and opportunities posed by biofuels’, and on the need for further studies and for an ‘international dialogue on biofuels in the context of food security and sustainable development needs’ (para. 7, f)). In his next reports to the Human Rights Council, the Special Rapporteur will study this issue in depth, on the basis of all available evidence, with a view to contributing to this international dialogue from a right to food perspective. A particular source of concern, which the Special Rapporteur has already expressed in his first written contribution in implementation of his mandate, is that the discussions on this issue do not distinguish sufficiently between different forms of agrofuels, although the social, environmental, energy, and food security impacts vary significantly between the different crops used as bio-energy.⁴⁷

47. See the Background note presented by the Special Rapporteur on the Right to Food, 2 May 2008: <http://www2.ohchr.org/english/issues/food/index.htm>.

The debate continues between experts on the impact of speculative investments on food markets. A variety of solutions have been explored in the specialized literature to the volatility risks entailed by speculative investments. These include taxation of such movements of capital; the constitution of food reserves at national, regional, or global level; or the revitalization of commodity stabilization agreements. This again is an issue which will deserve further study, and to which the Special Rapporteur shall devote his best attention. Finally, the Special Rapporteur regrets that questions of governance in the food production and distribution chain – particularly the need to strengthen smallhold farmers in the face of highly concentrated segments of the chain, at the level of intrants producers, food processors, and global retailers – has not been given sufficient attention in the discussions of the HLC.

3. Next Steps

At its Special Session of 22 May on the global food crisis, the Human Rights Council expressed the wish to be presented at its 9th session with a report on the impact of the global food crisis of the global food crisis, and required remedies from a human rights perspective.

Building on the set of proposals made at the HLC, on the CFA guiding the initiatives of the UN executive agencies and the Bretton-Woods institutions, and on the range of proposals originating both from the scientific community and from other stakeholders, the Special Rapporteur shall present a set of recommendations at the 9th session of the Human Rights Council, on how the right to adequate food could be best implemented in the responses to the global food crisis, with a view to ensure its effective protection. An initial draft shall be made available on August 1st, with a view to receiving comments from governments and other stakeholders. The Special Rapporteur would be very grateful if he could receive those comments by August 22nd. On the basis of all the reactions, a second draft would then be made available by September 1st. This should allow a substantive, well-informed discussion at the 9th session of the Human Rights Council.

ADDRESS BY MS. LOUISE ARBOUR, FORMER
UN HIGH COMMISSIONER FOR HUMAN RIGHTS,
7TH SPECIAL SESSION OF THE HUMAN RIGHTS
COUNCIL, GENEVA, 22 MAY 2008⁴⁸

48. Please see: <http://www.unhcr.ch/hurricane/hurricane.nsf/view/01/0FCC81CEEDCE1B74C1257451002C94B3?opendocument>

Mr. President,

*Distinguished Members of the Human Rights Council,
Excellencies,
Ladies and Gentlemen*

I welcome this 7th special session of the Human Rights Council on the food emergency. The underlying causes and the current manifestations of the crisis, including high prices and shortages of food, jeopardize the well-being and rights of countless people. In some regions, natural disasters or misguided policies, or both, compound already severe situations by rendering them catastrophic for the most discriminated and marginalized populations.

Thus, while it is imperative to respond immediately to emergencies with commensurate humanitarian support and aid in order to address conditions of hunger, a human rights focus will contribute to making solutions more durable and more equitable in the medium and long run. Such focus helps to analyze and confront the differing impact of the crisis on people. It contributes to clarify the imbalances in a society that trigger or exacerbate the food crisis. It offers a legal framework underpinning States' obligations, while concentrating on the empowerment and participation of the most marginalized groups. Crucially, it can bring into the debate the voices of these groups, as well as national human rights institutions, civil society organizations and international mechanisms to help monitor the situation over time and provide responses better attuned to needs.

Excellencies,

The current food crisis stems from a perverse convergence of several factors, including distortions in supply and demand, unfair trade practices, as well as skewed policies involving incentives or subsidies.

Yet at its core and in its punitive effects, this crisis boils down to a lack of access to adequate food. Such access is a right protected by international law. The ongoing emergency may also reinforce long-entrenched patterns of exclusion and discrimination that have prevented the most vulnerable from claiming their rightful access to food in the first place. We must examine and address the repercussions of the crisis on those people already living in precarious and marginalized situations, particularly women and children, minorities and people with disabilities. At the same time, the deeply rooted causes of such discrimination and marginalization must also be eradicated, including exclusion from access to land, productive resources, decent work and public policy safety nets.

A failure to act in a comprehensive manner may also trigger a domino effect by putting at risk other fundamental rights, including the right to health or to education, when people are forced to forego competing basic necessities or services in order to feed themselves and their families.

Allow me to underscore once again that States, individually and collectively, have a legal obligation under human rights law to remedy such situations and to provide sustainable access to food without discrimination. States' obligations regarding the right to food and freedom from hunger also entail the adoption of national strategies to ensure food and nutrition security for all.

There is no doubt that countries with stronger accountability systems are in a better position to control the internal causes affecting the increase in the price of food and to monitor the ways the crisis impacts on different population groups. An accountability system requires national legal and regulatory frameworks that translate the right to food into tangible and measurable national standards.

Furthermore, States have a duty to protect their populations against human rights abuses by non-State actors and to provide access to remedies when abuses do occur. In this context, let me also point out that at a minimum, private actors themselves have a responsibility to abide by conduct that does not harm the enjoyment of human rights.

By now we should no longer harbor any illusion that individual countries can confront the scale of these crises alone. Indeed, the food emergency has highlighted or exacerbated existing imbalances in the relationships among States, as well as in their individual cleavages and reaction capacities. Unfair practices, including distortions in trade, as well as in domestic supply and demand, have thus come into sharper focus. In short, the nature of this crisis transcends national boundaries. It involves collective responsibilities. It requires concerted measures from States to rectify those inequalities that have contributed to trigger the emergency and that now threaten to perpetuate it.

In this perspective, States must also support and extend cooperation to other States in need of assistance. Pledges to such cooperation and solidarity are enshrined in the United Nations Charter, the International Covenant on Economic, Social and Cultural Rights, and the Millennium Development Goals. The Covenant recognizes the fundamental right of everyone to be free from hunger, and calls on States -individually and collectively- to improve methods of food production, conservation and distribution and to ensure an equitable distribution of world food supplies.

Distinguished Members of the Human Rights Council,

As I have mentioned, empowering people to secure food for themselves and for their family in a sustainable way is central to a human rights approach to the food crisis. Thus, in crafting viable responses to this emergency, the full participation of those most affected, either directly or through their representative organizations, is a sine qua non. This approach could also help to prevent civil unrest, as well as violations of civil and political rights in response to protest.

The UN human rights system can support national efforts to monitor the implementation of the right to food and freedom from hunger. This Council, at its sessions and through the Universal Periodic Review process, can stimulate and evaluate over time, national and international responses to the crisis. Mandate holders of the Council, such as the Special Rapporteur on the right to food, as well as UN treaty bodies, including the Committee on Economic, Social and Cultural Rights, can also monitor the implementation of the right to food and freedom from hunger and provide guidance to States on how to live up to their human rights obligations.

The whole United Nations system is tackling the humanitarian, scientific, economic and political aspects of the food crisis. I welcome the engagement of the Human Rights Council in throwing a light onto its human rights dimension. Your discussion today, and sustained engagement in the future, are necessary to bring rights to bear on measures that have been adopted and will be put in place as responses to the food emergency. Few issues speak as forcefully as this one about individual rights and collective action and about the intolerable inequalities that affect millions through no fault of their own.

I wish you a most productive debate. Thank you

THE NEGATIVE IMPACT OF THE WORSENING OF THE WORLD FOOD CRISIS ON THE REALISATION OF THE RIGHT TO FOOD FOR ALL

Resolution 7th Special Session of the Human Rights Council

The Human Rights Council,

Recalling all previous resolutions and decisions on the issue of the right to food adopted in the framework of the United Nations, in particular by the General Assembly, in its resolution 62/164 of 18 December 2007, and the Human Rights Council, in its resolution 7/14 of 27 March 2008,

Recalling also paragraph 10 of General Assembly resolution 60/251, in which the Assembly stipulates, inter alia, that the Human Rights Council shall be able to hold special sessions, when needed, at a request of a member of the Council with the support of one third of the membership of the Council,

Recalling further the Universal Declaration of Human Rights, including its provision that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and that of his or her family, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular the first Millennium Development Goal of eradicating hunger and extreme poverty by 2015,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, especially its article 11(2), which recognize the fundamental right of every person to be free from hunger, and the duty of States to take, individually and through international cooperation, the measures needed to implement this right by improving the methods of production, conservation and distribution of food,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action of November 1996, and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

Bearing in mind also the New York Declaration on Action against Hunger and Poverty, and recommending the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty,

Reaffirming the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Recognizing the complex character of the worsening of the current global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, as a combination of several major factors, including macroeconomic factors, also impacted negatively by environmental degradation, desertification and global climate change, natural disasters and the lack of the necessary technology to confront its impact, particularly in developing countries and least developed countries,

Bearing in mind the situation of one sixth of the world population, mainly in developing and least developed countries, suffering from hunger, malnutrition and food insecurity, and alarmed at the particular effects of the current global food crisis on many net food importing countries, and especially on least developed countries in Africa, Asia and Latin American and the Caribbean,

Stressing that the international community should provide its assistance to populations in need in an effective and coordinated manner, with the consent and in principle on the basis of the appeal by the affected country, in order to ensure that such humanitarian assistance, including the supply of food, reaches affected populations,

Acknowledging the United Nations Task Force established by the Secretary-General, and supporting the Secretary-General to continue his efforts in this regard,

1. Expresses grave concern at the worsening of the world food crisis, which seriously undermines the realization of the right to food for all;
2. Also expresses grave concern that this crisis threatens to further undermine the achievement of Millennium Development Goals, in particular Goal 1 aiming at halving by 2015 the proportion of people who suffer from hunger;
3. Calls upon States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure which could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;
4. Stresses that States have a primary obligation to make their best efforts to meet the vital food needs of their own populations, especially of the vulnerable groups and households, such as through enhancing programmes to combat mother-child malnutrition, and to increase local production for this purpose, while the international community should provide, through a coordinated response and upon request, support to national and regional efforts by providing the necessary assistance for increasing food production, particularly through transfer of technology, as well as food crop rehabilitation assistance and food aid;
5. Calls upon States members of the United Nations and other relevant stakeholders to participate actively in the High-level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, to be held from 3 to 5 June 2008, in Rome, organized by the Food and Agriculture Organization of the United Nations, while taking note of the results of the special meeting of the United Nations Economic and Social Council on this issue, held on 20 May 2008;
6. Invites the Food and Agriculture Organization of the United Nations to extend an invitation to the United Nations High Commissioner for Human Rights and to the Special Rapporteur on the right to food to attend and actively participate in the afore-mentioned High-level Conference, so as to help to mainstream a human rights perspective in the analysis of the world food crisis, with a focus on the realization of the right to food;
7. Requests the Special Rapporteur to make a presentation to the Council at its eighth session on his participation in the meeting mentioned in paragraph 5 above, and on his initial recommendations regarding actions required, at all levels, to promote, respect and protect the right to food and freedom from hunger in the midst of the current food crisis, when actions are called for to promote mid- and long-term food security;
8. Also requests the Special Rapporteur to present a report to the Council at its ninth session, inviting comments from States and other relevant actors, on the impact of the global food crisis on the protection of the right to food and the required remedies from a human rights perspective;
9. Requests the High Commissioner for Human Rights to bring the present resolution to the attention of all relevant international organizations and agencies;
10. Requests the Special Rapporteur on the right to food to continue reporting on further developments on this issue to the Council and the General Assembly;
11. Decides to remain seized of the implementation of the present resolution.

2nd meeting 22 May 2008

Resolution adopted, as orally revised, without a vote.

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT⁴⁹

*Report of the Former UN Special Rapporteur on the Right to Food, Jean Ziegler,
7th Session of the Human Rights Council, 10 January 2008*

49. For the whole report, please consult the CD or go to <http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm>

Executive summary

Despite real advances in different countries, such as the People's Republic of China, India, South Africa, and several Latin American and Caribbean countries, there has been little progress overall in reducing the number of victims of hunger and malnutrition around the world. The number of people suffering from hunger has increased every year since 1996, reaching an estimated 854 million people despite government commitments to halve hunger at the 2000 Millennium Summit and at the 2002 World Food Summit. Every five seconds, a child under 10 dies from hunger and malnutrition-related diseases. Yet hunger and famine are not inevitable. According to the Food and Agriculture Organization of the United Nations (FAO), the world already produces enough food to feed every child, woman and man and could feed 12 billion people, or double the current world population. Our world is richer than ever before, so how can we accept that 6 million children under 5 are killed every year by malnutrition and related illnesses? All human beings have the right to live in dignity, free from hunger. Today is the moment to look forward, not back, as so much remains to be done in promoting and protecting the right to adequate food. Indeed, one of the key remaining problems is the lack of coherence within the United Nations system, between the positive developments in some sectors of the system, for example as evidenced by the FAO's Right to Food Guidelines, and the way in which the policies and practices of other agencies, such as IMF and the World Bank, as well as WTO, undermine protection of the right to food. State policies relating to the right to food also show similar patterns of inconsistency. While States have recognised the right to food in the World Food Summit Declarations and more than 150 States are parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), at the same time they engage in trade policies that are detrimental to the enjoyment of human rights in other countries. Other important issues must still be addressed, for example, the exclusion and discrimination of the most vulnerable. Particular attention has to be given to the protection of the right to food for disadvantaged groups, especially women and indigenous people.

Another phenomenon which greatly affects the right to adequate food is the powerful so-called "non-State actors" on the international scene: the transnational corporations. These actors are ever more powerful, yet we lack control mechanisms to guard against the violations of the right to food some of them are sometimes responsible for committing. Other issues which remain on the agenda and which will require significant work in the future are desertification, biofuels and refugees from hunger. Yet there is also much hope. The Right to Food Guidelines were adopted by the FAO Council and the elaboration of the Optional Protocol to the ICESCR is progressing, as are global, regional and national commitments to fight hunger

II NATIONAL
AND REGIONAL PART:
MONITORING THE HUMAN
RIGHT TO FOOD AND
NUTRITION

By *Martin Wolpold-Bosien*⁵⁰

50. Martin Wolpold-Bosien is the Coordinator of the Programme Monitoring States' Right to Food Policies at the FIAN International Secretariat. He is a political scientist and has worked for FIAN since 1998, mainly on the right to food in Central America.

Monitoring is crucial to hold states accountable. Strong and precise monitoring mechanisms are needed on both a national and an international level to clearly identify states' compliance or non-compliance with their obligations regarding the right to food.

The particular angle taken by human rights organisations on monitoring has been twofold: (a) it is a normative approach based on parameters defined in international human rights law, the so-called Human Rights Based Monitoring (HRBM); (b) there is a need to stress the independence of civil society groups when it comes to screening public policies or documenting violations of the right to food, in line with the so-called watchdog function.

This article starts with an insight into key conceptual elements of the HRBM approach concerning the right to food. Then, it gives an overview of the variety of monitoring instruments and their specific methodologies which have been tested over the last two decades and which are also discussed in the series of country specific monitoring articles in the following chapters of this Right to Food and Nutrition Watch.

Human Rights Based Monitoring Concerning the Right to Adequate Food

Monitoring is a specific contribution towards the promotion and protection of the right to adequate food. This contribution is best characterised by highlighting the most relevant results of a successful monitoring effort: (a) monitoring provides evidence of what has been done and what has not been done in light of a state's obligations; (b) if done properly, the monitoring report identifies the specific group(s) of victims in a case of non-compliance, as well as the authorities responsible for taking action in line with the state's obligations; (c) from the evaluation of a specific case or public policy, the respective monitoring report will indicate the necessary steps for corrective action to achieve full compliance, redress violations and prevent further non-compliance.

Main sources for conceptual parameters for HRBM are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the General Comments of the UN Committee on Economic, Social and Cultural Rights. Subjects of scrutiny are in that sense (a) the general obligations states have in terms of progressive realisation, non-discrimination, and effective legal remedies; (b) specific obligations in terms of respecting, protecting and fulfilling the right to food; (c) the different dimensions of the right to adequate food, such as availability, accessibility, adequacy and sustainability; and (d) the principles of participation; accountability, transparency and focus on the most vulnerable groups.

These conceptual parameters form the methodological framework for the very diverse types of monitoring efforts we describe in detail below in this article: (a) documentations of cases of violations; (b) fact-finding missions; (c) parallel reports; (d) policy monitoring efforts; (e) and further monitoring indicator development initiatives. These types of monitoring cover the full range from the micro to the macro level: from the documentation of individual violations of the right to food, to the screening of public policies on a national and international level.

Certainly, the documentation of cases of right to food violations focuses on a specific situation of clearly identified people who are threatened or affected by a violation of their right to food. The analysis of the case has to describe precisely how the victims are affected and which state authority has failed to respect, protect and/or fulfil their right to food. In most of the cases FIAN has documented, the right to food was not the only right violated, normally other rights such as

the right to housing, labour rights, the right to freedom of expression and the right to life are also equally affected. The indivisibility and interdependence of human rights has been strongly evident at the case level.⁵¹

On the other side, monitoring efforts towards public policies have focused on screening structures, processes and results of state action from the right to food perspective. Qualitative and quantitative indicators to measure progress have become crucial for these initiatives. An important political tool was created when the FAO Council approved the Voluntary Guidelines on the Right to Food in November 2004, which have an enormous potential not only to mainstream, but also to monitor the right to food in relation to specific national and international policies.⁵²

Both perspectives, the violations approach to concrete cases and the monitoring approach to public policies are highly complementary and interdependent and should be applied as distinct features of an integrated methodology.

Monitoring Instruments and Methods

(a) Documentations of Cases of Violations

The documentation of violations of the right to food has been at the heart of FIAN's work from the very beginning. So far, more than 400 cases have been documented, not only to provide visible, concrete examples of state failures, but also to provide a starting point for long lasting case work to support victims in their defence of their right to food. On the case level, it is unavoidable to recognise that monitoring is not an end in itself, but a means to further defend and protect the right to food. The contribution of precise case documentation is fundamental for national and international public awareness building of the fact that hunger is in most cases not only human-made, but also a human rights issue, that the victims are not mere receivers of aid, but subjects of rights, that they have a right to claim and state authorities have to take measures in line with their obligations.

Case documentation serves as source for Urgent Actions, case campaigns, justiciability efforts and national and international reporting procedures. In this publication the case of Mubende in Uganda (see article on Uganda page 47) and the gold mining case in Ghana (see page 44) illustrate this area of the monitoring work.

(b) Fact-Finding Missions

International fact-finding missions have been an efficient instrument to monitor and create public awareness of certain right to food hotspots in a country. Usually they start upon the request of human rights and other civil society groups from the respective country and they are carried out by representatives from different organisations and nations. The right to food mandate and the specific objectives of the fact-finding missions are defined together with host country organisations. Areas covered by the mission usually include the visiting of groups threatened by right to food violations, interviews with judges, state attorneys, ministers and congresspersons of the country and dialogues with experts, civil society groups, UN representatives in the country and the local media.

Fact-finding missions have had a strong media impact in many countries; reports of the missions have served as reference documents about the right to food situation in specific countries at a national and international level. In this issue of the *Right to Food and Nutrition Watch*, the articles on Haiti (see page 71) and Malawi (see page 50) are extracts from fact-finding missions conducted by *Rights & Democracy* and other organisations, and also the article on Brazil (see page 65) summarises the results of a fact-finding mission in April 2008.

(c) Parallel Reports to the UN CESCR

All State Parties to the ICESCR are obliged to present a report to the Committee on Economic, Social and Cultural Rights (CESCR) every five years about the situation of these rights. By now, civil society groups in most of the State Party countries have produced and presented, in cooperation with international human rights organisations with consultative status with the UN, so-called *parallel reports* to the CESCR on the situation of ESC Rights and the right to food in particular. The reporting guidelines for state reports demand a precise and self-critical assessment of the situation in the country. However, states tend to avoid neuralgic points and structural obstacles in the

51. See the FIAN publication "Documenting Violations of the Right to Adequate Food", September 2007. Please consult the CD for this article or go to <http://www.fian.org>

52. See the FIAN publication: "How to use the Voluntary Guidelines on the Right to Food", May 2007. Please consult the CD for this article or go to <http://www.fian.org>

way of people's full enjoyment of the right to food. Parallel reports by civil society groups have therefore been seen as very useful to complement governmental information.

In this volume, the summaries of the situation in Bolivia (see page 62), India (see page 56) and the Philippines (see page 59) are taken from parallel reports presented to the CESCR during the 2008 sessions.

(d) Policy Monitoring Efforts

FIAN, in cooperation with the German organisation *Welthungerhilfe*, has created a monitoring tool based on the Right to Food Guidelines.⁵³ The general methodology of the instrument, which has been discussed and tested in national workshops in India, Uganda, Bolivia, Colombia and Guatemala, is based on the concept of human rights based monitoring of a state's performance and presents qualitative and quantitative indicators for each of the 19 guidelines that enable local efforts to produce a comprehensive national right to food report, or if they are more focused on certain topics, to develop a right to food assessment of the specific policy they are concerned about.

In this volume, the articles on Colombia (see page 68) and Bolivia (see page 62) are summaries of national reports written on the basis of the new monitoring tool. The Bolivia report was presented as a parallel report as well and also in the case of the India parallel report, some elements of the new monitoring tool were taken into account. Initial reports have also been produced in Uganda (see the article on Uganda page 47) and Guatemala.

Further articles in this publication that represent policy monitoring efforts on more specific national and international policies are (a) *A Human Rights View of Social Cash Transfers for Achieving the Millennium Development Goals. The Case of Zambia* (see page 52); (b) *Agrofuels and the Human Right to Food in Latin America – Reality and Threats*; (c) *Prescribed Starvation Diet – Liberalisation Violates the Right to Food of Paddy Farmers The Cases of Ghana, Honduras and Indonesia*. These articles are only summaries of the reports – for the complete reports, please consult the CD.

Developing Further Monitoring Methods

The Guidelines based monitoring tool contributes to the current international debate on instruments appropriate to monitor states' actions and omissions in relation to ESC rights in general. Different initiatives are currently being taken, such as new tools developed by the FAO,⁵⁴ the UN High Commissioner on Human Rights,⁵⁵ and the IBSA Project conducted by Mannheim University and FIAN.⁵⁶ All of the monitoring efforts aim at defining a set of substantial and precise indicators to measure the progress of the right to food and other ESC rights on the national level. A specific General Comment could deal with that issue in future.

Additionally, innovative monitoring instruments at the national level have shown effectiveness and efficiency in terms of implementing international standards into national procedures and really support victims to defend their right to food. An example of major success has been the national rapporteurships on the right to food in Brazil. It has been very useful to establish these kinds of independent and professional monitoring mechanisms at the national and local level.

For future work, there is an enormous need to build up alliances on the monitoring level. The international right to food community needs to strengthen cooperation in relation to processes which secure a close look at successes and failures of the realisation of the right to food. There are appropriate means on hand to evaluate a state's performance in the field and there is a tremendous need both to assist states by giving them technical advice and put pressure on them from a watchdog perspective in order to achieve the overarching goal: the enjoyment of the right to adequate food for each person on the planet.

53. See the joint publication by Welthungerhilfe and FIAN: "Screen State Action Against Hunger! How to use the Voluntary Guidelines on the Right to Food to Monitor Public Policies." Please consult the CD for this article or go to <http://www.fian.org>

54. See IPRFD/FAO Project on Practical Methods for Monitoring the Right to Adequate Food at the National Level http://www.fao.org/righttofood/kc/downloads/vl/docs/Oshaug_IPRFD%20FAO%20VG%2017%2007febr06.ppt

55. See [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c8603b9f3a39579ac1257186003898c2?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c8603b9f3a39579ac1257186003898c2?Opendocument)

56. See <http://ibsa.uni-mannheim.de>

Human Rights Violations in the Context of Large-Scale Mining Operations

Universal Periodic Review – May 2008

Africa

The **Universal Periodic Review (UPR)** is a new mechanism of the United Nations Human Rights Council (UNHRC) that involves the review of all UN member-states once every four years on their human rights practices. Along with many other civil society organisations, FIAN has started to use this new opportunity to focus UN monitoring mechanisms on right to food violations and related policy issues. The review of Ghana provided a good opportunity for FIAN to cooperate with partner organisations in Ghana to highlight the number and intensity of human rights violations within the context of large-scale mining operations in the country. The present report was submitted to the UNHRC by FIAN International, in cooperation with FIAN Ghana and the Wassa Association of Communities Affected by Mining (WACAM)⁵⁷ in January 2008. The report focuses on the development of the situation since 2004, although human rights violations have been occurring in the mining sector in Ghana for a much longer time. During the reporting period, the expansion of existing, as well as the development of new mining operations and the related deployment of the military and police to the mining areas has led to serious human rights violations in many mining communities. Underlying these human rights violations is the conflict over access to and control over natural resources like land and water between local communities and multinational mining companies.

Background

Economic, Social and Cultural Human Rights in the Context of Mining Activities in Ghana

Mining is an important economic sector in Ghana and dominated by foreign companies. Gold accounts for about one third of Ghana's export earnings. Diamonds, bauxite and manganese are other important products for the mining sector. While mining has an important role in export earnings, it is estimated that it only contributes about 5 to 6 % to GDP. The contribution of gold mining to GDP is between 1.8 to 2 %.

Today, surface mining is the major form of extraction of mineral resources in the country. It usually requires the displacement of farmers from their land and does not generate a lot of employment, especially not for unskilled labourers. Large areas of the land have been given out for exploration and/or eventually exploitation.⁵⁸ The resulting scarcity of land and agricultural opportunities leads to serious problems of landlessness and unemployment in mining areas. In Ghana, cocoa is the major cash crop for small-scale farmers. Experience over the last few decades has shown that compensation provided to farmers for their cocoa plantations has been grossly inadequate. In some cases, farms have been destroyed without the consent of the farmer. As a result, affected farmers become impoverished and are unable to send their children to school, pay medical bills or to invest in a new farm. In addition, mining activities often involve the destruction of forests which provide families with food or fire wood. This poses a severe threat to their right to food, health and education. In 2006, a revised Minerals and Mining Act (Act 703) entered into force, including stronger provisions for compensation. Section 74 of this Act provides the principles for compensation which should form the basis of compensation payments, taking into account the farmer's loss of earnings, the life expectancy of the crop, destruction of the surface of the land etc. However, what is lacking so far is a regulation passed by parliament that would give clarity to the precise nature of the compensation principles in section 74. The Government set up a Technical Committee to draft the regulation. The Committee has completed its work but the draft regulation is yet to be subjected to stakeholder discussions before being presented to parliament.

57. WACAM is a Ghanaian non-governmental organisation supporting communities affected by mining. For further information, please go to : <http://www.wacam.org/>

58. In the Wassa West District, for example, 40 % of the total surface is covered by mining concessions.

Communities living in the vicinity of mining projects face major problems accessing safe drinking water. The diversion of rivers, the building of dams and the lower level of ground water as a result of large-scale mining activities threaten physical access to water. Contamination of rivers and groundwater with heavy metals is a major health threat. Several communities have been exposed to cyanide spills. The Environmental Protection Agency (EPA) is grossly understaffed and therefore unable to afford adequate protection to the communities.

In Ghana an estimated 300,000 men, women and children (known as galamsey) are engaged in poverty-driven artisanal gold, diamond, sand and salt mining activities. Galamsey use mercury to extract the gold from the ore, thereby posing a major threat to both their health and to the environment. Many galamsey experience difficulties in legalising their activities, which exposes them to the threat of being harassed by the police and military. Also, major conflicts have developed between galamsey and companies operating large-scale mines who accuse them of illegal activities on their property. It is important to decriminalise galamsey and instead to educate the operators to reduce the environmental degradation and problems associated with the use of mercury.

Militarisation and Human Rights Violations in Mining Areas

FIAN and WACAM are very concerned about the increasing deployment of military and police personnel in the country's mining districts and about the growing number of human rights violations (both in traditional mining areas and in areas where exploration or exploitation has recently started.) Mining related human rights abuses involving the police and the military have been reported from the Wassa West District and the Bibiani-Anhiawso-Bekwai District, both in the Western Region; from Obuasi and the Amansie West District in the Ashanti Region; from the Asutifi District in the Brong Ahafo Region as well as the Birim North District in the Eastern Region.⁵⁹

The Government of Ghana has so far failed to issue directives regarding the constitutional responsibility of the Ghanaian Armed Forces and the Ghanaian Police Service to uphold the rights of citizens. It has also failed to issue directives regarding the permissibility of deploying Ghanaian Armed Forces personnel in domestic law enforcement operations; in particular communities affected by mining, (other than as provided for in Articles 31 and 32 of the 1992 Constitution) including:

- The circumstances in which domestic military deployment may be permitted;
- Public officials with authority to authorise military deployment;
- The procedures which duly authorised public officials must follow; and
- The rules which military officers participating in such operations must follow.

Reports from mining communities who are victims of human rights violations indicate a high degree of complicity of multinational mining companies in these human rights violations. In many cases it is private security personnel from mining companies that take the lead. Security contractors from mining companies assisted by armed police and soldiers often conduct "operations" ostensibly to arrest alleged illegal small-scale mining operators (galamsey) on the properties of large-scale mining companies. These "operations" tend to be violent and bloody, resulting in gross human rights violations. Since November 2006, the Ghanaian military and police have been conducting a countrywide operation named 'Operation Flush Out', in which hundreds of galamsey are forcefully removed from the land they are working on. An unknown number of galamsey have been shot, beaten and maimed and their equipment destroyed. Companies regularly use the media to threaten galamsey and community members that they will bring in the military. The latest of these threats was made by the Managing Director of the Obuasi Mines of AngloGold-Ashanti (AGA) in early January 2008.⁶⁰

Reports in the media and from residents of mining communities indicate that multinational mining companies provide support and logistics for the deployment of state security agencies into mining communities. In October 2007, the Ghana News Agency (GNA) reported that the US-based gold mining company Newmont Ghana Gold Limited (NGGL) had provided funding for a new police station in Birim North District where NGGL is intending to open the Akyem gold mine.⁶¹ This severely compromises the independence of the police from the company. There are reports that mining companies, the police and in some cases even the judiciary are collaborating to intimidate community members. An example of this is the arrest of five community members and one official of an international advocacy organisation in November 2005 at Yamfo on the basis of a false complaint by officials of Newmont Ghana Gold Limited (NGGL). The community activists

59. For a non-exhaustive list of human rights abuses by military and police personnel in 2005-2006, please see annex of the full report on the CD.

60. <http://allafrica.com/stories/200801080555.html>

61. http://www.ghana.gov.gh/ghana/multi_purpose_police_station_inaugurated_new_abirem.jsp

were intimidated in the Circuit Court at Sunyani. When they refused to plead guilty on the advice of the trial judge, they were committed to two weeks imprisonment and the trial judge stated that he was making an example of them because mining communities were disturbing mining companies. The Public Order Law of Ghana does not require NGOs and communities to gain a police permit when holding meetings, but the activists were arrested on the charge that they had not gained a police permit before having the meeting and they had also used Newmont's name to organise the meeting. Another form of intimidation used is the denial of access to farmland or the destruction of crops and fishponds (see annex of the full report on the CD for examples.)

For the recommendations to the Ghanaian Government, please consult the CD for the full report.

Presentation of the Report at the 8th Session of UN Human Rights Council, May 2008

In his introductory statement at the UN Human Rights Council in Geneva, the Minister of Justice and Attorney General of Ghana, Mr. Joe Ghartey, reacted to the issues raised in the UPR report by FIAN International and WACAM (see above) and said the following "It is true that at a certain point, joint military and police teams were protecting mining companies and driving away illegal miners, but that was a short term measure and we have reviewed it and we don't intend to continue it." This was the first time that the Government had announced the discontinuation of military support for mining companies. Announcements like this demonstrate that the UPR process can be a valuable instrument for a state to reflect on the human rights implications of its policies and to make a commitment to the international community as well as its citizens to improve its human rights record.

In relation to the outcome of the review process, civil society organisations regret that the announcement made by Minister Ghartey does not seem to be reflected in the report of the working group. First and foremost, they consider the inclusion of the announcement in the report that the Government of Ghana will discontinue military support for mining companies in order to prevent further human rights violations to be of utmost importance. Secondly, it is recommended that the HRC explicitly welcomes this announcement as well as the announcement made on the same occasion by the Ghana Commission for Human Rights and Administrative Justice that it will shortly release a report on human rights violations in mining communities.

Peasant farmers in Ghana have deeply suffered from the loss of access to land and water because of large-scale mining. Many are experiencing violations of their economic, social and cultural rights on a daily basis. The outcome of the process is thus crucial for them. Indeed, the discontinuation of military support for mining companies is important to end the fear that farmers will be shot because they want to access their farmlands or because they are exercising their right to freedom of assembly. The announcements made by the Government of Ghana are laudable, but only if they are implemented. Civil Society Organisations believe that the Human Rights Council can play a role in this.

Uganda

Monitoring the Human Right to Food

62. See Sandra Ratjen / Irene Wasike Muwanguzi / Peter Rukundo / James Kintu: "Food Sovereignty and Right to Food: the Case of Uganda", published in *Rural 21*, Vol. 42, No. 3/2008. Please consult the CD for the full article.

The Faces of Hunger and Malnutrition in Uganda⁶²

Like many developing countries, Uganda is rich in natural resources. Thanks to the climatic conditions, a great variety of food can be grown. However, what is also characteristic of Uganda and developing countries in general is that hunger and malnutrition still affect a large portion of the population. According to the country's 2007 Population Report, about 8,804,000 Ugandans (31 percent of the total population) still live in extreme poverty and hunger. According to the Uganda Poverty Status Report of 2005, the most vulnerable people are women, children (many of them HIV/AIDS orphans), indigenous people and persons internally displaced due to armed conflict, cattle rustling and natural disasters. Until recently, about 1.8 million people were living in internally displaced camps. Unemployed urban poor are unable to access adequate food either. The Uganda Demographic and Household Survey 2000/2001 states that over 38 percent of the children under five years were stunted, 4 percent wasted and 22.5 percent underweight. The prevailing levels of childhood malnutrition account for 40 percent of child deaths before the age of five. Overall access to adequate food in Uganda and the whole of Africa relies heavily on the work of women, who produce 80 percent of the food. Besides working in the fields and marketing the produce at the nearby markets, women have to take care of the household, their spouses, the orphans and their own children. Regardless of their hard work, women are second rate in most Ugandan cultures because men have traditionally been the breadwinners. So while women are among the first victims of violations of the right to food, they are also key to its realisation.

Working with the Right to Adequate Food in Uganda⁶³

Discrepancies in Uganda suggest that a closer look at policies on access to food is worthwhile. Mobilising civil society on issues such as human rights, trade, food security, sustainability and community-based development has played a major role in the achievement of legislation and policies in favour of the right to adequate food.⁶⁴ As a country receiving FAO support, Uganda is a pioneer in establishing a framework law on the right to food that will ensure policy coherence.

Based on these achievements in the national legal framework, a network of NGOs and CSOs has started to apply the Voluntary Guidelines to monitor the Ugandan Government's activities in fighting hunger and malnutrition and to hold the state accountable for violations of the right to food. And one of the most challenging aspects of human rights monitoring work is to fill identified policy gaps and enhance efficiency to obtain significant improvements towards the realisation of the right to adequate food.

One example is the Plan for the Modernisation of Agriculture (the PMA) which was set up by the Government in 2000 with the key objective to increase productivity by transforming subsistence agriculture into commercial agriculture and encourage foreign investment in the rural sector. The Plan recognises the need to make agriculture more profitable by linking it with initiatives that can improve agricultural marketing. The PMA vision is "poverty eradication through a profitable, competitive, sustainable and dynamic agricultural and agroindustrial sector", while its mission is "eradicating poverty by transforming subsistence agriculture to commercial agriculture". The Plan's policy has failed to adequately use human rights principles and tools to assess its impact, take into account the rights of rural poor and protect them against adverse effects.

This chronic disregard of standards established by the human right to food in implementing concrete measures in the agricultural sector is also dramatically illustrated by the case of the Kaweri Plantation in the Mubende district (see box). To make room for a foreign investor's coffee plantation, over 360 peasant families have been evicted from their traditional land with violence and

63. Ibid

64. See Peter Rukundo, Makerere University, compilation – Legal Framework for the Right to Food in Uganda.

without prior consultation and compensation. This case shows that countries like Uganda will not be able to effectively fight hunger if largescale forcible evictions continue to provoke more hunger and malnutrition. The massive violations of human rights faced by small-scale peasants have not only been identified and heavily criticised by civil society. The Government has also announced corrective measures for the protection of small-scale farmers – a political and legal achievement of working with human rights.

The Mubende Case⁶⁵

On 18 August 2001, the Ugandan army violently expelled more than 2,000 small-scale farmers from their land in the Mubende district to lease it to Kaweri Coffee Plantation Ltd., a subsidiary of the German Neumann Kaffee Gruppe. During the eviction, the army destroyed the peasants' land, crops and homes and several members of the community were also physically harmed. The land belonging to the former inhabitants has since been leased to the Kaweri Coffee Plantation. In June 2002 the African Development Bank approved a loan of 2.5 million US-dollars in support of the establishment of the Kaweri Coffee Plantation. Since then, the plantation has been the largest of its kind in Uganda and the East African region as a whole. Many of the evicted people have moved to a neighbouring forest, where they are attempting to cultivate crops. However, the land upon which they are now residing is far too small to provide the families with enough food. The eviction has also forced peasants to travel long distances for water that is unclean and unprotected, which has subsequently lead to the spread of diseases, such as diarrhoea. Approximately 50 other peasants, who were displaced when the plantation was established, have been forced to accept work on their former ancestral land in an attempt to generate income. However, they are facing further exploitation, as the wages are so low that workers struggle to feed themselves, let alone their families; the average wage is roughly 2000 Ugandan shillings (approximately US \$ 1) for 10 hours of labour. Directly after the displacement, some peasants died and the remaining evictees continued to suffer from the loss of their land.

Since the community was displaced in 2001, they have been fighting to regain their right to land and food. As they continued to be politically neglected, the community decided to file a court case against the Attorney General, in representation of the Government and the Kaweri Coffee Plantation. However, the hearings have proceeded slowly and guaranteed few outcomes. A hearing to cross-examine the case in July 2004 was suddenly postponed to January 2005 without any prior notice. Since then, other proceedings have proved fruitless, as both defending parties have not even appeared in court for scheduled hearings. Finally, the first and second hearings

took place in November and December 2006. The judge tasked with the case agreed that the eviction did take place; however, the lawyers of Kaweri/Neumann denied any involvement in or responsibility for the eviction. Meanwhile, the judge asked whether it would be possible to settle the lawsuit amicably.

A definite hearing relating to all concerned parties finally took place on 27 June 2007. It was the first time that all actors sat together to discuss issues related to the case. However, the Attorney General as the representative of the Ugandan Government has not taken any position on the situation and is still failing to present the information and documentation which is required from the defence for the substantive consideration of the case. The lawyers for Kaweri argued that the case should not be pursued any further because several formal requirements had not been met. *Inter alia*, they claimed that the plaintiffs were not authorised to sue on behalf of the community. The evictees' lawyer has in the meantime submitted a response to these objections to the court.

At the beginning of June 2008 the evictees in Mubende were informed that the next hearing would take place on 26 June 2008. However, the scheduled appointment was once again cancelled at short notice. The reason being that the tribunal in charge is being restructured and a new department will be created in Mubende. A new judge will be responsible for cases in Mubende. However, the restructuring should have been finished by the first of July. It is not yet clear when the new judge will take up his work.

In mid June 2008 the director of the Uganda Investment Authority, Dr. Maggie Kigozi, asked ActionAid Uganda⁶⁶ about the kind of compensation the evictees had claimed. The Neumann Kaffee Gruppe has threatened to abandon the coffee plantation if compensation for the evictees is not settled. The evictees have referred to their judicial claims. This positive development can be seen partially as a result of the increased pressure exerted by FIAN in May 2008 through its protest campaign in front of the Neumann Kaffee Gruppe building in Hamburg, Germany.⁶⁷ FIAN strongly hopes that Neumann will take its responsibility seriously.

65. For further information on this case, please see <http://www.face-it-act-now.org> or the information provided on the CD.

66. ActionAid was one of the first organisations to campaign for the evictees in the Mubende case.

67. For further information on the "coffee-to-go-action" in Hamburg, please see <http://www.fian.de>

Apart from the recent action in Hamburg, international attention was drawn to the situation by FIAN's Urgent Actions launched in December 2001, July 2002, September 2004, September 2007 and continuous case work since then.

Voices from Mubende

Deo Kasumba, 67

During the eviction soldiers burned our house and destroyed our farmland. We even lost our pigs. I tried to save at least a few of our belongings. When I came back to the house for the second time - trying to retrieve some of our property - the house was already in flames. Since 1980 my wife and I had been living on the land as tenants under customary law. Before the eviction we had our own house and could access water from a fountain close by. On 12 acres we grew coffee, bananas, sweet potatoes and peanuts. We had plenty of fruit trees and four pigs. Today we are living in a rented room. Our landlord pays me as a labourer, so I can pay my rent. But all the time we are worried whether the money will be enough for the rent and to buy food. Before the eviction we didn't have to pay for the food, because we could grow it ourselves. Our life used to be better.

Norah Naggawa, 57

What hurts me most is the fact that our Government doesn't compensate us for the suffering and the harsh conditions we face. Support has been promised many times, but we have never received any. Therefore I fight for compensation. For 26 years my family of ten and myself had been living on the land as tenants under customary law and we had a house with five rooms. We had a water fountain on the land and we farmed on only half of our 30 acres. We grew bananas, coffee, sugar cane, sweet potatoes and cassava. What is more, we had plenty of fruit trees, about 150 mango trees, 80 maracuya trees and 10 avocado trees. We had pigs and chicken as well. On the day of the eviction soldiers came with guns, destroyed the roof of our house and ordered me to leave the land. With my children and my grandchildren I ran away to the forest. One of my grandchildren died due to the harsh living conditions we were faced with after being evicted. My husband had to work so hard that he got a pain in his chest and he died as well. Today we are living on a piece of land we have to pay for and it is not really good for farming. The real fertile land is further away. We have built a house again, which is about one kilometre from the next water fountain. But sometimes this fountain runs completely dry.

Working Toward Framework Legislation: The Right to Food

By Carole Samdup⁶⁸

Africa

The drought that ravaged Malawi in 2002, combined with poor management of its strategic grain reserves, brought about the country's worst famine in fifty years. At the height of the crisis, three million Malawians required food aid. Allegations of corruption filled national media, but today, in 2008, those accused of profiteering from the crisis have still not been brought to justice.

Malawi is one of the world's poorest countries. It is classified as a least-developed country and ranks 165th out of 177 countries rated in the UN Development Program's Human Development Report. According to UN estimates, half of all children under the age of five suffer from chronic malnutrition and 1.6 million people suffer from hunger every day. Life expectancy is a mere 40 years. An estimated 65% of Malawi's population lives below the poverty line and 80% earn their living through farming.

In 2005, following a prolonged drought which affected crops at their most critical growing stage, Malawi was confronted by yet another hunger crisis. In 2006, an international fact-finding mission, led by Rights & Democracy and FIAN International, concluded that the state and its international partners had failed to implement a rights-centered response to the crisis. Moreover, international development assistance did not address the longer term structural obstacles affecting access to adequate food in Malawi.

The mission issued a final report recommending that the state apply a human rights framework for its hunger eradication policies and programmes. The report also called upon the Government of Malawi to end impunity for those guilty of human rights violations related to food distribution during the hunger crisis of 2002. It recommended as well, that more resources be allocated to programmes designed to monitor access to rights, to identify vulnerable groups and to ensure that citizens are able to claim their rights from the state.⁶⁹

As a result of the mission, civil society groups in Malawi created the National Right to Food Network with a dual mandate of conducting human rights awareness activities at the village level and guiding proposed right to food legislation through the drafting and approval process. In November 2007, a draft bill on food and nutrition was submitted for study to Malawi's Ministry of Agriculture through its planning committee.

The idea for a legislative response originated within the National Right to Food Network which also guided drafting of a first text. Following a series of consultative meetings and workshops with civil society, the Malawi Law Commission and the Human Rights Commission of Malawi, the draft text was revised for presentation to members of the Parliamentary Committee on Agriculture and Natural Resources for comment. Finally, representatives of the drafting committee presented the revised text during an expert meeting hosted by the UN Food and Agriculture Organisation in Uganda in October 2007.

The proposed legislation contains several elements. First it sets out general principles and describes the nature of state obligations. Second, it lists prohibited acts including acts of omission and violations resulting from the delivery of food aid. Third, it proposes a national authority that would have the power to monitor and investigate allegations of right to food violations as well as to hear individual complaints and assign penalties.

68. Carole Samdup is a Senior Advisor for Economic and Social Rights at the Canadian organisation, Rights & Democracy, <http://www.dd-rd.ca>. The Malawi Human Right to Food Project is a joint initiative by ActionAid Malawi, Rights & Democracy and the Presbyterian World Service and Development (Canada).

69. See "The Human Right to Food in Malawi: Report of an International Fact-finding Mission" at <http://www.dd-rd.ca> and at <http://www.fian.org>

As the legislation moved through its drafting and revision process, members of the Right to Food Network have been working closely with parliamentarians and the Ministry of Agriculture's planning council to answer questions and build support for its adoption. Once approved, the legislation will be forwarded to Malawi's Ministry of Justice for technical revisions and then returned to the Ministry of Agriculture and Natural Resources from where it will be tabled in Parliament as a government bill.

There had been expectations from all sides that the legislation would be passed without significant delays. The Minister of Agriculture Bingu wa Mutharika, who is also the President of Malawi, had publicly identified food security as his primary area of interest and members of the Parliamentary Committee on Agriculture and Natural Resources, through its Chair Hon. Dzoole Mwale, were working in close collaboration with the National Right to Food Network. However, delays have resulted from the parliamentary standstill that has plagued Malawi for more than a year. Even the national budget hangs in limbo for the second year in a row, as political parties wrangle over procedural rules related to section 65 of the country's constitution. Rules give the House Speaker the right to fire parliamentarians who are deemed to have crossed the floor and disagreement has resulted in the suspension of the National Assembly since June 2008 with no resolution in sight. The President has recently proposed a referendum to resolve the impasse while opposition parties are calling for an early election.

70. World Food Programme, Malawi Operations Brief, May 2008.

As parliamentarians bicker, the Government carries on without democratic oversight and expectations of successfully adopting right to food legislation before the end of year are fading. Meanwhile the people of Malawi continue to go hungry. Following a record maize harvest in 2006/07 and amid much controversy, Malawi reportedly exported more than 400,000 tons – almost half its surplus – to Zimbabwe. Allegations of mismanagement of the remaining surplus are a disturbing reminder of the 2002 experience, for which no one has yet been held accountable. Despite the reported grain surplus, authorities have had to appeal again for more food aid in order to feed Malawi's most vulnerable communities which include small-holder farmers in drought affected areas, people living with HIV/AIDS, refugees, orphans and other children at risk. The United Nations is predicting that in 2007/8 Malawi's projected surplus will miss its target by almost 15%. Combined with rising prices, there is little expectation that the situation will improve or that the number of hungry people in the country will decrease.⁷⁰

The absence of a national legal framework and enforcement mechanism for the human right to food is just one dimension of the hunger challenge in Malawi. Hunger persists because of a myriad of inter-connected issues including influences as diverse as climate change, macro-economic policies, the AIDS pandemic and regional politics. Even though the Government of Malawi has ratified the International Covenant on Economic, Social and Cultural Rights and incorporated many of its principles into its own constitution, enjoyment of the human right to food remains only a dream for most Malawian people. The National Right to Food Network, working with both grassroots communities and parliamentarians, will continue to struggle towards achieving that dream through its outreach and awareness activities, and it will be ready – when parliament is ready – to celebrate the adoption of the new right to food legislation it has worked so hard to achieve.

A Human Rights View of Social Cash Transfers for Achieving the Millennium Development Goals

Africa

In February 2008, *Brot für die Welt*⁷¹ and the *Evangelische Entwicklungsdienst (EED)*⁷² published a study "A Human Rights View of Social Cash Transfers for Achieving the Millennium Development Goals" prepared by *FIAN International*. It aims at providing some fundamental arguments for a qualified human rights debate about such transfer measures.

Over the past ten years, social cash transfers (SCTs) have spread in middle-income countries and pilot programmes have been carried out in low-income countries. SCTs have shown impressive developmental results in a number of fields closely related to the Millennium Development Goals (MDGs): social cash transfers have a high potential to reduce poverty and hunger, stimulate the production of essential products and services for the poor, stimulate school attendance and health care and promote gender empowerment and social fairness. Moreover, SCTs turn out to be efficient tools in reducing the drastic income inequalities which plague a great number of developing countries. How effective SCT programmes can become depends, however, on the allocation of sufficient budgetary resources for these programmes.

The study describes SCTs in the context of the MDGs, looks at the main characteristics of important SCTs, such as those in urban China, Mexico and South Africa and provides details on some SCTs in Brazil, Malawi and Zambia⁷³ based on available evaluations and on interviews with different stakeholders carried out specifically for this publication. The study differs from many other publications on the subject by taking an explicit human rights approach. It provides human rights criteria for an analysis of social transfers and in particular SCTs. It applies these criteria to ongoing international discussions on issues like targeting, selection, universality, conditionality, coverage, cost, benefit withdrawal, crowding out etc. The study points to the importance of full coverage and criticises the wide-spread emphasis on targeting by selection. It rejects conditionalities and suggests the use of universal SCTs wherever possible. It points to the importance of establishing proper tax systems as the other side of the tax-benefit coin, and suggests gathering experience of market-based targeting through universal programmes financed by a proper mix of consumption taxes and other taxes.

Three country studies investigate the strengths and the weaknesses of SCTs in two very different contexts: a Latin American middle-income country (Brazil) and two African low-income countries (Zambia and Malawi). The *Bolsa Familia programme* in Brazil and the *Kalomo pilot programme* in Zambia are seen by many observers as models for similar programmes in their respective Latin American and African contexts. Other important experiences such as the SCTs in Mexico, South Africa or urban China are only briefly mentioned. The Kalomo pilot is particularly important, as it is one of the first SCTs in low-income Africa in an environment of generalised countrywide poverty. For such circumstances the study recommends pilot projects on universal transfers to address some of the weaknesses of the programme.

The study recommends that Official Development Assistance (ODA) makes SCTs a central policy element, both with a view to achieving the MDGs and as a necessity under human rights. SCTs are not to replace, but to complement other measures of ODA. It further specifies the related tasks of ODA in the fields of human rights capacity building, rights based monitoring of SCTs, piloting innovative programmes such as universal basic income programmes, establishing proper tax systems and securing long term financial commitments for budgetary assistance – possibly through an international fund.

71. Brot für die Welt is the development campaign of the Protestant churches in Germany. For further information, please see: <http://www.brot-fuer-die-welt.de/english/index.php>.

72. Church Development Service (Evangelischer Entwicklungsdienst - EED) is an organisation of the Protestant churches in Germany. For further information, please see: <http://www.eed.de/en/en.eed/en.eed/index.html>

73. This abstract only includes a summary of the country study on Zambia. For the country studies on Brazil and Malawi, please see the full report on the CD

Strong recommendations are made insisting on rights-based transfers, which make the recipient a rights-holder independent of local elites in the SCTs' targeting and distribution systems. In the hands of a corrupt or politicised bureaucracy these programmes could become a tool of oppression. The best way to overcome such risks would be to get away from targeting by selection and to strengthen universal transfers as a human right for all rather than a right of the poor.

The study also calls upon national and international civil society organisations to insist that states, individually and through international cooperation, build up rights-based SCTs for hundreds of millions of absolutely poor and malnourished people who are still denied their fundamental human right to freedom from hunger. Moreover, some civil society organisations have experience of carrying out cash transfer schemes. They should make this experience available to states building up their social cash transfer systems.

SCTs are of central importance for states to meet their obligations, under international or national law, to fulfil the right to an adequate standard of living, including food, housing and clothing. Moreover, they facilitate the realisation of many other human rights - economic, social and cultural rights (such as the rights to health and to education) or civil and political rights (such as the rights to political participation or to a fair trial). Even though SCTs are just one element of states' sets of policy measures to meet these obligations, and are far from sufficient in this context, such transfers are certainly necessary. Nevertheless, SCTs can have a number of weaknesses and may lead to oppressive practices. A strong human rights culture is necessary to avoid such side effects and to prevent human rights violations with regard to SCTs.

Country Study Zambia: The Kalomo Pilot Project and its Follow-up Projects

74. Survey of the Central Statistical Organisation (CSO), 2003

According to official data,⁷⁴ 67% of Zambia's population are considered poor, while 53% are extremely poor. Zambia has one of the worst track records in terms of under-nutrition: 48% of households cannot afford basic food items. The country has not made any progress towards meeting the MDG 1b (reducing the incidence of undernourishment by 50%). Instead of reducing the number of the undernourished to 2 million, as is necessary to reach the FAO goal to half the number of undernourished, this number even increased between 1991 and 2002 from 4 to 5 million.

75. For further information about the selection process of recipients, please see the full report on the CD.

The SCT programme is designed to reach the poorest 10% of the population. The target group is the 200,000 households that are considered destitute, i.e. they are extremely poor and unviable, which means there is no one fit to work, or there are at least three dependents to every able-bodied person. That applies mainly to households headed by single mothers or old people who have to care for their grandchildren.⁷⁵

76. <http://www.gtzt.de>

The scheme is run by the Ministry of Community Development and Social Security (MCDSS). The *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)*⁷⁶ supports the government pilot programmes at all levels in the districts of Kalomo and Monze. The Kalomo pilot was launched in May 2004. All recipient households received 30,000 ZMK plus 10,000 ZMK per child. Between 60% and 70% of the households reached were eligible under the programme. In a situation of generalised destitution the difficulties of identifying the eligible group are considerable. The real question, however, is whether all eligible households were covered. Data on this are scarce. Management estimates that at least 6% of the eligible group was not covered.

Presently, there are five districts (Kalomo, Monze, Kazungula, Chipata and Katete) with pilots where different models are being tried out. Kalomo, which is the pioneer area, focuses on the poorest 10% of households in each village. It covers close to 3,000 households and there are no conditionalities whatsoever attached to the transfers. In Monze, where the pilot started in February 2007, there are soft conditions: some of the money has to be used for education and health. Kazungula is modelled on the Kalomo experience with the only difference being that it takes place in an extremely marginal area. In Chipata, the transfer amount is slightly higher than in other districts and there is a special child bonus attached, 10,000 ZMK per month for each child in primary school and 20,000 ZMK for children in secondary school, in addition to the general household transfer of 50,000 ZMK. The pilot is being implemented in urban areas and civil society is more involved than in the other pilots. There is also a focus on incapacitated households. In Katete the transfer is exclusively directed to 608 people over 60 years of age and it is allocated per person, not per household. It started in September 2007 in semi-rural areas with a transfer level of 60,000 ZMK.

The average transfer per capita in the Kalomo pilot corresponds to a purchasing power of about USD 0,25 in the USA. As a result of this transfer though, however small it may be, the nutritional situation has improved and the percentage of people feeling hungry after meals has decreased from 56% to 35%. Many beneficiaries also use the money to send their children to school, buy school uniforms, medicine or even hire labour to work on their land. In Monze, people at a village meeting said that before the SCTs were introduced, children had actually been starving to death and were not clothed. Due to the SCTs, nobody has died of hunger or malnourishment and practically all the children encountered in beneficiaries' households were clothed.

The plan is to scale the SCTs up to the national level over the next five to six years. It is not designed to cover everybody's needs or even the needs of the beneficiaries, but rather to alleviate the worst aspects of their poverty.

A First Look at the Programme from a Human Rights Perspective

Are there complaint mechanisms for victims of irregularities?

There are complaint procedures during the selection and distribution processes. Recipients are informed at a village meeting what the SCT is about and who is eligible. People can object to persons being excluded from or included in the list of the targeted 10% of households. However, there is no mechanism to enforce one's right to the transfer. Complaints during the payment process can be made to the Community Welfare Assistance Committee who is in charge of monitoring the payment process.

Are there conditionalities?

In the pilot phase there is one district – Monze – where beneficiaries are supposed to send their children to school and to invest in health. This expectation from the implementing authorities is included in the “contract”. This is, however, not enforced. It has turned out that everywhere people are using the money to send their children to school and to buy medicine. It will be decided after the pilot phase whether or not conditionalities will be attached to the transfers.

What kind of human rights critique has come from civil society?

Zambia's civil society has so far not paid a lot of attention to the project. One reason for that could be that the pilot programme is too new and so civil society has not had the time to get involved or formulate its human rights critique. There are however, efforts to build a civil society network on social protection.

Right or charity?

The SCT scheme is an ambitious programme aimed at the poorest of the poor. It is a viable means of protecting people from starvation and enabling them to realise their right to food. Whereas part of the civil society and some officials involved in the scheme see SCTs as an expression of a human right, government as a whole is still far from recognising this. As a programme implementing a human right, the SCT scheme ought to provide not only complaint procedures, but also a mechanism for beneficiaries to enforce the payment if it fails to come.

Satisfaction with the programme

There is no social stigma attached to the SCTs. However, there have been reports of jealousy and rivalry within the villages. For some people it is difficult to understand why they have not been selected even though they are desperately poor. However, both recipients and non-recipients welcome the programme. For the latter, the SCT take away a burden because their poorest neighbours no longer beg them for food. In the villages, the main shortcomings of the programme perceived by the people, apart from unnecessary delays in delivery, particularly in Kazungula, are that an eligible group of 10% is too small and the amount of money people receive is too low.

Relevance of the programme for the MDGs

There is a detailed quantitative study by the Ministry for Community Development and Social Services and GTZ on the developmental impact of the Kalomo SCT scheme with the following results in MDG related fields:

Income Poverty

The SCT led to a marked increase in household income. The transfer, as small as it is, established a minimum cash income, which before had not been reached by 84% of the households. However, income additional to the transfer decreased. This income partially consisted of transfers from neighbours, relatives, other members of the community and organisations. The number of households receiving cash from such sources decreased by 70%. This reduction means more independence for the recipient household and a smaller burden for other community members, most of whom are poor themselves.

Nutrition

There was a marked improvement in nutritional status: the number of households living on one meal per day decreased from 19.3% to 13.3%, households on two meals stayed the same, while households on three meals increased from 17.8%

to 23.7%. The average number of meals per day among the target group in Kalomo increased from 1.89 to 2.13. This improvement is further consolidated by the rising level of satiation after each meal and by the increase in the quality of the food consumed. The share of households who said they ate (just) enough increased from 43% to 65%.

Health

Incidences of illness decreased, probably because people were in a position to pay for transport to a health centre. The same is true for the prevalence of disabilities (with the exception of mental health problems and leprosy). Partial sightedness reduced by more than one half - probably because beneficiary households used part of the transfer to pay for transport to the few hospitals that carry out cataract operations and were able to pay the small fee taken for this operation.

Education

Enrolment rates of 7 to 18 year old children went up from 76.1% to 79.2% (in particular for boys). The number of households who did not send at least one of their children (7-18) to school decreased from 41.4% to 33.8%. Abolishing fees for secondary education would help to make it more accessible.

Parallel Report: The Right to Adequate Food

Asia

1. Review of India's Periodic Report by the UN Body in Geneva

India has been a State Party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) since 1979. Under Article 11 of the ICESCR, the State Parties are obliged to guarantee the right to be free from hunger and the right to adequate food. The right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.

On 9 May 2008, the United Nations Committee on Economic, Social and Cultural Rights (UNCESCR) finalised the review of the long overdue periodic report of the Republic of India's compliance with obligations to implement economic, social and cultural rights in the country. After nearly more than a decade, India submitted the state report to the CESCR in October 2006 on the situation of human rights in India, such as the rights to work, food, water, housing, health, social security, education, right to protection of family, and cultural rights.

The process of the elaboration of the state report was largely non participatory. The general attitude of the State before and during the review of the report by the UN body in Geneva reflected a lack of political will to actively consult and engage with civil society and to present the true reality of human rights in India. Over the day and a half (7-8 May 2008) session between the Committee and the Indian delegation, the UN experts deplored the attitude of the State and its failure to adequately engage in dialogue, respond to and address the concerns and questions raised by the Committee.

2. Parallel Report on the Right to Food in India

Civil society presented several parallel reports and information to the UN CESCR to bring to light the real situation regarding the implementation of human rights in India. FIAN and its partners presented a parallel report on the right to food in India in April 2008. The parallel report was based on several years of work done by FIAN and civil society on the right to food in India as well as the outcome of two processes undertaken in India. One was the three-year process funded by Misereor, Germany⁷⁷, which focused on the capacity building of FIAN chapters in India as well as of NGO representatives interested in the rights based approach, case documentation, organisation development and reporting on the situation of the right to food in India. The second was the participative development of a monitoring tool funded by Welthungerhilfe (Germany)⁷⁸, which included working in India with various civil society actors. The monitoring tool to monitor public policies is based on the Voluntary Guidelines on the right to adequate food adopted under the auspices of the FAO in 2004. The tool serves as a framework and methodological support to the information gathered in FIAN's parallel report on India. The monitoring tool is a pioneering exercise which FIAN hopes will develop in the coming years and will inspire other similar processes in different countries.

2.1 Policy Analysis and Illustrative Cases of Violations of the Right to Food

Under the ICESCR each state is responsible for ensuring that its own policies, legislation and activities comply with the three levels of obligations and do not violate the right to adequate food. FIAN's parallel report presented an analysis of policies and legislation on the right to food and illustrated the situation of the implementation of the right in India through various cases of violations of the right to food.⁷⁹ These cases demonstrate that the Government of India is failing to meet its obligations and is thus violating international human rights law. The following cases are exemplary of the situation and there are several such cases; for more cases and policy analysis, please refer to the full parallel report on the CD.

77. MISEREOR is the German Catholic Bishops' Organisation for Development Cooperation. For further information, please see: <http://www.misereor.org/en/about-us.html>

78. Welthungerhilfe is a private, non-profit, politically independent and non-denominational relief organisation which works under a voluntary Board of Directors and the patronage of the German President. Please see: <http://www.welthungerhilfe.de/>

79. The cases in the report are divided into four categories: the access to natural resources, which include land, forests and water; displacement; employment and wages; and social security.

Kulwalli land tenants struggle in the Belgaum district, Karnataka - In the Kulwalli gram Panchayat in the Belgaum district of Karnataka State in India, 950 families have been in possession of Inam land and have cultivated it for more than four decades. Records show the settlement of people on the land since 1952. However, to date the tenants still do not have titles to the land and face the threat of eviction from the land. India, and therefore the State of Karnataka, is duty-bound under international law to respect the tenants' right to feed themselves. By not providing the tenants with the titles to their land, the State has failed to respect the tenants' right to feed themselves.

Inhabitants of Nandigram face eviction from the land due to the construction of a Special Economic Zone in West Bengal - The livelihoods of 100,000 people from the area of Nandigram, in the East Midnapore District are under threat because the people are in danger of being evicted from their lands due to the construction of a Special Economic Zone and furthermore the people face increasing state violence. India, and therefore the State of West Bengal, is duty-bound under international law to respect and protect the peasants' right to feed themselves. By taking control of their land without taking effective steps to ensure the peasants' right to feed themselves, India and the State of West Bengal are violating the human right to food. Use of force against peaceful demonstrators is against the fundamental freedom of the people.

10,000 people continue to suffer from lack of safe drinking water in Jai Bheem Nagar in Meerut, Uttar Pradesh - Jai Bheem Nagar (JBN) is a slum in Meerut city with a population of 10,000 people. The slum's residents do not have access to safe drinking water and are therefore compelled to consume water contaminated with heavy metals like chromium, cadmium, lead and mercury. The slum dwellers claim that the consumption and use of the polluted drinking water has caused cases of diarrhoea and skin diseases amongst the population. India, and therefore the

State of Uttar Pradesh, is duty-bound under international law to protect and fulfil its people's human right to food, health and water. By not providing access to safe drinking water and by allowing the industries to pollute the rivers and contaminate the ground water through leaching, the State has violated the people's right to food, health and water. The failures of the authorities to protect and fulfil access to drinking water and to protect the sources of water for human consumption against pollution are breaches of the State's obligations.

Mass starvation of Yanadula tribes, in the Krishna district, Andhra Pradesh - Around 230 people (50 families) from the Yanadula tribe face hunger and starvation due to a lack of employment opportunities and access to social programmes. India, and therefore the State of Andhra Pradesh, is duty-bound under international law to respect and fulfil its people's right to feed themselves. By not addressing the situation of hunger and starvation in the State of Andhra Pradesh and not providing relief to those people suffering from hunger, both the State of Andhra Pradesh and India have violated this right and the international obligations under the Covenant.

200 Peasant families suffer from the salination of their agricultural land as consequence of the tsunami in the Nanamedu and Subavuppulavadi villages in the Cuddalore district, Tamil Nadu - The Nanamedu and Subavuppulavadi villages in the Cuddalore district have the prosperous potential of cultivable lands and the essential volume of ground water surrounded by kilometers of mangrove forests. The tsunami floods in 2004 submerged most of their fields, causing salination and severe degradation of the fertility of the soil making it impossible for the farmers to produce enough to secure their living. India, and therefore the State of Tamil Nadu, is duty bound to fulfil the farmers' right to feed themselves. By not providing adequate relief and rehabilitation after the tsunami, the State has failed to fulfil the farmers' human right to food.

2.2 Conclusions and Recommendations on the Right to Food Situation in India

Despite economic growth, severe violations of the right to food still exist in India. The parallel report indicates that even though the Government of India has ratified the ICESCR, it is still failing to respect, protect and fulfil its people's right to adequate food and water and comply with the obligations it has accepted as a State Party to the Covenant. India's policies do not sufficiently address the hunger situation in the country and a gap exists between the policies to end hunger and their implementation. Lack of effective implementation, corruption, inefficiency and discrimination deprive the poor in India who continuously struggle for survival and endure different degrees of chronic and endemic hunger. Several assessments show that the bulk of the government fund-

ing does not reach the rural areas or the urban poor due to various leakages in the distribution process. The social welfare schemes are poorly implemented, central funding provisions are either inadequate or under utilised and are often not even requested by the states. Grain meant for the poor under the social security programmes is intercepted and enjoyed by powerful elites and discrimination during distribution, irregular and poorly timed distribution, corruption and biased political influence at the grassroot level are all elements of a complex web of causes contributing to widespread hunger in a society of plenty.

The liberalisation of the economy ushered in several changes in different sectors that adversely impact on the food security of the people. The Government has failed to protect the people or facilitate the process of adapting to the changing realities. Crisis in the agricultural sector is a case in point. Removal of subsidies and dominance of the market without support from the State has destroyed the agricultural communities and threatened their right to feed themselves. Landless labourers who work on the land also face hardships due to the decrease in job opportunities as farm hands. Additionally, failure in the land reform programme has denied the landless access to land. A change in policy allowing foreign products to flood the Indian markets without any safety valves has impoverished people. The situation of the weavers is an example of this impoverishment.

The Public Distribution System (PDS) is being dismantled in order to reduce government expenditure on food subsidies. The Targeted Public Distribution System (TPDS) has been introduced only to look after the food security of the people living below poverty line. Poverty itself is not clearly defined by the Government and the criteria for deciding which people are below the poverty line are vague. The main issues of concern observed and highlighted by FIAN are as follows:

1. Despite the Government's rhetoric of 'inclusive growth', the following social groups experienced unprecedented exclusion and violation of their economic, social and cultural rights: women, Dalits, Adivasis, Muslims and other religious minorities, the informal sector, fisherfolk, children, people with disabilities, and other excluded groups.
2. The impoverished and marginalised in India face massive displacement in the name of 'development' for projects such as dams, mining, establishment of Special Economic Zones, urban renewal, slum demolitions, tourism, sanctuaries etc. Displacement destroys people's access to food producing resources and a lack of sustainable rehabilitation leads to a growing threat of hunger and starvation and violations of human rights. Violence used against people who protest such development projects is of particular concern to FIAN.
3. An absence of social security for the excluded groups, despite such promises, and the lack of implementation of the existing constitutional provisions, laws policies, plans and schemes.
4. High levels of malnutrition leading to chronic hunger, death from starvation and irreversible health effects among pregnant women, children, Dalits, Adivasis and other marginalised groups.
5. The definition of poverty should be broadened to include the fulfilment of all the basic needs of an individual and enjoyment of rights in dignity. The present narrow definition of poverty excludes millions of Indians from being included in social security programmes and as a consequence, they face a constant threat to their survival.

The UN CESCR, in its concluding observations, made suggestions and recommendations relevant to the implementation of the right to food in India. Some important recommendations are: take measures for the protection of human rights defenders against any kind of violence; in the next periodic review provide comparative disaggregated data from the country; strengthen the implementation of the prohibition of discrimination; raise awareness about gender equality; equal treatment for men and women in the labour market including equal pay; ensure the right to decent work; launch national campaigns to abolish manual scavenging child labour and bonded labour; ensure the enforcement of minimum wages; adopt the unorganised sector workers' social security bill without delay; take steps to address the extreme poverty among small-holder farmers; take immediate steps to effectively enforce laws and regulations prohibiting displacement and forced evictions; take measures to ensure equitable access to safe drinking water.

Monitoring and advocating the implementation of the concluding observations, especially in relation to the right to food, is the challenge ahead for FIAN and civil society organisations in India until India's next periodic report, which is due in 2011.

The Philippines

Parallel Report: The Right to Food⁸⁰

80. This is an executive summary of the Parallel Report to be submitted by FIAN

1. *Monitoring the Right to Food*

1.1. *Democracy, Good Governance, Human Rights and the Rule of Law*

Although the Philippines has ratified a number of international treaties to guarantee the economic, social and cultural rights of its people, the actual situation is rather different. This has been highlighted by the dramatic increase in the number of killings of human rights defenders, in particular right to food defenders, since President Gloria Arroyo came to power in 2001. More than 40 peasant leaders fighting for land reform have been killed nationwide since 2001, as well as 60 labour leaders, union members and advocates and 123 indigenous leaders. Today as well as the police and the military, non-state actors such as landowners, their hired thugs and even alleged members of the New People's Army are involved in violating the rights of peasants who are asserting their right to access to land.

Corruption

Public funding for economic and social services is not only inadequate; it is also dissipated by corruption, depriving the poor of much-needed basic services. The Office of the Ombudsman⁸¹ claimed that in the last 20 years, \$48 billion was drained due to corruption.

81. A government body that investigates and prosecutes public officials suspected of committing corruption

1.2. *Economic Development Policies*

The Arroyo Administration formulated two development plans: the Medium-Term Philippine Development Plan (MTPDP) 2001-2004 and MTPDP 2004-2010 aimed at "fighting poverty by building prosperity for the greatest number of Filipinos." Despite the fact that the gross domestic product (GDP) grew from 4.7% in 2003 to 7.2% in 2007, the level of poverty has remained high and the absolute number of poor and food-poor families has grown substantially.

In 2000, 33% of the population (25.47 million individuals) suffered from poverty. Although this figure dropped to 30%, it increased again to 32.9% (27.61 million) in 2006. The number of food-poor individuals was 12.2 million in 2000. It decreased to 10.8 million after 3 years, but increased again to 12.22 million in 2006.

1.3. *Access to Resources and Assets*

The country's resources (land, water, public land, capital) continue to be owned and/or controlled by a small number of families. Without productive resources like land, coupled with a lack of jobs, millions of rural families find it extremely difficult to earn a decent income to buy essential commodities.

Land Distribution

In 1988 the Philippine Government enacted the Comprehensive Agrarian Reform Law, but failed to immediately distribute land owned by the economically powerful and politically connected families. About 1.203 million hectares of mostly private agricultural land are still to be distributed. The Philippine Government has also allowed many big landowners to escape the agrarian reform law by either allowing them to convert their lands for other uses or by making their land exempt from the scheme. Many politicians and businessmen have control over public land and are using it for logging concessions or for cattle ranching and thus depriving upland farmers and indigenous people access to land.

In addition, the Government has failed to extend or provide additional budget for the Comprehensive Agrarian Reform Law, which expired on 10 June 2008. Members of the Agrarian Reform Committee of House of Representatives, who are also big landowners, have said that they would extend the law but are not keen on providing funds for the Land Acquisition and Distribution component. This would mean that more than a million private lands will not be covered under the agrarian reform programme nor be distributed to landless peasants.

Access to Employment

Lack of access to jobs, especially in rural areas, has left millions of Filipinos without the means to purchase basic food items. According to the National Statistics Office website, the unemployment rate is 6.3% (about 2.2 million), while the underemployment rate is 18.1% or 6.1 million people, most of whom are in agriculture.

Unemployment and underemployment have been worsened by the implementation of new trade liberalisation policies since the country became a member of the World Trade Organisation in 1995. More than 80,000 workers lost their jobs because of new imports, and policies that would see the creation of jobs, such as a genuine industrialisation programme, are not implemented by the Government because they would either violate WTO regulations or foreign companies would object.

Access to Municipal Waters

One of the poorest sectors of the population is the fisherfolk. 43.6% of the 1.009 million fisherfolk live below the poverty line. One of the major problems for them is that despite the Fisheries Code of 1998 which states that municipal waters (15 kilometers from the shoreline) should be used primarily by municipal fisherfolk, commercial trawlers continue to enter them because the water has not been delineated, thereby depriving small fisherfolk of their means of subsistence.

1.4. Nutrition

In 2005, the Food and Nutrition Research Institute (FNRI), a government agency, conducted a nationwide survey on the nutrition of Filipino children. The results showed that there were 3.7 million children between 0-5 years old who were underweight, 3.9 million under height for age and 717,643 who were thin. Furthermore, a report by UNICEF showed that the Philippines' Average Annual Reduction Rate (AARR) in eliminating malnutrition is relatively low, lower even than Burma. While the AARR of Vietnam was 3.5%, Indonesia, 2.7% and Burma 1.2%, the Philippines' rate was 0.9%.

1.5. National Financial Resources

The Philippine Government is in breach of Article 2 of the ICESCR, which requires each State Party to progressively realise the economic, social and cultural rights of the people "to the maximum of its available resources." According to Professor Leonor Briones,⁸² spending on social and economic services between 1999-2006 continuously decreased, while spending on interest payments on debts significantly increased and defense spending stayed the same. From 33.8% in 1999, the percentage spent on social services went down to 27.9% in 2006.

In 1997, the Agriculture and Fisheries Modernisation Act was passed to modernise Philippine agriculture, spur on rural development and provide safety nets for local farmers. The law stipulated that PHP20⁸³ billion was to be spent on agriculture in the 1st year and PHP17 billion in the next 6 years on top of the regular budget given to the Department of Agriculture. From 2000-2007, the Government only spent PHP14.6 billion on average.

1.6. Safety Nets

The Philippine Government implemented food safety net programmes, including the Food for Work and Food for School programmes.

Under the Food for Work programme, 50,000 families were to receive food coupons worth PHP1,200 (about 25USD) for 6 months that could be exchanged for basic food items. The Department of Social Welfare and Development (DSWD) had budgeted PHP360 million for the programme's implementation for 6 months. However, it only lasted for a month because the funds ran out after the DSWD had spent PHP60 million.

82. Leonor Briones was the National Treasurer during the term of President Estrada.

83. 1 USD = 47 Philippines Pesos (exchange rate of September 4, 2008)

Under the Food for School programme, “undernourished elementary school children in grades 1 and 2 shall be provided with one kilo of rice per child per day of attendance and shall also be provided with health services.” For the 2005-2006 school year, a total of 1,604 schools were chosen and the total number of pupils who benefited was 111,246. Although the scheme was relatively successful, there were problems with areas with lower poverty levels receiving more help than areas with higher poverty levels.

2. Conclusions

FIAN-Philippines strongly believes that the Philippine Government has failed to meet its obligations to respect, protect and fulfil the “fundamental right of everyone to be free from hunger” and the “right to adequate food.”

This is because:

- Indigenous people’s right to access their ancestral lands is being violated by the aggressive promotion of mining and logging firms;
- Jobs are being lost due to the Government’s import liberalisation policies;
- Landowners have not been stopped from harassing and killing peasants;
- Large private agricultural estates remain in the hands of their owners and public lands are controlled by a few politicians and businessmen;
- Municipal waters have not been delineated for the fisherfolk;
- Public funds are used primarily to service the payments of foreign debts and for the military, leaving a very small amount for social and economic services and;
- Nothing has been done by the Government to pursue genuine industrialisation

FIAN-Philippines made suggestions and recommendations to the Government regarding the implementation of the right to adequate food in the Philippines. Some important recommendations are:

- The Land Acquisition and Distribution component of the Comprehensive Agrarian Reform Programme should be extended and funded;
- Municipal waters should be delineated to protect the livelihoods of the fisherfolk;
- Ancestral lands belonging to indigenous peoples should be respected and protected from abusive mining and logging firms;
- An industrialisation programme should be implemented to create new jobs for the millions of unemployed as well as food safety net programmes;
- Public funds should be invested in agriculture and the fishing industry;
- Access to primary education, basic health care, clean drinking water and adequate sanitation should be provided for the poor;
- Fair prices should be ensured for rice farmers and other small-holder farmers’ products and;
- The needs of the people should be the focus, instead of promoting agrofuels and other cash crops.

For the complete list of recommendations to the Philippine Government, please see the full report on the CD.

Civil Society Report on the Realisation of the Human Right to Food

Americas

Background

The Civil Society Report on the Realisation of the Human Right to Food in Bolivia was produced by the Bolivian Civil Society Organisation *Asociación de Instituciones de Promoción y Educación (AIPE)*⁸⁴, by *FIAN International and Welthungerhilfe* (Germany).⁸⁵ The starting point of the report was a seminar in May 2007 on “Monitoring Instruments for Public Policies Regarding the Human Right to Food” in which *FIAN, Welthungerhilfe, AIPE*, representatives of the Bolivian State and NGOs participated. The report was then presented at an expert meeting about “New Monitoring Instruments for Economic, Social and Cultural Rights – with special focus on the achievements regarding the human right to food,” which took place at the office of the High Commissioner for Human Rights in Geneva in November 2007.

Methodologically, the report on Bolivia is based on the Voluntary Guidelines of the FAO, which were adopted by the FAO member states in 2004. Bolivia is amongst these member states and is also a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The adherence to each guideline was checked with a special list of questions produced by *FIAN*.

After the first draft of the report was written, three panels of state representatives, NGOs and CSOs were organised, providing a platform for the presentation and discussion of related topics to the guidelines on the human right to food. The topics covered at the panels were as follows:

- 1) Panel I: Adequacy of Food, Nutrition and Food Security
- 2) Panel II: Land and Water
- 3) Panel III: Fulfilment of the Human Rights

The results of these panels have been incorporated into this report. The final draft was presented and once again discussed with CSOs at a special national workshop.

Guideline No. 1: Democracy, Good Governance, Human Rights and the Rule of Law

In rural Andean communities, in indigenous populations in flat land areas and in the parts of the Chaco where the guaraní people live, the principle of the rule of law does not exist. In these areas so-called common justice (justicia comunitaria) exists. State institutions and laws guaranteeing human rights and the human right to food are efficient in all urban and rural areas where the state is present. In general, the Bolivian population as well as state representatives are lacking sufficient knowledge about human rights, especially about the human right to food.

The new constitutional law project excludes certain parts of the Bolivian society and is therefore not considered to be consensual nor democratic. This could lead to violence and further polarisa-

tion of the Bolivian population and because of this both Bolivian society and the human right to food are in danger.

Guideline No. 2: Economic Development Policies

Economic development strategies from the last constitutional period in Bolivia do not include the progressive realisation of the right to food. With the so-called National Dialogue (Diálogo Nacional), and in consultation with interested stakeholders, the Bolivian State has introduced different evaluation processes to concretise the social and economic situation of the country. The National Dialogue 2005 was limited to the analysis of the possibilities for productive upgrading at local and regional level. An evaluation process for the reasons for food insecurity or the situation of nutrition and food security does not exist.

84. AIPE is a Bolivian network made up of 27 different NGOs and private institutes for social development. For further information, please see: <http://www.aipe.org.bo/>

85. Welthungerhilfe is a private, non-profit, politically independent and non-denominational relief organisation which works under a voluntary Board of Directors and the patronage of the German President. Please see: <http://www.welthungerhilfe.de/>

As a result of the last development plan, which included social transfer measures, the situation for vulnerable groups has improved. However, the prevalence of chronic malnourishment among children under the age of three did not improve significantly between 1998 and 2003.

Guideline No. 3: Strategies

The National Development Plan (Plan Nacional de Desarrollo) 2006–2011 does not define a concrete strategy for the realisation of the human right to food. The plan's programmes take priority in political discussion but are not included in the budget plans of the Bolivian State. Although the state's representatives, the media and the civil society do not know about the human right to food, a special project on the human right to food was developed.

Guideline No. 4: Market Systems

Since the agrarian reform in 1953, small landowners cultivating food have sold their products at food markets on the street or at the official markets. Bolivia does not have any laws to improve the functioning of the food market systems. More than 70% of the supply is introduced by bootlegging and many families gain their living from bootlegging activities. The State is not able to create formal employment.

Guideline No. 5: Institutions

Due to the lack of an explicit policy towards the progressive realisation of the human right to food, state institutions' actions (which are in charge of the implementation of plans, programmes and projects) are not necessarily contributing to the further realisation of the human right to food.

Guideline No. 6: Stakeholders

Due to the history of the country, the Bolivian State (especially the executive power) tends to design policies and laws using a top-down approach. Many policies and laws have even been implemented by oppression. The Bolivian population is not educated sufficiently to be able to analyse and weigh-up the proposals of different parties during the electoral process.

Guideline No. 7: Legal Framework

The legal framework of Bolivia does not explicitly nor adequately address the human right to food.

Guideline No. 8: Access to Resources and Assets

Since the 1953 law on agrarian reform and the INRA law of 1996, access to land for peasants from the western parts and indigenous people from the eastern parts of the country has been facilitated. Although the law considers equal access to land

for men and women, in many cases women are still excluded due to traditional custom.

The decrease in governmental mining activities (which started in 1952) has led to an increase in private mining corporations founded by former mining workers. Since the end of 2007, Andean communities have started to take possession of small and medium sized mines, which has led to state agencies not complying with governmental law and has weakened the rule of law.

Guideline No. 8A: Labour

In the last few years, the policies of the Bolivian State have not led to the creation of formal and permanent labour with social protection measures. The labour created has not only been sparse, but even unprotected and with insufficient salaries.

Guideline No. 8B: Land

The absence of labour generating policies for the non-agricultural sector in rural areas has intensified the pressure on access to land, especially for peasants.

Guideline No 8C: Water

Bolivian law does not guarantee access to water for the population or protect water resources.

Guideline No 8E: Sustainability

Bolivia is currently developing policies to protect biodiversity. However, these instruments either seem to be quite weak or are still to be designed. Policies are limited to good intentions.

Guideline No. 8F: Services

The coverage of services is still low, especially in rural areas.

Guideline No. 9: Food Safety and Consumer Protection

The Bolivian policies and governmental instruments to guarantee food security and consumer protection are not efficient and the coverage is very limited. The population is not adequately informed about food security or about the existing regulations for consumer protection.

The use of pesticides is not regulated at all.

Guideline No. 10: Nutrition

Governmental agencies, policies and projects regarding nutrition exist. Nonetheless, the operational capacities of governmental agencies and budgets to implement these policies are limited. A general communication and promotion strategy is missing.

Guideline No. 11: Education and Awareness Raising

Regulations and budgets as well as existing programmes and projects aimed at providing education in human rights are insufficient. This problem is even worse regarding the human right to food. Programmes for vulnerable groups do not exist and there is not even a definition of what a vulnerable group is.

Guideline No. 12: National Financial Resources

National, regional and local budget regulations do not assign a certain percentage of financial resources to the fight against hunger or to food security. The Bolivian State does not have any policies, regulations, or budget for food aid for vulnerable groups.

Guideline No. 13: Support for Vulnerable Groups

Neither specific laws nor statistical information about vulnerable groups in Bolivia exist. Complaint mechanisms are insufficient and not known about by the population.

Guideline No. 14: Safety Nets

There are no safety nets in Bolivia to protect the people who can not earn their own living.

Guideline No. 15: International Food Aid

Regulation that define criteria for food aid are lacking. There are no control mechanisms for the distribution of food aid recourses.

Guideline No. 16: Natural and Human-Made Disasters

Food has been used as an instrument of political pressure. People affected by natural disasters in Beni and Santa Cruz (between 2006 and 2007) have denounced the Bolivian Government for discriminating against affected people in areas where the governmental party did not win the last election.

Reconstruction processes do not appear as development measures in statistics and yet even in declared risk zones reconstruction measures are undertaken.

The Bolivian population is not trained in disaster management.

Guideline No. 17: Monitoring, Indicators and Benchmarks

Information systems are lacking specific information about the right to food. Basic information that could be used for the creation of monitoring indicators regarding the realisation of the right to food is not transformed into instrumental knowledge for the use in the design of public policies. The information does not serve as a basis for decision-making.

Guideline No. 18: National Human Rights Institutions

Officially, there are three human rights organisations at the national level (Defensor del Pueblo, Consejero Institucional de Derechos Humanos y La Comisión Interinstitucional de Derechos Humanos). Unfortunately, however, the latter two organisations are almost completely ineffective. Defensor del Pueblo has the capacity to work on promoting the human right to food, especially in the areas of education and investigation. It also has the capacity to investigate the impacts of public policies on the human right to food. Despite these capacities, Defensor del Pueblo has not had an impact on the promotion of the human right to food in Bolivia and although it is qualified to address violations of the human right to food, it is not doing so. Because of this people are choosing to use public demonstrations and other political ways to advocate their rights.

Brazil

Fact-Finding Mission Report on the Impacts of the Agrofuel Expansion on the Enjoyment of Social Rights of Rural Workers, Indigenous Peoples and Peasants

Background

The Brazilian Government has stood out internationally for advocating the use of agrofuels, presenting them as one of the solutions to the energy crisis as well as a potential answer to the Earth's climate problems and as a way of dealing with the issue of hunger in Brazil and other poor countries. The fight against hunger was supposed to be the number one priority for President Lula da Silva's Administration, which intended to implement structural reforms, in particular agrarian reforms and the strengthening of peasant family agriculture, to achieve this goal. Brazilian government officials consider the massive production of agro-energy an "instrument to fight poverty". The Brazilian Government has insisted that the intensive use of land, and agricultural products for fuel production does not affect food production in Brazil, nor lead to higher food prices, and that it does not present any risk to the right to food or to food security, or any environmental threat.

However, civil society organisations in Brazil have highlighted the negative consequences of the policies promoting agrofuels on the realisation of the human rights to food, work, health and the environment, particularly with regard to peasant communities, traditional peoples and rural workers. The accelerated expansion of agricultural crops for fuel production, encouraged by public policies and resources, has contributed to the worsening of land concentration, the displacement of food production, the excessive exploitation of workers, the destruction of forests, land fertility loss, the drying out of springs and rivers, environmental contamination, as well as undermining and distorting policies designed to guarantee human rights, such as agrarian reform policies, the demarcation of lands for indigenous peoples and support for peasant agriculture.

The Mission

At the request of organisations from the Brazilian civil society, *FIAN International*, *MISEREOR*⁸⁶, *EED*⁸⁷, *Brot für die Welt*⁸⁸, *ICCO*⁸⁹ & *Kerkinactie*⁹⁰, *HEKS*⁹¹ and *FIAN Holland*, with the participation of delegates from the small-scale farmers network of West Africa (*ROPPA*⁹²), the Colombian human rights organisation *Corporación Colectivo de Abogados "José Alvear Restrepo"*⁹³ and independent experts, conducted a fact-finding mission in Brazil from 3-10 April 2008, to investigate from the human rights perspective (in particular the rights to food, work and the environment), the current impacts of Brazilian governmental policies and programmes related to the production of agrofuels.

Its main purposes were the following:

1. To conduct an on-site check of the impacts of the massive territorial expansion of monocropping for the production of agro-energy in three different regions in Brazil, considering the local availability of food, availability of land for agrarian reform, conflicts over land, labour conditions and environmental impacts.
2. To document the key role of the Brazilian State (legal framework, financial support in the form of public funding, support infrastructure, multilateral negotiations and, in particular, political support for the agribusiness) in promoting agrofuels, both domestically and internationally, and to assess this role from the perspective of human rights obligations assumed by the Brazilian State.

86. MISEREOR is the German Catholic Bishops' Organisation for Development Cooperation. For further information, please see: <http://www.misereor.org/en/about-us.html>

87. The Church Development Service (Evangelischer Entwicklungsdienst - EED) is an organisation of the Protestant churches in Germany. For further information, please see: <http://www.eed.de/en/en.eed/en.eed.eed/index.html>

88. Brot für die Welt is a programme of help instigated by the Protestant churches in Germany. For further information, please see: <http://www.brot-fuer-die-welt.de/english/index.php>.

89. ICCO is the Dutch interchurch organisation for development cooperation. For further information, please see: <http://www.icco.nl/delivery/icco/en/index.phtml?p=start.en>

90. Kerk in Actie is the programme for missionary and diaconal work of the Protestant church in the Netherlands. For further information, please see: <http://www.kerkinactie.org/>

91. HEKS/EPER - Swiss Interchurch Aid is the aid agency of the Swiss Protestant churches and a part of the international ecumenical network for development, human rights and emergency aid. Please see: <http://www.heks.ch>

92. ROPPA is the network of peasant organisations and producers in West Africa. For further information, please see: <http://www.roppa.info/spip.php?rubrique37&lang=en>

93. For further information, please see: <http://www.colectivodeabogados.org/>

The members of the mission visited three different areas with different examination focuses:

3. São Paulo: An examination of the effects of the mass production and expansion of sugar cane plantations for ethanol production on working conditions and the environment.
4. Mato Grosso do Sul state, city of Dourados: The impacts of the unchecked expansion of sugar cane production on the Guarani Kaiowá indigenous people, particularly the way it affects their right to food, land and the environment. The labour conditions for indigenous workers in the sugar cane cutting industry were also checked.
5. State of Piauí, town of Canto do Buriti: The impacts of the biodiesel production project at Santa Clara farm, involving small-scale producers.

Main Problems Found by the Mission

1. Degrading Working Conditions for Sugar Cane Cutters

- The working conditions reported to the mission are, generally speaking, degrading and therefore not compatible with human dignity. Under the current conditions, working in sugar cane cutting compromises the physical integrity of workers and, for this reason, cannot be considered decent work. The Brazilian State is not complying with its obligation to protect sugar cane workers from the appalling working conditions imposed by the sugar-alcohol industry.
- The spurious and illegal practice of outsourcing the contracting of workers increases their vulnerability, leading to the emergence of several cases of slave and child labour in the sugar-alcohol industry.⁹⁴
- Regarding social policies, there is a situation of insecurity and disregard of workers facing the growing unemployment caused by mechanised sugar cane harvesting. The Brazilian State has not guaranteed proper social services to sugar cane cutters.

94. In 2007, the sugar-alcohol industry had the largest number of workers freed from slave labor conditions by law enforcement teams of the Brazilian State; among them were several indigenous rural workers in Mato Grosso do Sul state.

2. Poor Housing and Dietary Conditions

Sugar cane cutters are subjected to very poor lodging and dietary conditions, which seriously affect their rights to adequate food and housing. The degrading housing conditions, the excessively long work days and the fact that migrant workers live isolated from their families and communities are all factors that prevent workers from eating properly.

3. Destructive Effects on the Environment

Extensive sugar cane monocropping has harmful environmental effects, like loss of biodiversity (due to the use of pesticides), intensive water use for sugar cane irrigation, contamination of water reserves/land (due to the use of vinasse for irrigation purposes) and pollution of the atmosphere (due to sugar cane burning).

4. Public Policies Biased Towards the Promotion of Industrial Monocropping

The policies designed to encourage agrofuel production are limited and distorted by the agricultural model they are part of. Energy production from agricultural products is based on a raw material monocropping production model that concentrates land and production, with major social and environmental impacts. The accelerated expansion of agrofuel production worsens the most harmful elements of this model. There are situations of land concentration, increases in land prices, uncontrolled purchasing of land by foreigners and non-enforcement of land-use planning rules. All of these have contributed to minimising the significance of the agrarian reform programme and have pushed agrarian reform and peasant family agriculture settlements to replace food crops for sugar cane plantations. A further contributor to this process is the lack of regulation of the sugar-alcohol industry, which has allowed the concentration, verticalisation and denationalisation of this industry. Additionally, the expansion process of sugar cane plantations has postponed the demarcation of indigenous lands in the state of Mato Grosso do Sul, further worsening the violations of the right to land and food of indigenous peoples, particularly the Guarani Kaiowá. In the state of Mato Grosso, where there has been a large expansion of sugar cane production, there was a 99% increase in murders of members of indigenous communities in 2007.

5. Impacts on the Cerrado and Amazon Region

The protection of the right to food and the environment of traditional communities in the Cerrado and the Amazon region is not sufficient and is threatened by the expansion of sugar cane (and soybean) production and by the displacement of cattle and soybean production. Studies have shown serious threats to the rights of traditional communities to the environment and, as a consequence, to their right to food, showing gaps and distortions in the actions by the

95. 41% of the violence cases in rural areas in 2007 affected traditional communities that live, to a large extent, in the Amazon regions

Government to protect the rights of the traditional communities in these regions. Data provided by the Land Pastoral Commission (CPT) have shown an alarming increase in the use of private violence against workers, especially in the agricultural frontier expansion regions.⁹⁵ This means that the State is failing to comply with its obligation to protect traditional communities and their access to the land and natural resources. Additionally, the destruction of the environment and biodiversity through the deforestation of the Amazon Rainforest has intensified again since mid-2007, in spite of the measures adopted by the Government to curb it. Finally, the governmental policy for the expansion of sugar cane and soybean production in the Cerrado represents a serious risk to this important biome and to its biodiversity. This situation is made worse by the lack of a surveillance system, such as the one in place in the Amazon region.

6. Displacement of Food Crops and Animal Production, Increasing Food Prices and Food Vulnerability

- Sugar cane plantations have displaced and replaced food crops and animal production, leading to a reduction in food production in the regions affected.⁹⁶
- In this context, there is strong pressure on food prices, particularly on the prices of staples. The price of beans, for example, increased 160% in 12 months. Rice prices skyrocketed too, making the Government stop exports of government stocks to guarantee domestic supply.

96. The Agricultural Geography Professor at São Paulo University (USP), Ariovaldo Umbelino de Oliveira is emphatic: "IBGE (Brazilian Geography and Statistics Institute) data between 1990 and 2006 show a reduction in food production caused by the expansion of sugar cane acreage, which during this period increased by over 2.7 million hectares. Taking the cities where there was an expansion of more than 500 hectares of sugar cane during this period, we find that there was a reduction of 261 thousand hectares planted with beans in the area and 340 thousand hectares planted with rice crop in the area. This reduced area could have produced 400 thousand tons of beans, i.e., 12% of the national production and 1 million tons of rice, or 9% of total Brazilian production. Additionally, in these cities there was a reduction in production of milk by 460 million litres and over 4.6 million cattle."

7. Impacts of Biodiesel Production

- Although the biodiesel production programme takes social-environmental elements into account, it has the privileged use of soybean as a raw material, which only benefits the soybean multinational corporations and not the peasant family farmers. Studies have proven how public policies have favoured soybean production and agribusiness, while causing the stagnation or decrease in the production of staples for human consumption, generating food insecurity and violating the human right to adequate food.
- The significant increase in the use of soybean oil for biodiesel production may also present a risk to Brazilian domestic market supply.⁹⁷
- In the biodiesel production project visited by the mission, small-scale producers suffer food vulnerability because the income generated is not high enough. Small-scale producers also face insecurity of land tenure, intimidation against free organisation and high dependence on the company buying the castor bean production.
- The mission considers that the insistence on biodiesel production mainly from soybean oil is in contradiction with the social inclusion components of the programme, as well as representing a reckless move in the face of the current world climate of scarce food and agricultural inputs, which represents an additional threat to the right to food.

97. Soybean oil prices have rapidly increased on the international market (in 2001, it cost US\$ 306.00/ton; in March 2008, it reached US\$ 1,343.00) as well as on the domestic market (56% in the past 12 months).

Conclusions

The Brazilian State has ratified a number of human rights treaties, having assumed the obligation to implement them before the international community. Domestically, progress has been made by the inclusion of these standards into national regulations. Additionally, in the design of some public policies, there is a significant effort to guarantee social human rights. Also worth mentioning is the fact that some sectors of the Brazilian State are truly committed to the actual implementation of these rights. The mission also found, however, that there are major gaps in regulation and, particularly, in the implementation of standards. Furthermore, the mission discovered that influential sectors connected to the agribusiness, whose interests have been threatened, have tried to create legal and political barriers against the application of human rights in the country.

Considering the reports that have been gathered, which were compared with and corroborated by a number of studies from different sources and interviews with scholars and experts specialised in the subject, as well as with government officials, the mission concluded that systematic and multiple violations of the human rights of workers, indigenous peoples and peasant family producers had been committed and that these violations were either directly or indirectly connected to public policies encouraging the production of agrofuels.

For the recommendations to the different levels of the Brazilian State from the mission, please see the full report on the CD.

Report on the Right to Food: Situation, Context and Gaps

Americas

Background

Although it was widely known that the realisation of the right to food was insufficient in many member states of the International Covenant on Economic, Social and Cultural Rights (ICESCR), for a long time a monitoring instrument to measure the compliance or non-compliance of states regarding the right to food was missing. An important step to overcome this gap was taken in November 2004, when the FAO Council approved the Voluntary Guidelines on the Right to Food. Since then a total of 19 guidelines have provided practical guidance to states in their implementation of the progressive realisation of the right to adequate food within the context of national food security.⁹⁸

Based on the Voluntary Guidelines of the FAO, *FIAN International* and *Welthungerhilfe*⁹⁹ (Germany), have created a special monitoring tool,¹⁰⁰ the so-called “Screen State Action Against Hunger - how to use the Voluntary Guidelines on the Right to Food to monitor public policies,”¹⁰¹ which allows social movements and civil society organisations to monitor states’ actions regarding advances, stagnations or retrogressions in the realisation of the right to food. It is based on the concept of monitoring the performance of states in regard to human rights and presents quantitative as well as qualitative indicators enabling civil society groups at the local level to produce a national report that covers all aspects of the right to food.

Colombia was amongst the first countries¹⁰² to have this methodology tested and a national report produced. The main proponent of the test in Colombia was the *Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo*,¹⁰³ through its national campaign for the right to food (*Campaña Nacional por el Derecho a la Alimentación*).

The report on Colombia contains 12 chapters. Chapters 1 and 2 give a brief introduction to the elaboration process of the Voluntary Guidelines of the FAO, focussing on their importance for monitoring the right to food. The remaining 10 chapters analyse the compliance or non-compliance of the Colombian State regarding 11 of the 19 guidelines. Throughout these 10 chapters, the realisation of the following guidelines in Colombia is checked:

Guideline No. 1: Democracy, Good Governance, Human Rights and the Rule of Law

Guideline No. 3: Strategies

Guideline No. 4: Market Systems

Guideline No. 7: Legal Framework¹⁰⁴

Guideline No. 8: Access to Resources and Assets

Guideline No. 9: Food Safety and Consumer Protection

Guideline No. 10: Nutrition

Guideline No. 11: Education and Awareness Raising

Guideline No. 13: Support for Vulnerable Groups

Guideline No. 16: Natural and Human-Made Disasters

Guideline No. 17: Monitoring, Indicators and Benchmarks

98. For further information, please see: <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

99. Welthungerhilfe is a private, non-profit, politically independent and non-denominational relief organisation which works under a voluntary Board of Directors and the patronage of the German President. Please see: <http://www.welthungerhilfe.de/>

100. This monitoring tool for Colombia was developed during a special workshop session in Bogotá (November 2007) in which FIAN International, Welthungerhilfe and different political partners participated.

101. Please consult the CD or go to www.fian.org for this publication.

102. Other countries are: Uganda, Bolivia and Guatemala.

103. Please see: <http://www.plataforma-colombiana.org/drupal/>

104. Guideline No. 7 was checked throughout the whole report and not discussed in a separate chapter like the others.

Guideline No. 1: Democracy, Good Governance, Human Rights and the Rule of Law

The actual social, political and economic situation in Colombia is not in line with the prerequisites of democracy, good governance, human rights and the rule of law. The right to food is one of the most violated human rights in Colombia.

Guideline No. 3: Strategies

Public policies in Colombia lack a coherent strategy in order to comply with the obligations regarding the right to food. The Colombian State's actions have been limited to programmes that are characterised by insufficiency, limited coverage, little protection of certain vulnerable groups and the incapacity to create participation and interest from the beneficial groups.

Guideline No. 4: Market Systems

Contrary to the mandate of Guideline No.4, the Colombian State currently limits the food produced for national consumption. This policy discriminates against small-scale farmers and promotes the agro-industrial sector as well as the export economy. Among the factors that lead to disadvantages for small-scale farmers, the following can be mentioned: disproportionately high prerequisites for granting credits to peasants, and the disrespect of community rights, land and goods of peasants, etc.

Guideline No. 8: Access to Resources and Assets

The access to land for the agrarian population is currently constrained by a counter agrarian reform. The interests of the agrarian population are violated by this policy, which is characterised by the expropriation of estates, amongst other things. This process will definitely lead to further concentration of land into the hands of the few. Even land that was initially designated to displaced people has been assigned to agro-industrial companies.

Furthermore, the Colombian State is not complying with its regulation to protect natural resources. The current Government is implementing various measures that permit natural resources to be granted to private actors, and even genetically modified organisms to be introduced to the environment, accepting ecological risks, loss of biodiversity and further subjection of peasants' interests to multinational companies.

Guideline No. 9: Food Safety and Consumer Protection

The implementation of the existing laws for consumer protection is deficient and open to the import and consumption of genetically modified food. In contrary to its mandate, the National Institute of Food and Medicines Control (in charge of consumer protection regarding food) even limits the productive and economic activities of certain groups of the population (e.g. indigenous people), which violates their right to food sovereignty.

Guideline No. 10: Nutrition

In general, access to information about the nutritional situation and food situation in Colombia is very limited.

The Colombian State has failed to react to the increasing number of households facing food insecurity, the high numbers of malnourished people, especially infants, and the constantly rising levels of hunger in the country. Public policies meant to fight these problems are nothing more than mere token gestures

The State of Colombia has also lost the ability to promote the consumption of healthy food and to control the media and advertising for fast food products.

Regarding the right to food, the Colombian State has not been able to advance in the creation of minimum indicators like the ones established in MDG No. 1.

Guideline No. 11: Education and Awareness Raising

A coherent state policy with regard to formulating, promoting and raising awareness of economic, social and cultural human rights is missing, especially the human right to food. This hinders civil society from becoming aware of these rights and makes the incorporation of these rights into the government agencies responsible for their implementation and protection very difficult.

Guideline No. 13: Support for Vulnerable Groups

Apart from the constitutional mandate to protect persons in “identifiably weak circumstances”, there are no public policies in Colombia that protect and ensure the human right to food for vulnerable groups. Existing programmes are reduced to food aid for undernourished children and to a lesser degree for mothers and adults.

There are no special programmes or government actions aimed at other vulnerable groups (e.g. indigenous people, people in prison etc.) regarding their realisation of the right to food. Displaced people have even been disregarded by the State, which has been criticised by the Colombian Supreme Court.

An information system about the nutritional situation and food situation of vulnerable people does not exist. This has definitely reinforced the apathy of the Colombian State regarding support for vulnerable groups.

Guideline No. 16: Natural and Human-Made Disasters

The Colombian State has improved its organisational capacity and capacity to react in situations of natural and human-made disasters. The measures include preventive measures, risk adaptation at local and regional level as well as certain food aid assistance. Unfortunately, in all cases of state-caused emergencies, adequate action plans are missing.

Guideline No. 17: Monitoring, Indicators and Benchmarks

The Colombian State does not have any targets, indicators or special surveillance systems regarding the realisation of the right to food. In addition to the non-existence of coherent public policies regarding the right to food, the absence of monitoring and indicators once again demonstrates the lack of political will with regard to the realisation of the right to food, which the Colombian people are entitled to.

Haiti

The Human Right to Food

By *Carole Samdup*¹⁰⁵

¹⁰⁵ Carole Samdup is a Senior Advisor for Economic and Social Rights at the Canadian organisation Rights & Democracy.

In a world that produces more than enough food to feed itself, no one should be hungry. And yet more than 850 million people suffer from hunger every day. Despite recent and much-publicised increases in the cost of food, price hikes have only worsened a long-standing problem that political leaders seem unprepared or unwilling to confront.

Take Haiti as an example. As the poorest country in the western hemisphere, it is classified as a “least-developed country” by the United Nations, ranking 146th out of 177 countries rated. A third of the population suffers from chronic hunger and one in 12 Haitian children dies of nutrition-related disease before the age of five. Once self-sufficient in food production, Haiti now relies on imports or foreign aid for more than half the food it needs. In May 2008, Rights & Democracy led an international mission to Haiti to better understand the conditions that brought this lush, tropical island to the edge of a humanitarian crisis.

In Cotes de fer, on the southern coast of the country, members of the mission met with a small fishing community, once prosperous and able to provide sufficient food for all its members. Now it struggles to compete with industrial fishing and depleting stocks. Without electricity for refrigeration or a suitable road system to bring the daily catch to urban markets, the community is no longer vibrant and young people are leaving the area in search of new opportunities in urban centres.

Farmers are also finding it more and more difficult to produce enough food to feed their families. Climate change, loss of soil fertility and an increase in plant viruses and animal disease have all conspired to undermine their ability to produce sufficient food. The Government, they said, has completely withdrawn from the rural sector. It has eliminated capacity-building services for agriculture, failed to invest in irrigation and no longer provides access to credit for small-holder farmers. As the mission continued, the story repeated itself from community to community.

In Haiti’s capital city of Port-au-Prince, where markets overflow with produce, the mission observed violations of the right to food. Our meetings in the sprawling suburban communities of Jalousie, Cité de Dieu, Cité L’Éternel and Descayette, revealed that many families are unable to eat even once a day. Most have migrated from rural areas in search of jobs that will provide enough cash to buy food. However, there are few if any such jobs. The Government does not have adequate employment programmes, nor does it enforce the minimum wage (approximately \$2 per day) for work in the informal sector where most jobs are found.

Poverty forces difficult choices and there are no social safety nets in Haiti to protect those who are most vulnerable. Families are placed in the inconceivable position of having to choose between healthcare, education and food. A visit to a child nutrition centre in Aquin provided a snapshot of the result. Children were brought in by mothers who had received no healthcare services during pregnancy, who had little or no education and who knew nothing about the basic principles of nutrition. According to the Catholic nuns who manage the centre, the number of Haitians suffering from hunger has increased during the past two years and most significantly in the past six months. The centre has been forced to make the difficult decision not to accept the most advanced cases of malnutrition because its limited resources must be targeted towards those with a chance of survival.

Failure to Recognise Hunger as a Violation of Human Rights

In a country such as Haiti, where the majority of people live in rural areas and rely on agriculture for livelihood and sustenance, one might imagine that both the Haitian Government and its international partners would emphasise policies and programmes to eliminate the causes of hunger. Unfortunately, as our interviews with the Haitian Government and with international donors quickly revealed, this is not the case. While the recent “food riots” in April have at least put the issue on the front pages, officials could not offer one example of a strategy designed to resolve the long term, structural causes of the hunger crisis. Meanwhile, short term responses such as increased food aid and price subsidies addressed only the symptoms of the problem.

Similarly, the programmes of international donors have prioritised political stability and governance and have not given sufficient attention to the economic and social causes of instability in Haiti. The mission observed poor coordination among donors and a failure to recognise human rights as a useful approach for harmonising their programmes. Lack of coordination also resulted in multiple programme assessment demands placed on the Government and a kind of flag-waving approach to individual projects. For example, efforts by the Ministry of Agriculture to develop a national food security policy were dismissed by some donors apparently because it was not an initiative they had funded.

Such challenges are not unique to Haiti. Rights & Democracy conducted other similar assessment missions to Malawi in 2006 and Nepal in 2007. Like Haiti, both Malawi and Nepal had recently negotiated new Poverty Relief Strategy Papers (PRSP) with international and regional financial institutions in order to chart a new economic course towards development. And in all three examples the PRSP, in effect, trumps other state commitments, promotes commercialisation of agriculture, gives little attention to rural development and even less to human rights including the right to food. One donor country representative in Malawi explained this lack of attention to human rights as follows “Rights-based approaches imply long term reforms and attention to equitable access. We are engaged in short term solutions.” Others have alluded to pressure from development banks to refrain from specific human rights approaches such as the targeting of support to those most in need. In Nepal, a representative of the Asian Development Bank told the mission that such targeting is seen as market distorting and therefore not acceptable.

Looking Ahead

The human rights framework emphasises the responsibilities of the state. In this sense, international cooperation should not support or promote policies that constrain the ability of any state to legislate in the public interest. The international community must move beyond food aid as its primary response to hunger and support efforts by its partners in the developing world to address the long term structural causes of hunger. This could include, among other things, increased assistance to agricultural development especially for small-holder farmers as well as support for special trade rules that would allow poor countries to protect their borders when needed.

Without such commitments and an accelerated pace of related activities, millions of people around the world will continue to go hungry every day and countries such as Haiti will continue to face a struggle for their very survival.

Regional Report

Agrofuels and the Human Right to Food in Latin America – Reality and Threats

Background

The report was published in May 2008 as a joint effort by FIAN Brazil, the Brazilian Action for Nutrition and Human Rights (ABRANDH),¹⁰⁶ FIAN Ecuador, the Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo,¹⁰⁷ the Paraguayan Servicio Jurídico Integral para el Desarrollo Agrario (SEIJA), FIAN International¹⁰⁸ and the Transnational Institute.¹⁰⁹ It aims at providing information about the impacts, risks and violations of the right to food and other human rights related to the agrofuel expansion in Latin America. The case of Latin America clearly demonstrates that the challenges, questions and problems posed by agrofuels at the regional level are closely linked to the prevalent policies and development models.

The report is divided into six chapters. The first two chapters are more conceptual. Chapter one provides a review of the reasons given for the promotion of agrofuels as a solution to the global energy crisis and the protagonists who advocate this, while chapter two explains how to assess the impacts of the agrofuel boom on the human right to food and refers to the particular obligations of states (especially the fulfilment of the CESCR) regarding the realisation of the right to adequate food in the context of agrofuel promotion. The remaining four chapters contain country studies of four Latin American countries (Brazil, Paraguay, Colombia and Ecuador) that trace the processes of monoculture expansion for agrofuels in these countries and demonstrate the resulting problems and violations regarding the human right to food. This summary will only reproduce the main findings of these country studies and not refer to the conceptual part. For further information on the latter, please see the full report on the CD.

Brazil

The country report for Brazil illustrates the significance of agrofuels for the country¹¹⁰ and refers to various factors (territory, economic and political context, technology etc.) that have led to the rapid expansion of monocultures, especially soy and sugar cane, during the last few years. In this context, it pays special attention to the public policies of the Brazilian Government that have facilitated the promotion of agrofuel production and reveals that the private sector is the main catalyst. The expansion of agrofuels in Brazil is part of the prevalent economic monocropping production model which highly depends on market forces and is based on the further concentration of land. As a result, land prices for the cultivation of crops have increased, e.g. by 244% in Presidente Prudente (São Paulo) between the beginning of 2002 and August 2004. This process has contributed to the further concentration of land into the hands of national or international capital and it has minimised the significance of the agrarian reform programme and led to violence in rural areas and to land evictions. Between 1985 and 1996, 5.3 million people were displaced from their land. During the last decade many middle or small-sized rural properties died out and thus the basis guaranteeing the human right to food for many people was eliminated. Additionally, increasing food prices due to the growing rivalry for land and other production resources have made the realisation of the human right to food, especially for poor and vulnerable people, more and more difficult.

The case of Brazil also highlights the degrading working conditions for sugar cane cutters. Their salaries are extremely low, while the working days are very long and exhausting due to the climate conditions (very sunny and hot). Sometimes workers are obliged to buy food on the plantations where they are working, which means higher prices than the normal market prices. Women are often discriminated against and earn even less than men. The report exemplifies the labour situation of sugar cane cutters in São Paulo, the centre of the ethanol production in the country, and reveals the human rights violations that have occurred. It is important to note that the agribusiness

¹⁰⁶ The Brazilian Action for Nutrition and Human Rights (ABRANDH) is a civil society organisation of public interest established in June 2002 as the result of the consolidation of the Brazilian working group on the Human Right to Adequate Food. For further information, please see: <http://www.abrandh.org.br/index.php?arquivo=eng>

¹⁰⁷ Please see: <http://www.plataforma-colombiana.org/drupal/>

¹⁰⁸ FIAN is the international human rights organisation that advocates the realisation of the right to food. For further information, please see: <http://www.fian.org>

¹⁰⁹ The Transnational Institute (TNI) is an international network of activist-scholars committed to critical analyses of the global problems of today and tomorrow, with a view to providing intellectual support to those movements concerned to steer the world in a democratic, equitable and environmentally

¹¹⁰ Brazil is the world's second largest producer of ethanol after the United States. Also, biodiesel production is increasing rapidly and comprises around 10% of the total global production.

in Brazil in general, in addition to the degrading labour conditions, has never generated many employment opportunities. On agro-industrial sugar cane plantations, there are only 10 employees per 100 hectares of land, while family agriculture creates 35 jobs per 100 hectares.

Paraguay

As the economic model of Paraguay depends highly on the production and exportation of live-stock farming and agriculture, the Paraguayan case demonstrates how the accelerated expansion of agricultural crops for fuel production (mainly sugar cane and soy beans) has worsened land concentration and fostered agribusiness in the last few years. These processes have had major consequences for the rural population¹¹¹ and put the realisation of the human right to adequate food of small peasant farmers in danger. This is because their livelihoods mainly depend on family agriculture and access to land. Since 1999, the Paraguayan Government has actively fostered the promotion of agrofuels in the country due to the development of adequate laws, decrees and tax reductions; e.g. the mixture of ethanol and fuel has been authorised and regulated. In January 2008, the Paraguayan Government dictated that the mixture of bio diesel for vehicular use was obligatory, although the production of bio diesel has stagnated lately. The promotion of agrofuels in Paraguay has been externally welcomed as well. It is formally supported by Mercosur¹¹² and the Brazilian Government.

111. Paraguay ranks among the Latin American countries with the highest percentage of rural population. The rural population in Paraguay makes up 43% of the total population.

112. The Consejo Agropecuario del Sur (CAS), which is composed of the ministers of agriculture of Argentina, Brazil, Paraguay, Uruguay, Chile and Bolivia, supported the promotion of agrofuels in these countries during a meeting in Asunción in December 2008, as it is considered a great challenge for the South American Countries.

Up until now, the Paraguayan State has failed to support small agricultural producers who are the most affected by the expansion of agribusiness. Fixed prices for sugar cane without special protection for small-scale agriculture and to the benefit of the producing industries or powerful families and increasing pressure on land and food production are all factors that harm peasant farmers and indigenous people. In Paraguay 20,000 peasant farmer families owning land between one and ten hectares are completely dependent (regarding food, housing, health, clothes etc.) on the production of sugar cane and the majority have given up the additional production of food products for personal consumption. As the price for the production and transport of agrofuel crops is higher than the sale price, the earnings of small-scale farmers are below the statutory minimum wage guaranteed by the Paraguayan State. But even the statutory minimum wage is not enough to buy the items listed in the basic food basket. Many small-scale farmers are faced with hunger and poverty because they have concentrated on the unprofitable production of agrofuel crops and given up subsistence farming. Therefore, not only the realisation of the human right to food of small-scale farmers, but also of the whole population is seriously endangered by the recent concentration on the production of crops for agrofuels. For the Paraguayan State, the loss of food production implies the loss of food sovereignty and therefore of national sovereignty. Furthermore, the expansion of the agricultural sector has damaged huge parts of the small native forests and led to the desertification of fertile land, which could seriously endanger the maintenance of the Paraguayan ecosystems.

Colombia

The Colombian case highlights the complexity of the development of adequate policies that foster the promotion of agrofuels. In Colombia, these policies are mainly in line with the interests of the national elite, the different agro-industrial sectors and even organised crime. The case of Bajo Atrato in the pacific region of Colombia, shows how the cultivation of oil palms for the production of bio diesel has damaged the environment, violated the human right to life (due to forced evictions, disappearances, massacres, selected murders of communitarian leaders) and the human right to food of indigenous people and of people of African ancestry. The aim of these violent actions and expropriations is the establishment of an economic model that favours the interests of affluent players or even organised crime. Part of the strategy to achieve this aim was the imposition of the accelerated cultivation of oil palm, which together with sugar cane is the main product of agrofuel production in Colombia. In order to do this, paramilitary forces have committed homicides and even massacres, violently evicted communities from their land or imposed food embargos. The situation in Bajo Atrato has become so serious that the Inter-American Court of Human Rights has intervened. So far, the Colombian Government has not improved this situation nor revoked the expropriation of land and recourses nor undertaken any action to stop the violations of the human right to food of the communities living in this region.

Ecuador

The report on Ecuador traces the development of the legal framework to foster the production of agrofuels and refers to current and future challenges and problems in this sector. The agrofuel boom in Ecuador began in 2004 with the passing of decree 2332, which declared the production of agrofuels of national interest for the first time and created the Consultative Council for Agrofuels (Consejo Consultivo de Biocombustibles). In 2007, President Rafael Correa reformed this decree and created the National Council for Agrofuels (Consejo Nacional de Biocombustibles), which became responsible for the definition of all policies, programmes and plans related to agrofuels. Also in 2007, the National Congress of Ecuador passed a law which gave incentives to agricultural producers to cultivate agrofuels. This law also states that environmental studies are carried out before implementing projects related to agrofuels. However, the establishment of criteria to define the sustainability of projects in the agrofuel sector still has not happened and monitoring of the environmental impacts of agrofuel production still does not exist. The legal framework to foster the production of agrofuels has already been translated into several governmental plans and actions. As in many other countries, the expansion of agrofuels in Ecuador is considered to be an instrument to guarantee the energy sovereignty of the country. According to data sheets and prognoses, the production of bio diesel and ethanol, and therefore especially the cultivation of the African palm and sugar cane, will expand rapidly in the years to come. The National Agricultural Plan (Plan Nacional Agropecuario) stipulates that 44% of the total investment goes to the cultivation of agrofuel products, while the investment in food products averages at 23%. As the cultivation of agrofuel crops additionally requires land, water and energy, the country is currently searching for solutions to overcome possible shortages. One famous project being planned is the construction of a dam in the region of Los Ríos (the so-called Baba project), which is in one of the most fertile parts of the country. Neglecting the rights of the people and communities living in this region, the main promoters of the project, the Government of Ecuador and the transnational corporation Odebrecht, aim at consolidating actions related to the plan of the expansion of agrofuels and at gaining control over water in this region. Carrying out this project with the purpose of expanding the production of agrofuels will certainly come at the expense of food production, lead to a further concentration of land and water and to violations of the human right to food of the people living in this region. Affected people will probably have to leave their land and search for new sources of income in the urban agglomerations.

III PREVIEW

THE RIGHT TO FOOD AND NUTRITION WATCH 2009

The *Right to Food and Nutrition Watch* initiative aims to establish an annual right to food and nutrition monitoring tool, which serves as a central reference document on both a national and an international level and provides a way for interested stakeholders to participate in monitoring by being a part of, and contributing to the Watch initiative.

Specific Objectives of the *Right to Food and Nutrition Watch* are:

- To publish an international periodical review that **monitors** state actors' actions or inactions regarding of the realisation or non-realisation of the right to food.
- To **provide** a platform for human rights experts, civil society activists, social movements, media and scholars to contribute to critical issues as well as to lobby and advocate for the right to food.
- To **illustrate** cases where public policies fail to promote and protect the right to adequate food as well as the cases where public action is successful.
- To **assess** inclusiveness, transparency and participation in the process of implementation of the standards of the human right to food.
- To **put policy makers** at national and international levels **under pressure** so that they effectively make the promotion of the realisation of the right to adequate food a priority in their agendas;
- To **show** where the best practices are realised and violations are committed.
- To develop **action oriented recommendations** for decision-makers.

Therefore, the initiative of the *Right to Food and Nutrition Watch* is an open and collective process and all interested organisations, groups and individuals are cordially invited to participate in the production of future issues. Depending on the specific interests of the different organisations, partners of the *Right to Food and Nutrition Watch* could participate in the writing of the national and regional monitoring reports, in the utilisation of the publication as a lobbying and advocacy tool, and in the editing, publishing and dissemination process. Thus, the *Right to Food and Nutrition* initiative hopes to expand its membership base gradually. For further information on how to join the initiative, please contact the editorial team at the FIAN International Secretariat (please see imprint).

LINKS

UN-related links

- **Committee on Economic, Social and Cultural Rights (CESCR)**
<http://www2.ohchr.org/english/bodies/cescr/index.htm>
- **Committee on the Elimination of Racial Discrimination (CERD)**
<http://www2.ohchr.org/english/bodies/cerd/index.htm>
- **Committee on the Rights of the Child (CRC)**
<http://www2.ohchr.org/english/bodies/crc/index.htm>
- **Committee on the Elimination of Discrimination Against Women (CEDAW)**
<http://www2.ohchr.org/english/bodies/cedaw/index.htm>
- **Human Rights Committee (HRC)**
<http://www2.ohchr.org/english/bodies/hrc/index.htm>
- **Committee on Migrant Workers (CMW)**
<http://www2.ohchr.org/english/bodies/cmw/index.htm>
- **Committee on the Rights of Persons with Disabilities (CRPD)**
<http://www2.ohchr.org/english/bodies/crpd/index.htm>
- **Committee Against Torture (CAT)**
<http://www2.ohchr.org/english/bodies/cat/index.htm>
- **Food and Agriculture Organisation of the United Nations (FAO) – Right to Food Unit**
<http://www.fao.org/righttofood/>
- **International Fund for Agricultural Development (IFAD)**
<http://www.ifad.org/>
- **The Task Force on the Global Food Security Crisis**
<http://www.un.org/issues/food/taskforce/>
- **United Nations Children’s Fund (UNICEF)**
The State of World’s Children 1998: Focus on Nutrition
<http://www.unicef.org/sowc98/>
- **UN World Food Programme (WFP)**
<http://www.wfp.org/english/>
- **United Nations Human Rights – Office of the High Commissioner for Human Rights**
<http://www2.ohchr.org/english/>
- **United Nations Human Rights Council (UNHRC) – Special procedures**
<http://www2.ohchr.org/english/bodies/chr/special/index.htm>

- **Special Rapporteur on the right to food**
<http://www2.ohchr.org/english/issues/food/index.htm>
- **Special Rapporteur on adequate housing**
<http://www2.ohchr.org/english/issues/housing/index.htm>
- **Independent Expert on the question of human rights and extreme poverty**
<http://www2.ohchr.org/english/issues/poverty/expert/index.htm>
- **Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**
<http://www2.ohchr.org/english/issues/health/right/index.htm>
- **Special Rapporteur on the situation of human rights defenders**
<http://www2.ohchr.org/english/issues/defenders/index.htm>
- **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**
<http://www2.ohchr.org/english/issues/indigenous/rapporteur/>
- **United Nations Standing Committee on Nutrition**
<http://www.unsystem.org/SCN/Default.asp>
- **United Nations System Network on Rural Development and Food Security**
http://www.rdfs.net/about/about_en.htm
- **World Health Organisation (WHO) and Nutrition**
<http://www.who.int/nutrition/en/>

External links

- **ActionAid**
<http://www.actionaid.org/main.aspx?PageID=24>
- **Action contre la Faim International Network**
<http://www.actioncontrelafaim.org/>
- **Amnesty International**
<http://www.amnesty.org/>
- **Brot für die Welt**
www.brot-fuer-die-welt.de
- **Centre Europe-Tiers Monde (CETIM) – Publication on the Right to Food**
http://www.cetim.ch/en/publications_details.php?pid=122
- **Eldis page for Food Security**
<http://www.eldis.org/food/index.htm>

- Ecumenical Advocacy Alliance (EAA)
<http://www.e-alliance.ch/>
- Evangelischer Entwicklungsdienst (EED)
<http://www.eed.de/>
- Fédération Internationale des Droits de l'Homme (FIDH)
<http://www.fidh.org/>
- Food First Information and Action Network (FIAN)
<http://www.fian.org/>
- Habitat International Coalition (HIC)
<http://www.hic-net.org/>
- Housing and Land Rights Network (HLRN) – Cases Database
<http://www.hlrn.org/english/cases.asp>
- Housing and Land Rights Network (HLRN) – Violation Database
http://www.hlrn.org/english/welcome_violation.asp
- Human Rights Watch
<http://www.hrw.org/>
- Interchurch Organisation for Development Cooperation (ICCO)
<http://www.icco.nl/delivery/icco/en/>
- International Commission of Jurists
<http://www.icj.org/>
- International Food Policy Research Institute (IFPRI)
<http://www.ifpri.org/>
- International Network for Economic, Social and Cultural Rights (ESCR-Net)
<http://www.escr-net.org/>
- International Project on the Right to Food in Development (IPRFD)
<http://www.med.uio.no/imb/research/iprfd/>
- IPC Food Sovereignty
<http://www.foodsovereignty.org/new/>
- MISEREOR
<http://www.misereor.de>
- People's Health Movement (PHM)
<http://www.phmovement.org>

- **Rights & Democracy**
<http://www.dd-rd.ca>
- **Social Watch**
<http://www.socialwatch.org/en/portada.htm>
- **Swedish International Development Cooperation Agency (SIDA)**
<http://www.sida.org/>
- **The Center for Economic and Social Rights (CESR)**
<http://cesr.org/food>
- **The World Bank, Agricultural and Rural Development**
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTARD/o,,menuPK:336688~pagePK:149018~piPK:149093~theSitePK:336682,oo.html>
- **Via Campesina**
http://viacampesina.org/main_en/index.php
- **Welthungerhilfe**
<http://www.welthungerhilfe.de/>
- **Women in Development Europe (WIDE)**
<http://www.oneworld.at/wide/ueberuns.htm#ziele>
- **World Alliance for Breastfeeding Action (WABA)**
<http://www.waba.org.my/>
- **World Organisation against Torture (OMCT)**
<http://www.omct.org/>
- **World Trade Organisation (WTO)**
<http://www.wto.org/>
- **3D three**
<http://www.3dthree.org/en/index.php>

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 - *No additional texts*
03. **The Right to Food and Voluntary Guidelines and the Launch of the African Network for the Promotion of the Right to Food**
 - Complete Report on the Regional Workshop on The Right to Food and Voluntary Guidelines and the Launch of the African Network for the Promotion of the Right to Food
04. **The Impact of Agrofuels from a Right to Food Perspective**
 - Full Report
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 - *No additional texts*
06. **Prescribed Starvation Diet - Liberalisation Violates the Right to Food of Paddy Farmers Trade Policies and Hunger**
 - Trade Policies and Hunger: the impact of trade liberalisation on the right to food of rice farming communities in Ghana, Honduras and Indonesia
07. **Infant Feeding and the Right to Food**
 - Right to Food; right to feed; right to be fed: The intersection of women's rights and the right to food
08. **Statement of the UN Special Rapporteur on the right to food, Olivier de Schutter, 8th Session of the Human Rights Council, Geneva, 6 June 2008**
 - *No additional texts*
09. **Address by Ms. Louise Arbour, Former UN High Commissioner for Human Rights, 7th Special Session of the Human Rights Council, Geneva, 22 May 2008**
 - *No additional texts*
10. **The Negative Impact of the Worsening of the World Food Crisis on the Realization of the Right to Food for All**
 - *No additional texts*
11. **Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development (Jean Ziegler, 7th Session HRC)**
 - Full Report of the former Special Rapporteur on the right to food, Jean Ziegler

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 - Documenting Violations of the Right to Adequate Food
 - How to Use the Voluntary Guidelines on the Right to Food: A Manual for Social Movements, Community-Based Organisations and Non-Governmental Organisations
 - Screen state action against hunger: How to use the Voluntary Guidelines on the Right to Food to monitor public policies

Africa

13. **Ghana: Human Rights Violations in the Context of Large-Scale Mining Operations. Universal Periodic Review – May 2008**
 - Universal Periodic Review-Ghana (May 2008): Human Rights violations in the context of large-scale mining operations
 - FIAN International Oral Statement 8th Session of the HRC Universal Periodic Review Ghana
14. **Malawi: Working Toward Framework Legislation: The Right to Food.**
 - The Human Right to Food in Malawi: Report of An International Fact-Finding Mission

15. **Uganda: Monitoring the Human Right to Food**
 - Food sovereignty and right to food: the case of Uganda
 - Institutions, Legislations, Policies, and Programmes Supporting the Right to Adequate Food in Uganda

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 - Full Report

18. **The Philippines: Parallel Report- The Right to Food**
 - Full Report

Americas

19. **Bolivia: Civil Society Report on the Realisation of the Human Right to Food**
 - Full Report (Spanish only: Informe de la Sociedad Civil sobre la realización del Derecho Humano a la Alimentación en Bolivia)

20. **Brazil: Fact-Finding Mission Report on the Impacts of the Agrofuels Expansion on the Enjoyment of Social Rights of Rural Workers, Indigenous Peoples and Peasants**
 - Full Report

21. **Colombia: Report on the Right to Food in Colombia: Situation, Context and Gaps**

- Full Report (Spanish only: El Derecho a la Alimentación en Colombia: Situación, Contextos y Vacíos)

22. **Haiti: The Human Right to Food**
 - Full Report

23. **Regional Report: Agrofuels and the Human Right to Food in Latin America – Reality and Threats**
 - Full Report (Spanish only: Agrocombustibles y derecho a la alimentación en América Latina: Realidad y amenazas)

National and global political decisions that fail to take the human rights obligations of states and intergovernmental organisations into account are the main reasons why hunger still persists. One of the most essential instruments to increase public pressure with which it is possible to hold governments and intergovernmental bodies accountable for their policies and programmes is the establishment of monitoring tools to check that states meet their obligations to *respect, protect and fulfil* the human right to adequate food of every person globally.

Therefore, the intention of creating the *Right to Food and Nutrition Watch* is to establish a new monitoring tool in the form of an international periodical review that monitors state actors' actions or non-actions related to the realisation or non-realisation of the right to food. Published annually, the *Right to Food and Nutrition Watch* will not only put pressure on policy makers at the national and international level to take the human right to food into account, but it will also provide a systematic compilation showing where the best practices are used as well as where violations of the right to food are committed.

